



Council of the
European Union

Brussels, 25 March 2024
(OR. en)

8219/24

AVIATION 70
DELACT 93

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	13 March 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2024) 1569 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 13.3.2024 supplementing Regulation (EU) 2018/1139 of the European Parliament and of the Council by laying down detailed rules for the continuing airworthiness of certified unmanned aircraft systems and their components, and on the approval of organisations and personnel involved in these tasks

Delegations will find attached document C(2024) 1569 final.

Encl.: C(2024) 1569 final



Brussels, 13.3.2024
C(2024) 1569 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 13.3.2024

supplementing Regulation (EU) 2018/1139 of the European Parliament and of the Council by laying down detailed rules for the continuing airworthiness of certified unmanned aircraft systems and their components, and on the approval of organisations and personnel involved in these tasks

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Over the last years, the industry has been developing new operational concepts based on innovative technologies, like unmanned aircraft systems. Unmanned aircraft systems are covered by Regulation (EU) 2018/1139⁽¹⁾, and together with the adoption of Delegated Regulation (EU) 2019/945⁽²⁾ and Implementing Regulation (EU) 2019/947⁽³⁾, the legal framework has been established for unmanned aircraft systems and unmanned aircraft system operators based on operation-centric principles.

In this context, and for cases where the risk cannot be adequately mitigated, the possibility has been considered in the applicable legal framework for unmanned aircraft systems to be certified while being used in the ‘specific’ category of unmanned aircraft system operations in accordance with letter (d) of Article 40(1) of Delegated Regulation (EU) 2019/945.

Therefore, it is necessary to adopt, for those certified unmanned aircraft systems and their components which will be used in high-risk operations within the ‘specific’ category, detailed continuing airworthiness requirements to ensure that, at any time throughout their operating life, certified unmanned aircraft systems comply with the applicable airworthiness requirements and are in a condition for safe operation. Besides, to reflect the operation-centric approach followed, it is necessary to connect compliance with these new continuing airworthiness requirements through the obtention of an airworthiness certificate which is required by Implementing Regulation (EU) 2019/947 when unmanned aircraft systems are operated in accordance with Article 40(1) letter (d) of Delegated Regulation (EU) 2019/945.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law- Making. The subject draft delegated act was presented to the Air Safety experts’ group, which includes representatives from the Member States on 7 February, 2024. The subject draft delegated act is based on EASA’s Opinion No 03/2023⁽⁴⁾ whose contents had been publicly consulted through Notice of Proposed Amendment (NPA) 2022-06 ‘Introduction of a regulatory framework for the operation of drones — Enabling innovative air mobility with manned VTOL-capable aircraft, the IAW of UAS subject to certification, and the CAW of

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).

² 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).

³ 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).

⁴ <https://www.easa.europa.eu/en/document-library/opinions>

those UAS operated in the “specific” category’⁽⁵⁾ (RMT.0230 Subtask C), issued by EASA on 30 June 2022.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 58(1) of Regulation (EU) 2018/1139 empowers the Commission to adopt delegated acts, in accordance with Article 128 of that Regulation, laying down detailed requirements with regard to the specific conditions for the maintenance of unmanned aircraft and their engines, propellers, parts, non-installed equipment and equipment to control the aircraft remotely, as well as for personnel and organisations involved in these tasks.

