



# Terms of Reference

for rulemaking task RMT.0729

## Regular update of Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft and of Commission Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems

ISSUE 1

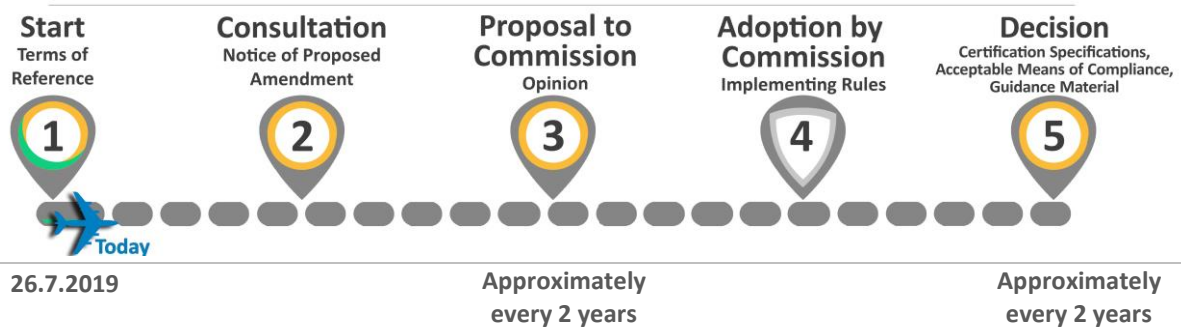
### Issue/rationale

The unmanned aircraft industry is rapidly evolving. The corresponding rules need to be updated regularly to ensure that they are fit for purpose, cost-effective and can be implemented.

Regular updates to Regulations (EU) 2019/947<sup>1</sup> and 2019/945<sup>2</sup> shall be issued when the experience gained by their application highlights a need for improvements or to resolve a safety issue or when, based on the experience gained by the Member States when evaluating applications for authorisations in the specific category, an unmanned aircraft system (UAS) operation is considered mature to be covered by a standard scenario.

<b>Action area</b>	Regular updates/review of rules				
<b>Affected rules</b>	Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft Commission Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems				
<b>Affected stakeholders</b>	Operators (private and commercial); competent authorities; flight crews; remote pilots; maintenance staff; design and production organisations; other airspace users (manned aircraft); service providers of air traffic management/air navigation services (ATM/ANS) and other ATM network functions; air traffic services (ATS) personnel; aerodromes operators; general public; model aircraft associations; EASA (on a case-by-case basis)				
<b>Driver</b>	Efficiency/proportionality		<b>Reference</b>	n/a	
<b>Rulemaking group</b>	No	<b>Impact assessment</b>	On a case-by-case basis	<b>Rulemaking Procedure</b>	In accordance with MB Decision No 18-2015 of 15 December 2015

• EASA rulemaking process milestones



<sup>1</sup> Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0947&from=EN>).

<sup>2</sup> Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems (OJ L 152, 11.6.2019, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0945&qid=1561557419053&from=EN>).



## 1. Issue and reasoning for regulatory change

Regular updates are issued based on the selection of subjects that originate from the European Commission, stakeholders and expert groups or individuals. The subjects may vary in nature. Some may be directly driven by safety issues (e.g. safety recommendations received from accident investigation authorities, etc.) or from requests for improvement, resulting from the application of the UAS regulations or from the activities of international organisations such as ICAO and JARUS. Moreover, standard scenarios will be proposed, as appendices to Regulations (EU) 2019/947 and (EU) 2019/945, when the experience gained is considered mature enough to allow operations in the specific category, based on the declaration by the UAS operator.

In order to increase the efficiency of the rulemaking process, it has been decided to decrease the administrative burden of individual rulemaking tasks and to group subjects that are considered mature for consultation with stakeholders, subsequently leading to EASA opinions. This concept is foreseen in EASA Management Board (MB) Decision 18-2015<sup>3</sup> (see Article 3.5 on ‘systematic rulemaking projects’).

