

**EXPLANATORY MEMORANDUM TO**  
**THE SINGLE EUROPEAN SKY (FUNCTIONS OF THE NATIONAL**  
**SUPERVISORY AUTHORITY) REGULATIONS 2006**

**2006 No. 3104**

**1** This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of her Majesty.

**2 Description**

2.1 The Single European Sky (National Supervisory Authority) Regulations 2004 designated the Civil Aviation Authority (CAA) as the National Supervisory Authority (NSA) for the purposes of performing the tasks assigned to such an authority under the four “single European sky” (SES) Regulations.

2.2 This instrument confers on the CAA functions under the SES Regulations in addition to tasks assigned expressly to the NSA.

**3 Matters of special interest to the Select Committee on Statutory Instruments.**

3.1 None

**4 Legislative Background**

4.1 The SES Regulations came into force on 20 April 2004. There are four regulations, including:

- Regulation (EC) No 550/2004 on the provision of air navigation services in the SES (the service provision Regulation); and
- Regulation (EC) No 551/2004 on the organisation and use of airspace in the SES (the airspace Regulation).

4.2 The service provision and airspace Regulations require member States to undertake certain activities which, in the UK, are ordinarily undertaken by the CAA. This instrument is being made in order to delegate these functions to the CAA as they have the necessary skills and expertise to undertake these functions on behalf of the Secretary of State under the SES regime.

4.3 In addition the State is designating the CAA as the competent authority for the purpose of article 12(4) of the service provision Regulation. As such a competent authority, the CAA shall have a right of access to the accounts of those organisations providing air navigation services in UK airspace.

## **5 Territorial Extent and Application**

5.1 This instrument applies to all the United Kingdom.

## **6 European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution and does not amend primary legislation, no statement is required.

## **7 Policy Background**

7.1 The EC measures constituting the SES legislative package were adopted by the European Parliament and the Transport Council in March 2004 and entered into force on 20 April.

7.2 They establish a framework for the SES, the provision of air navigation services in the SES, the organisation and use of the airspace in the SES, and the Interoperability of the European Air Traffic Management network. The NSA required to be nominated to perform the various functions of that body under the said package is required to be independent of air navigation services providers and able to act impartially and transparently. The CAA has been selected as pre-eminently suitable to perform this task for the UK.

7.3 The Regulations are legally important, though are not expected to give rise to a significant level of public interest.

## **8 Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The tasks to be performed by the NSA, which may give rise to costs to the CAA and thence to business, is not the subject of this instrument but of directly applicable EC measures. This instrument does not provide for transposition of any of those requirements because they are in directly applicable Regulations, rather than in Directives.

## **9 Contact**

9.1 Paul Cremin at the Department for Transport Tel: 0207 944 5114 or email: paul.cremin@dft.gsi.gov.uk can answer any queries regarding the instrument.