⁵ <https://www.easa.europa.eu/en/document-library/notices-of-proposed-amendment/npa-2022-06>

COMMISSION DELEGATED REGULATION (EU) .../...

of 13.3.2024

supplementing Regulation (EU) 2018/1139 of the European Parliament and of the Council by laying down detailed rules for the continuing airworthiness of certified unmanned aircraft systems and their components, and on the approval of organisations and personnel involved in these tasks

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 3922/91⁶, and in particular Article 58(1), points (a), (b), (c) and (d) thereof,

Whereas:

- (1) Annex IX to Regulation (EU) 2018/1139 sets out essential requirements for the maintenance of unmanned aircraft, in particular those which may be subject to certification referred to in Article 56(1) of that Regulation.
- (2) Article 40 of Delegated Regulation (EU) 2019/945⁷ provides that unmanned aircraft systems ('UAS') intended to be operated in the 'specific' category referred to in Article 5 of Implementing Regulation (EU) 2019/947⁸ for which the risk of the operation cannot be adequately mitigated, are to be certified and comply with detailed requirements in respect of their continuing airworthiness.
- (3) Taking into account the specific nature of UAS it is necessary to establish detailed dedicated continuing airworthiness requirements for those UAS, their components, and for organisations and personnel involved in continuing airworthiness tasks.
- (4) In accordance with Article 4(2) of Regulation (EU) 2018/1139, the detailed requirements for UAS should be proportionate to the risk of the particular operation or type of operation required by Implementing Regulation (EU) 2019/947 for high-risk operations in the 'specific' category.
- (5) Those detailed requirements for the UAS continuing airworthiness should be based on and harmonised with the detailed requirements laid down in Regulation (EU) No

⁶ OJ L 212, 22.8.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>.

⁷ 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, ELI: http://data.europa.eu/eli/reg_del/2019/945/oj).

⁸ 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, ELI: http://data.europa.eu/eli/reg_impl/2019/947/oj).

1321/2014⁹ applicable to light aircraft in manned aviation, however, those detailed requirements for the UAS should be adapted and adjusted in order to ensure that they are appropriate for the specific nature of UAS and are proportionate to the risks posed by their operation.

- (6) Where a valid certificate of airworthiness is not available and a permit to fly is issued to an UAS, those detailed requirements should not apply, and instead the continuing airworthiness requirements established in the flight conditions approved in accordance with Regulation (EU) 748/2012 should apply.
- (7) It is necessary to provide for a smooth transition to the new regulatory framework established by this Regulation. Therefore, it is necessary to provide stakeholders and Member State administrations with sufficient time to adapt to and ensure compliance with this new regulatory framework.
- (8) The requirements for the protection of information and communication systems and data established for the continuing airworthiness organisations should be deferred until Implementing Regulation (EU) 2023/203¹⁰ becomes applicable.
- (9) The European Union Aviation Safety Agency has submitted to the Commission Opinion No 03/2023¹¹ in accordance with Article 75(2), points (b) and (c), of Regulation (EU) 2018/1139 and with Article 76(1) of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes common technical requirements and administrative procedures to ensure the continuing airworthiness of unmanned aircraft systems ('UAS'), including any component for installation thereto, where the unmanned aircraft is, or will be, registered in a Member State, and is intended to be operated in the 'specific' category as defined in Article 5 of Implementing Regulation (EU) 2019/947 and a certificate of airworthiness or a restricted certificate of airworthiness has been or will be issued to the unmanned aircraft.

Article 2

Definitions

⁹ Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1, ELI).

¹⁰ Commission Implementing Regulation (EU) 2023/203 of 27 October 2022 laying down rules for the application of Regulation (EU) 2018/1139 of the European Parliament and of the Council, as regards requirements for the management of information security risks with a potential impact on aviation safety for organisations covered by Commission Regulations (EU) No 1321/2014, (EU) No 965/2012, (EU) No 1178/2011, (EU) 2015/340, Commission Implementing Regulations (EU) 2017/373 and (EU) 2021/664, and for competent authorities covered by Commission Regulations (EU) No 748/2012, (EU) No 1321/2014, (EU) No 965/2012, (EU) No 1178/2011, (EU) 2015/340 and (EU) No 139/2014, Commission Implementing Regulations (EU) 2017/373 and (EU) 2021/664 and amending Commission Regulations (EU) No 1178/2011, (EU) No 748/2012, (EU) No 965/2012, (EU) No 139/2014, (EU) No 1321/2014, (EU) 2015/340, and Commission Implementing Regulations (EU) 2017/373 and (EU) 2021/664 (OJ L 31, 2.2.2023, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2023/203/oj).

