



Brussels, **XXX**
[...](2023) **XXX** draft

Annex IVa to EASA Opinion No 03/2023

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

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

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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

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 3922/91 ⁽¹⁾, and in particular Article 57, Article 62(14) and (15), and Article 72(5) thereof,

Whereas:

- (1) With regard to the tasks of the Member States' national competent authorities related to certification, oversight and enforcement pursuant to Regulation (EU) 2018/1139, the European Commission is empowered, pursuant to Article 62 of that Regulation, to adopt implementing acts laying down detailed rules concerning their oversight powers.
- (2) Detailed continuing airworthiness requirements should be adopted by the European Commission pursuant to Article 58(1) of Regulation (EU) 2018/1139 for certified unmanned aircraft systems (UAS) operated in the 'specific' category and for which an airworthiness certificate has been obtained, and their component, and for organisations and personnel involved in continuing airworthiness tasks.
- (3) To ensure the uniform application of these technical requirements in the field of continuing airworthiness of UAS and their components, there is a need to adopt requirements for competent authority rules to assess compliance with these technical requirements.
- (4) These new requirements should be based on, and harmonised with, the competent authority requirements laid down in Commission Regulation (EU) No 1321/2014 ⁽²⁾, but they should be adapted and adjusted to the specific UAS framework and also to future requirements for the continuing airworthiness of UAS operated in the 'certified' category.
- (5) In respect of this harmonisation, it is necessary that those competent authorities apply the requirements for the management of information security risks with a potential impact on

¹ OJ L 212, 22.8.2018, p. 1.

² 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).

aviation safety laid down in Commission Implementing Regulation (EU) 2023/203 ⁽³⁾, which should therefore be amended.

- (6) It is necessary to provide sufficient time for competent authorities to ensure compliance with the new framework for the continuing airworthiness of certified UAS.
- (7) The European Union Aviation Safety Agency has prepared draft implementing rules and submitted them to the European Commission with Opinion No 03/2023 ⁽⁴⁾ pursuant to points (b) and (c) of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139.
- (8) The requirements laid down in this Regulation are in accordance with the opinion of the committee for the application of common safety rules in the field of civil aviation established by Article 127(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes the requirements and administrative procedures that shall be fulfilled by competent authorities for the implementation and enforcement of Commission Delegated Regulation (EU) .../... [*on the continuing airworthiness of certified UAS and their components, and on the approval of organisations and personnel involved in these tasks*].

Article 2

Definitions

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

- (a) ‘unmanned aircraft system (UAS)’ means an unmanned aircraft, as defined in Article 3(30) of Regulation (EU) 2018/1139, and its control and monitoring unit;
- (b) ‘control and monitoring unit (CMU)’ means the equipment to control unmanned aircraft remotely, as defined in Article 3(32) of Regulation (EU) 2018/1139;
- (c) ‘component’ means any engine, propeller or part of the unmanned aircraft (UA), or any element of the control and monitoring unit;
- (d) ‘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;

³ 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).

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

- (e) ‘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;
- (f) ‘organisation’ means a natural person, a legal person or part of a legal person; such an organisation may be established at more than one location whether or not within the territory of the Member States;
- (g) ‘pre-flight inspection’ means the inspection carried out before flight to ensure that the unmanned aircraft is fit for the intended flight;
- (h) ‘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.

Article 3

Competent authorities

1. A Member State shall designate one or more entities as the competent authority with the necessary powers and allocated responsibilities for the performance of certification, oversight and enforcement tasks in accordance with this Regulation and with Commission Delegated Regulation (EU) .../... [*on the continuing airworthiness of certified UAS and their components, and on the approval of organisations and personnel involved in these tasks*].

The administration and management systems of the competent authority of a Member State and of the Agency shall comply with the requirements specified in Annex I to this Regulation.
2. When a Member State designates more than one entity as competent authority with the necessary powers and allocated responsibilities for the performance of certification, oversight and enforcement tasks in accordance with this Regulation and with Commission Delegated Regulation (EU) .../... [*on the continuing airworthiness of certified UAS and their components, and on the approval of organisations and personnel involved in these tasks*], the following requirements shall be complied with:
 - (a) the areas of competence of each entity shall be clearly defined, in particular in terms of responsibilities and geographic limitations;
 - (b) coordination shall be established between those entities in order to ensure the effective performance of certification, oversight and enforcement tasks within their respective areas of competence.
3. When it is necessary to perform certification, oversight or enforcement tasks in accordance with this Regulation, the competent authority shall be empowered to:
 - (a) examine the records, data, procedures, and any other material relevant to the performance of certification, oversight or enforcement tasks;
 - (b) make copies or extracts from such records, data, procedures and other material;
 - (c) request an oral explanation on-site from any of the personnel of those organisations;
 - (d) access relevant premises, operating sites or means of transport;
 - (e) perform audits, investigations, assessments, inspections, including unannounced inspections, in respect of those organisations;

- (f) take or initiate enforcement measures as appropriate.
4. The powers referred to in point 3 shall be exercised in compliance with the applicable legal provisions of the relevant Member State.

Article 4

Amendments to Commission Implementing Regulation (EU) 2023/203

Implementing Regulation (EU) 2023/203 is amended as follows:

- (1) in Article 2, the following paragraph [3a] is inserted:
- ‘3a. This Regulation also applies to the competent authority designated in accordance with Annex I (Part-AR.UAS) to Commission Implementing Regulation .../... [*competent authority requirements for the certification, oversight and enforcement of the continuing airworthiness of certified UAS*].’;
- (2) in Article 4, paragraph 2 is amended as follows:
- ‘2. The competent authorities referred to in Article 2(2), (3) and (3a) shall comply with the requirements of Annex I (Part-IS.AR) to this Regulation.’.

Article 5

Entry into force and applicability

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 [*6 months after the date of entry into force*].

However, points

- AR.UAS.GEN.125(c),
 - AR.UAS.GEN.135A,
 - AR.UAS.GEN.200(e) and
 - AR.UAS.GEN.205(c) of Annex I
- shall apply from 22 February 2026.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN