



Explanatory Note to Opinion No 07/2024

issued in accordance with Article 76(1) of Regulation (EU) 2018/1139

Regular update of Commission Implementing Regulation (EU) 2023/2117

Repository of civil-aviation-related information — List of information objects

RMT.0749

EXECUTIVE SUMMARY

This Opinion proposes amendments to Commission Implementing Regulation (EU) 2023/2117 which lays down the necessary rules and detailed requirements for the functioning and management of a repository of information, in particular with regard to the list of information objects provided in its Annex I which is considered dynamic and requires to be regularly updated.

Annex I to that Regulation lists the information objects (such as pilot licences, certificates of airworthiness, declarations, etc.) which shall be uploaded to the repository. Since the adoption of the Regulation, several developments have occurred, and new insights gained require changes to the list (objects are missing, are considered obsolete or the assigned priority group is now inappropriate).

The currently identified omissions and ambiguities in Annex I relate to the following:

- registration of certified UAS,
- exemptions (of a duration up to 8 months),
- UAS operator certificate,
- operator confirmation of acceptability of the updated mitigation measures and compliance of local conditions in case of cross-border operations,
- operational authorisation for UAS operators, and
- ‘permit to fly’ and ‘permit to fly — approval of flight conditions’.

The proposed regulatory material is expected to improve the dissemination, transfer and exchange of civil-aviation-related information between national competent authorities, EASA, the European Commission and safety investigation authorities.

REGULATION(S) INTENDED TO BE AMENDED
[Commission Implementing Regulation \(EU\) 2023/2117](#)

ED DECISION(S) TO BE ISSUED
n/a

AFFECTED STAKEHOLDERS

National competent authorities; European Commission; EASA; safety investigation authorities

WORKING METHODS

Development	Impact assessment(s)	Consultation
By EASA	Light	NPA — Focused (MAB)

RELATED DOCUMENTS / INFORMATION

- [ToR RMT.0749 - Regular update of Regulation \(EU\) 2023/2117 \(Repository of civil-aviation-related information\) | EASA \(europa.eu\)](#)
- NPA 2023-103 ‘Regular update of Regulation (EU) 2023/2117’ (Repository of civil-aviation-related information) *(to be published once the Opinion is issued)*

PLANNING MILESTONES: Refer to the latest edition of EPAS *Volume II*¹.

¹ Since this RMT was initiated only after the last edition of EPAS was finalised, the milestones will only be visible in the next EPAS Volume II edition.



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1. About this Opinion

1.1. How this regulatory material was developed

The European Union Aviation Safety Agency (EASA) developed the regulatory material in question in line with Regulation (EU) 2018/1139² (the Basic Regulation) and the Rulemaking Procedure³, as well as in accordance with the objectives and working methods described in the Terms of Reference (ToR) for this RMT⁴.

EASA informed and consulted its Advisory Bodies (ABs) on the need to amend Annex I to Commission Implementing Regulation (EU) 2023/2117⁵, which lists the information objects to be uploaded to the repository.

The draft regulatory material was consulted in accordance with the ToR for this RMT with the Member States Advisory Body (MAB) through NPA 2024-103 'Regular update of Regulation (EU) 2023/2117 – Repository of information'⁶ from 12 July until 20 August 2024.

EASA reviewed the comments received and duly considered them for the preparation of the regulatory material presented here.

1.2. The next steps

The Opinion is submitted to the European Commission which, based on the Opinion's content, shall decide whether to adopt the proposed amendments to Commission Implementing Regulation (EU) 2023/2117.

² 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) (<http://data.europa.eu/eli/reg/2018/1139/oj>).

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 ([EASA MB Decision No 01-2022 on the Rulemaking Procedure, repealing MB Decision 18-2015 \(by written procedure\) | EASA \(europa.eu\)](#)).

⁴ [ToR RMT.0749 - Regular update of Regulation \(EU\) 2023/2117 \(Repository of civil-aviation-related information\) | EASA \(europa.eu\)](#)

⁵ Commission Implementing Regulation (EU) 2023/2117 of 12 October 2023 laying down the necessary rules and detailed requirements for the functioning and management of a repository of information pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (OJ L, 2023/2117, 13.10.2023) (http://data.europa.eu/eli/reg_impl/2023/2117/oj).

⁶ <https://www.easa.europa.eu/en/document-library/notices-of-proposed-amendment/focused-consultations/npa-2024-103>



2. In summary — why and what

2.1. Why we need to act

Annex I to Commission Implementing Regulation (EU) 2023/2117 lists the information objects that should be included in the repository of information. Since the publication of the Regulation, some issues have been identified with regard to the list, requiring the amendment of the Annex, as explained in more detail in the following sections.