¹¹ <https://www.easa.europa.eu/en/document-library/opinions>

For the purposes of this Regulation, the following definitions apply:

- (1) ‘unmanned aircraft system’ means an unmanned aircraft, as defined in Article 3, point (30), of Regulation (EU) 2018/1139, and its control and monitoring unit;
- (2) ‘control and monitoring unit’ means the equipment to control unmanned aircraft remotely, as defined in Article 3, point (32), of Regulation (EU) 2018/1139;
- (3) ‘certifying staff’ means the personnel responsible for the certification of maintenance upon its completion;
- (4) ‘component’ means any engine, propeller or part of the unmanned aircraft, or any element of the control and monitoring unit;
- (5) ‘continuing airworthiness’ means all of the processes ensuring that, at any time in its operating life, the unmanned aircraft system complies with the applicable airworthiness requirements and is in a condition for safe operation;
- (6) ‘maintenance’ means any one or a combination of the following activities: overhaul, repair, inspection, replacement, modification or defect rectification of an unmanned aircraft system or component, with the exception of pre-flight inspection;
- (7) ‘organisation’ means a natural person, a legal person or part of a legal person, established at more than one location whether or not within the territory of the Member States;
- (8) ‘pre-flight inspection’ means the inspection carried out before flight to ensure that the unmanned aircraft is fit for the intended flight;
- (9) ‘principal place of business’ means the head office or the registered office of the undertaking from which the principal financial functions and the operational control of the activities referred to in this Regulation are exercised;
- (10) ‘critical maintenance task’ means a maintenance task that involves the assembly or any disturbance of a system or any component on an unmanned aircraft system, engine or propeller that, if an error occurred during its performance, could directly endanger the flight safety;
- (11) ‘control and monitoring unit installation’ means the process to integrate the control and monitoring unit’s elements in a physical environment that is eligible for that purpose according to a set of installation and testing instructions, such that the installed control and monitoring unit may be used to operate an unmanned aircraft.

Article 3

Continuing airworthiness requirements

1. The continuing airworthiness of UAS referred to in Article 1 and the components for installation thereon shall be ensured in accordance with Annex I (Part-ML.UAS) to this Regulation.
2. By way of derogation from paragraph 1, the continuing airworthiness of UAS referred to in Article 1, for which a permit to fly has been issued shall be ensured on the basis of specific continuing airworthiness arrangements defined in the approved flight

conditions of the permit to fly issued in accordance with Subpart P of Annex I (Part 21) to Regulation (EU) No 748/2012¹².

Article 4

Approvals for organisations involved in the continuing airworthiness of UAS

An organisation that is involved in the continuing airworthiness of UAS referred to in Article 1 and of components for installation thereon, including their maintenance, shall comply with Annex II (Part-CAO.UAS) and obtain the related approval certificate from the competent authority specified in Regulation (EU) .../...¹³ [*OP Please add the adoption number 'C(2024)2000'*].

Article 5

Certifying staff

Certifying staff shall be qualified in accordance with Annex II (Part-CAO.UAS).

Article 6

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 May 2025.

However, point CAO.UAS.102 of Annex II (Part-CAO.UAS) shall apply from 22 February 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13.3.2024

For the Commission

The President

Ursula VON DER LEYEN

¹² Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (recast) (OJ L 224, 21.8.2012, p. 1).

¹³ Commission Implementing Regulation (EU) .../... laying down competent authority requirements and administrative procedures for the certification, oversight and enforcement of the continuing airworthiness of certified unmanned aircraft systems, and amending Implementing Regulation (EU) 2023/203 [*'C(2024)2000'*, *OP, please add the adoption number and reference to the OJ pub with date, and the ELI number*]