

Executive Director Decision

2022/022/R

of 16 December 2022

issuing the following:

**Acceptable Means of Compliance and Guidance Material
to Commission Implementing Regulation (EU) 2021/664**

‘AMC and GM to Implementing Regulation (EU) 2021/664 — Issue 1’

THE EXECUTIVE DIRECTOR OF THE EUROPEAN UNION AVIATION SAFETY AGENCY (EASA),

Having regard to Regulation (EU) 2018/1139¹, and in particular Article 104(3)(a) thereof,

Whereas:

- (1) EASA shall, pursuant to Article 76(3) of Regulation (EU) 2018/1139, issue certification specifications and acceptable means of compliance, as well as guidance material, for the application of Regulation (EU) 2018/1139 and of the delegated and implementing acts adopted on the basis thereof.
- (2) Acceptable means of compliance are non-binding standards issued by EASA which may be used by persons and organisations to demonstrate compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, or with the related certification specifications and detailed specifications.
- (3) Guidance material is non-binding material issued by EASA which helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EU) 2018/1139, the delegated and implementing acts adopted on the basis thereof, certification specifications and detailed specifications.
- (4) With Commission Implementing Regulation (EU) 2021/664² of 22 April 2021, the European Commission adopted the regulatory framework for the U-Space.

¹ 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>).

² Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space (OJ L 139, 23.4.2021, p. 161) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0664&qid=1669798865883>).

- (5) EASA shall, pursuant to Article 4(1)(a) of Regulation (EU) 2018/1139, reflect the state of the art and the best practices in the field of aviation, and in particular as regards the U-space airspace, U-space services and technical systems, and update its decisions taking into account worldwide aviation experience and the latest scientific and technical progress in the respective fields.
- (6) Therefore, the Executive Director shall issue the first set of the acceptable means of compliance and guidance material to support the implementation of Commission Implementing Regulation (EU) 2021/664.
- (7) EASA, pursuant to Article 115(1)(c) of Regulation (EU) 2018/1139 and Article 6 of the EASA Rulemaking Procedure³, has widely consulted the interested parties on the content of this Decision, and provided thereafter a written response⁴ to the comments received during the consultation,

HAS DECIDED:

Article 1

Issue 1 of the Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) 2021/664 is laid down in the Annex to this Decision.

Article 2

1. This Decision shall enter into force on the day following that of its publication in the Official Publication of EASA.
2. It shall apply from 26 January 2023.

Cologne, 16 December 2022

*For the European Union Aviation Safety Agency
The Executive Director*

Patrick KY

³ 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 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

⁴ <http://easa.europa.eu/document-library/comment-response-documents>