Although the list in Annex I includes as many information objects as possible to cover the whole range of civil-aviation-related information available today, it has been found that some information objects are now missing or are considered obsolete or duplicated. Furthermore, the assigned priority group (A, B, C) is found inappropriate in some cases due to inconsistencies or shift of urgency.

In addition, the list should prevent unnecessary costs from incurring for EASA and Member States. The costs incurred by the necessary processing and exchange of digital data and information may be considerable, especially when multiple national competent authorities in a Member State would need to digitalise their certificates and adapt their systems. Therefore, the more information objects are involved, the higher the costs will be. It is, therefore, important that the information objects to be included in the repository are only those that are necessary for the needs of the users concerned.

According to the Basic Regulation, the affected stakeholders are the European Commission, national competent authorities, safety investigation authorities and EASA. All of them have an important role to play in the dissemination, transfer and exchange of civil-aviation-related information. Consequently, their involvement in the repository of information has financial and technical implications.

If no action is taken, the list of the information objects included in Annex I would be outdated and would, therefore, not fulfil the need of the aviation community to ensure the exchange of civil-aviation-related information. Furthermore, timing is an important factor as the regulatory amendments need to be formalised before the deadlines stipulated in Article 18(3) of Commission Implementing Regulation (EU) 2023/2117.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. The regulatory material presented here is expected to contribute to achieving these overall objectives by addressing the issues described in Section 2.1.

More specifically, with the regulatory material presented here, EASA intends to make sure that Commission Implementing Regulation (EU) 2023/2117 can continue to ensure the effective cooperation between EASA and the national competent authorities concerning the exercise of their tasks relating to certification, oversight and enforcement. Therefore, the need to update that Regulation is crucial as the list of information provided in its Annex I is considered dynamic, requiring regular updates.



2.3. How we want to achieve it — overview of the proposed amendments

2.3.1. EASA proposes the following amendments:

(a) **Registration of certified UAS**

The title of this information object is proposed to be amended to ensure proper alignment of terms between Commission Implementing Regulation (EU) 2023/2117 and the drones Regulations, notably with Commission Implementing Regulation (EU) 2019/947⁷. Therefore, the current term ‘Registration of UAS certified device’ is replaced with ‘Registration of certified UAS’.

Inadvertently, NPA 2024-103 did not address this amendment, which is now included in this Opinion.

Annex I includes the registration of certified UAS, which is under priority group A. However, as there are currently no certified UAS (and it is not expected that there will be any in the coming few years), it is proposed to change the **level of priority group from A to B**.

(b) **Exemption (cumulative) duration up to 8 months — notification**

Currently, the notification of exemptions under Article 71(1) of the Basic Regulation is under priority group A in Annex I. However, all other exemption-related objects are either under priority group B or priority group C (for ATM/ANS-related exemptions). It should also be noted that these exemptions are already managed and exchanged through the FlexTool. For efficiency reasons, EASA proposes to change the **level of priority group from A to B**.

(c) **UAS operator certificate**

The UAS operator certificate is currently under priority group C in Annex I. However, the UAS operator certificate will be issued as an air operator certificate (AOC) under Commission Regulation (EU) No 965/2012⁸ (the Air OPS Regulation), which is already listed in Annex I. Hence, the UAS operator certificate is considered to duplicate the AOC information object. Consequently, it is proposed to **remove the UAS operator certificate** from Annex I.

(d) **Operator confirmation of acceptability of the updated mitigation measures and compliance of local conditions in case of cross-border operations**

Annex I, under the ‘Decisions’ section, lists the ‘Operator confirmation of acceptability of the updated mitigation measures and compliance of local conditions in case of cross border operations’ under priority group C. As this document is sent from one national competent authority (of the Member State of intended operation) to the other (the Member State where the operator is registered), the updated mitigation measures will be integrated by the Member State where the operator is registered into the operational authorisation. Because of this bilateral and direct exchange between two Member States and the integration into the operational authorisation, the need to exchange such a

⁷ 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) (http://data.europa.eu/eli/reg_impl/2019/947/oj).

⁸ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1) (<http://data.europa.eu/eli/reg/2012/965/oj>).



document through the repository is not considered necessary. It is therefore proposed to **remove this information object** from Annex I.

