

Statutory Document No. 2019/0072



Airports and Civil Aviation Act 1987

CIVIL AVIATION (AVIATION SECURITY) (APPLICATION) (AMENDMENT) ORDER 2019

Approved by Tynwald: 20 March 2019
Coming into Operation: 25 March 2019

The Department for Enterprise makes the following Order under section 11A of the Airports and Civil Aviation Act 1987.

1 Title

This Order is the Civil Aviation (Aviation Security) (Application) (Amendment) Order 2019.

2 Commencement

If approved by Tynwald, this Order comes into operation on 25 March 2019.

3 Amendment of Civil Aviation (Aviation Security) (Application) Order 2017

(1) The Civil Aviation (Aviation Security) (Application) Order 2017¹ is amended as follows.

(2) Immediately after article 4, insert the following —

4A Application of European legislation to the Island

With effect from 25 March 2019, the following instruments apply to the Island as part of the law of the Island, subject to the exceptions, adaptations and modifications specified in Schedule 2 —

- (a) Commission Regulation (EU) No 2019/103 of 23 January 2019 amending Regulation (EU) No 2015/1998 as regards clarification, harmonisation and simplification as well as strengthening of certain specific aviation security measures²;

¹ SD 2017/0230

² OJ L10, 24.1.2019, p13-22

- (b) Commission Regulation (EU) No 2018/55 of 9 January 2018 amending Regulation (EU) No 2015/1998 as regards adding the Republic of Singapore to the third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security³;
- (c) Commission Regulation (EU) 2016/2096 of 30 November 2016 amending Regulation (EU) No 1254/2009 as regards certain criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures⁴; and
- (d) Commission Regulation (EU) No 1254/2009 of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures⁵. **22**.

(3) Immediately after Schedule 1, insert the following —

23 SCHEDULE 2

**MODIFICATIONS TO THE LEGISLATION APPLIED BY
ARTICLE 4A**

[ARTICLE 4A]

PART 1

GENERAL MODIFICATIONS

- 1 References to a “Member State” must be construed to include the Isle of Man and the Island shall be treated for this purpose as a Member State separate from the UK.

³ OJ L10, 13.1.2018, p5-8

⁴ OJ L326, 1.12.2016, p.7-8

⁵ OJ L 338, 19.12.2009, p.17

PART 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION (EU) NO 2019/103 OF 23 JANUARY 2019 AMENDING REGULATION (EU) NO 2015/1998 AS REGARDS CLARIFICATION, HARMONISATION AND SIMPLIFICATION AS WELL AS STRENGTHENING OF CERTAIN SPECIFIC AVIATION SECURITY MEASURES

4. In the Annex in paragraph (19) omit the words from “The Commission shall notify without delay” to the end.

PART 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION NO 2018/55 OF 9 JANUARY 2018 AMENDING REGULATION (EU) NO 2015/1998 AS REGARDS ADDING THE REPUBLIC OF SINGAPORE TO THE THIRD COUNTRIES RECOGNISED AS APPLYING SECURITY STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY

2. Omit article 2.
3. In the Annex:
 - (a) in subparagraph (1) omit the words from “The Commission shall immediately notify” to the end;
 - (b) in subparagraph (2) omit the words from “The Commission shall notify without delay” to the end;
 - (c) in subparagraph (3) omit the words from “The Commission shall notify without delay” to the end.

PART 4

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION (EU) 2016/2096 OF 30 NOVEMBER 2016 AMENDING REGULATION (EU) NO 1254/2009 AS REGARDS CERTAIN CRITERIA TO ALLOW MEMBER STATES TO DEROGATE FROM THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY AND TO ADOPT ALTERNATIVE SECURITY MEASURES

6. Omit article 2. .

PART 5

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO
COMMISSION REGULATION (EU) NO 1254/2009 OF 18
DECEMBER 2009 SETTING CRITERIA TO ALLOW MEMBER
STATES TO DEROGATE FROM THE COMMON BASIC
STANDARDS ON CIVIL AVIATION SECURITY AND TO
ADOPT ALTERNATIVE SECURITY MEASURES

5. Omit article 2.

MADE 13 FEBRUARY 2019

LAURENCE SKELLY
Minister for Enterprise

EXPLANATORY NOTE

(This note is not part of the Order)

The Isle of Man is recognised by the EU as applying security standards equivalent to the EU common basic standards. Additionally, flights to and from the Island are afforded domestic status by the UK. In support of maintaining the Island's EU recognition and UK domestic status, the applicable legislation in the Isle of Man must reflect that in place in the EU and UK.

This Order amends the Civil Aviation (Aviation Security) (Application) (Amendment) Order 2017 to apply the following Regulations to the Isle of Man with modifications –

(a) Commission Regulation (EU) No 2109/103 of 23 January 2019 amending Regulation (EU) No 2015/1998 as regards clarification, harmonisation and simplification as well as strengthening of certain specific aviation security measures.

(b) Commission Regulation (EU) No 2018/55 of 9 January 2018 amending Regulation (EU) No 2015/1998 as regards adding the Republic of Singapore to the third countries recognised as applying standards equivalent to the common basic standards on civil aviation security.

(c) Commission Regulation (EU) 2016/2096 of 30 November 2016 amending Regulation (EU) No 1254/2009 as regards certain criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures.

(d) Commission Regulation (EU) No 1254/2009 of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures.