

Executive Director Decision

2019/021/R

of 9 October 2019

issuing Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) No 2019/947

'Rules and procedures for the operation of unmanned aircraft'

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.
- (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 acceptable means of compliance.
- (4) 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. EASA has determined the need to issue acceptable means of compliance and guidance material to facilitate the harmonised implementation of Commission Implementing Regulation (EU) 2019/947.

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>).

- (5) EASA has published draft acceptable means of compliance and guidance material to proposed draft regulation in NPA 2017-05². During the discussion on the proposed draft regulation within the EASA Committee, some changes were made to the Regulation, so the acceptable means of compliance and guidance material had to be adapted accordingly. Moreover, Member States requested EASA to summarise the main clarifications given during such discussion in new guidance material.
- (6) The Joint Authorities for Rulemaking on Unmanned Systems (JARUS) is a group of experts gathering regulatory expertise from all around the world, including from EASA and EU Member States. JARUS developed a methodology for the assessment of the risk of UAS operations called 'specific operation risk assessment (SORA)' as well as a predefined risk assessment for an operation beyond visual line of sight (BVLOS). The process used by JARUS to develop documentation includes an internal and external consultation similar to the one defined in the EASA rulemaking procedure.
- (7) EASA, pursuant to Article 115(1)(c) of Regulation (EU) 2018/1139 and Articles 6(3), 7 and 8 of the EASA Rulemaking Procedure³ and Article 16 'Special rulemaking procedure: accelerated procedure' (JARUS process) has consulted the interested parties on the matters which are the subject of this Decision, and has considered the comments received,

HAS DECIDED:

Article 1

The Acceptable Means of Compliance and Guidance Material to the Annex to Commission Implementing Regulation (EU) 2019/947 are those laid down in Annexes I and II to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the Official Publication of EASA.

Cologne, 9 October 2019

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

Patrick KY

² <https://www.easa.europa.eu/document-library/notices-of-proposed-amendment/npa-2017-05>

³ EASA Management Board (MB) Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure') (<http://www.easa.europa.eu/system/files/dfu/EASA%20MB%20Decision%2018-2015%20on%20Rulemaking%20Procedure.pdf>).