1. **Operational authorisation for UAS operators**

The operational authorisation for UAS operators is currently not included in Annex I. However, this information may be important for other national competent authorities in case of operations outside the State of registration. Therefore, its exchange is essential to support Member States in their joint certification, oversight, and enforcement tasks. Because of its link with the UAS operator registration (priority group A), the operational authorisation for UAS operators should be included in the list as a priority group A information object. It is, therefore, proposed to **add the UAS operational authorisation in Annex I as priority group A**.

EASA has not identified the need for a transition period or deferred applicability date before the regulatory material could be fully implemented.

(e) **Operator declaration as provider of technical training STS**

As recommended during the NPA focused consultation, the information object ‘Operator declaration as provider of technical training STS’ does not correctly reflect the scope of Commission Implementing Regulation (EU) 2019/947 (the drones Regulation) as it only refers to Appendix 4 — applicable to UAS operators that intend to provide practical skills training and assessment of remote pilots in STS — to that Regulation. However, it should indeed also cover private entities that intend to be recognised by a competent authority to provide practical skills training and assessment of remote pilots in STS. Therefore, it is proposed to amend the title of this information object to read **‘Declaration as provider of training for UAS operators’**. This will allow to broaden the scope of the training, not limited to STS, and cover both UAS operators and private entities (Appendix 4 and 6 to Commission Implementing Regulation (EU) 2019/947).

(f) **‘Permit to fly’ and ‘Permit to fly — approval of flight conditions’**

During the NPA focused consultation, several national competent authorities raised the need to change the priority group for the information objects ‘Permit to fly’ and ‘Permit to fly — approval of flight conditions’ from A to C. This change is acceptable for EASA due to the fact that timeliness and consistency when disseminating relevant information within the repository for ‘permits to fly’ may not always be achievable. In the case of the information object related to ‘permit to fly — approval of flight conditions’, the majority of approvals may not be disseminated during the first implementation phase because they will not be directly approved by EASA or the national competent authorities. Therefore, as recommended by several Member states, it is proposed to shift the **priority group from A to C**; this will allow EASA to assess the feasibility and need to propose amendments to Commission Regulation (EU) No 748/2012, and in particular to Annex I Section A Subpart P (PERMIT TO FLY).

2.3.2. Legal basis

The legal basis for amending Commission Implementing Regulation (EU) 2023/2117 is Article 74(8) of the Basic Regulation, and specifically its paragraph (c) regarding the regular and standardised updates of the information included in the repository.



2.4. What are the stakeholders' views

During the focused consultation of the draft regulatory material with the MAB, EASA received 23 comments from 10 Member States.

Overall, the majority of the Member States that commented on the NPA agrees with the proposed amendments to Annex I to Commission Implementing Regulation (EU) 2023/2117.

The comments triggered some further changes to the regulatory material proposed with NPA 2024-103 on the regular update of Commission Implementing Regulation (EU) 2023/2117. Several Member States raised two specific issues where changes were necessary. One relates to the change of name for the information object 'Operator declaration as provider of technical training STS' and the second change relates to the priority group for the information object 'permit to fly' and 'permit to fly — approval of flight conditions'. Please see points (f) and (g) of Section 2.3.1.

The detailed comments, and EASA responses to them, are provided in CRD 2024-103⁹.

EASA sought the advice of the MAB, in accordance with Article 6(9) of MB Decision No 01-2022¹⁰, with regard to potentially and/or substantially divergent Member State views on the matter. Member States did not have comments on the main principles that were presented to the MAB.

⁹ Shared with the MAB members.

¹⁰ [EASA MB Decision No 01-2022 on the Rulemaking Procedure, repealing MB Decision 18-2015 \(by written procedure\) | EASA \(europa.eu\)](#)



3. Expected benefits and drawbacks of the proposed regulatory material

EASA assessed that intervention was required, and that rulemaking is necessary to effectively address the issues described in Section 2.1, because the objectives described in Section 2.2 cannot be achieved effectively by non-regulatory action.

In the light of the proposed amendments, which are not considered to have any detrimental impact on aviation safety, it was not considered necessary to develop a detailed impact assessment. EASA's assessment is that overall there will be benefits without any drawbacks being identified.



4. Proposed regulatory material

Please see the Annex to the EASA Opinion.



5. Monitoring and evaluation

No specific monitoring or evaluation of the proposed amendments is foreseen.



6. Proposed actions to support implementation

No specific action to support the implementation of the proposed amendments is foreseen.



7. References

Working paper: 'Repository Information objects' presented at the MAB 02-2024 meeting on 22 May 2024 (WP No 01_RSC 02-2024)