On a regular basis, EASA shall review all eligible candidate issues and eventually publish a notice of proposed amendment (NPA), following the standard rulemaking procedure, proposing amendments to Commission Implementing Regulation (EU) 2019/947 or to Commission Delegated Regulation (EU) 2019/945. It will be also considered, on a case-by-case basis, whether the proposed amendments qualify for the special rulemaking procedures such as ‘direct publication’ or ‘accelerated procedure’, as defined in Article 15 and Article 16 respectively of EASA Management Board (MB) Decision 18-2015. As an example, regulation updates based on documents already consulted by other organisations, such as JARUS, may qualify for the ‘direct publication’ procedure.

## 2. Objectives

The general objectives of the European Union in the field of civil aviation are defined in Article 1 of Regulation (EU) 2018/1139<sup>4</sup> (the ‘Basic Regulation’).

In addition to the general objectives above, the specific objectives are to:

- ensure that (emerging) safety issues are addressed;
- incorporate improvements that result from relevant developments in new technologies and the application of the UAS regulations (Regulations (EU) 2019/947 and 2019/945); and
- develop standard scenarios for those operations in the specific category that are considered mature enough, based on a declaration by the UAS operator.

<sup>3</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the ‘Rulemaking Procedure’. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>4</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).



This rulemaking task is intended to regularly update, as necessary, Regulations (EU) 2019/947 and (EU) 2019/945.

Due to the generic nature of this rulemaking task, this ToR remains open without an end date. Each individually proposed amendment package shall, however, provide the specific planning and intended date for the issue of the respective EASA opinions.

### 3. Activities

On a regular basis:

- select issues that meet the criteria mentioned above;
- whenever enough issues are available, consult stakeholders as appropriate;
- review the comments received and consider them when developing the related decision or opinion;
- propose to the European Commission amendments to Commission Implementing Regulation (EU) 2019/947 and/or to Commission Delegated Regulation (EU) 2019/945; and
- publish an EASA decision that issues amendments to the acceptable means of compliance and/or guidance material (AMC/GM) to Commission Implementing Regulation (EU) 2019/947, when necessary.

Note: RMT.0730 shall deal with the regular update of the AMC and GM to Commission Implementing Regulation (EU) 2019/947 when amendments to that Regulation are not required.

### 4. Deliverables

- An NPA listing the subjects that have been selected and proposing related amendments to Regulations (EU) 2019/947 and 2019/945, unless Article 15 or Article 16 of EASA Management Board (MB) Decision No 18-2015 applies;
- a comment-response document (CRD), if required;
- an opinion containing the proposed amendments to Regulation (EU) 2019/947 and/or to Regulation (EU) 2019/945; and
- a decision amending the AMC/GM to Commission Implementing Regulation (EU) 2019/947, when necessary.

### 5. How we consult

Depending on the expected significance of the impact of the proposed amendments, on the number of involved stakeholders or on the consultation already conducted by other organisations (e.g. ICAO, JARUS), EASA shall either follow the accelerated rulemaking procedure<sup>5</sup> or the direct publication<sup>6</sup>, or follow the full rulemaking procedure (consultation through an NPA). The involvement of specific stakeholders will be considered on a case-by-case basis (e.g. if the update of Regulations (EU) 2019/947 and (EU) 2019/945

<sup>5</sup> Article 16 of Management Board Decision No 18-2015 of 15 December 2015.

<sup>6</sup> Article 15 of Management Board Decision No 18-2015 of 15 December 2015.



involves UAS operations conducted at very low level (VLL) and far from aerodromes, not all manned aircraft stakeholders may be consulted).

## **6. Annex I: Reference documents**

### **6.1. Affected regulations**

- Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45)
- Commission Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and third-country operators of unmanned aircraft systems (OJ L 152, 11.6.2019, p. 1)

### **6.2. Affected decisions**

n/a

### **6.3. Reference documents**

n/a

