



Repository of aviation-related information

RMT.0732

EXECUTIVE SUMMARY

The objective of this Opinion is to implement Article 74 of Regulation (EU) 2018/1139 of the European Parliament and of the Council, which requires EASA, in cooperation with the European Commission and the national competent authorities, to establish and manage a repository of information.

This Opinion proposes the necessary provisions as regards:

- the functioning and management of the repository;
- the management of the information, including the classification of information;
- the dissemination and update of the information included in the repository;
- the security management for the protection of the infrastructure and the data stored in the repository;
- data protection concerning the personal data stored in the repository.

This Opinion is expected to ensure an effective cooperation between EASA and the national competent authorities concerning the performance of their tasks relating to certification, oversight and enforcement pursuant to Regulation (EU) 2018/1139, and improve harmonisation among Member States.

The main benefit expected from the subject proposal is in terms of effective access, exchange and management of civil-aviation-related information and data that will contribute to the overall safety and efficiency of the aviation system.

Domain:	Repository of aviation-related information as per Article 74 of Regulation (EU) 2018/1139		
Related rules:	Regulation (EU) 2018/1139 Regulation (EU) 2018/1725 Regulation (EU) 2016/679 Implementing Regulation (EU) 2019/947 Implementing Regulation (EU) 2021/664		
Affected stakeholders:	European Union Member States; European Commission; national competent authorities; safety investigation authorities; EASA		
Driver:	Safety	Rulemaking group:	No
Impact assessment:	No	Rulemaking Procedure:	Accelerated ¹

EASA rulemaking procedure milestones

Start Terms of Reference	Advisory Body consultation	Proposal to the Commission Opinion	Adoption by Commission Implementing act	Decision Acceptable Means of Compliance, Guidance Material
20.4.2020	5.4.2022	14.7.2022	2022/Q4	2023/Q2

¹ In accordance with Article 16 of MB Decision No 18-2015

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1. About this Opinion

1.1. How this Opinion was developed

The European Union Aviation Safety Agency (EASA) developed this Opinion in line with Regulation (EU) 2018/1139² ('Basic Regulation') and the Rulemaking Procedure³.

Rulemaking task (RMT).0732 is included in Volume II of the European Plan for Aviation Safety (EPAS) for 2022-2026⁴.

EASA developed the *draft* text of this Opinion with the support of a dedicated MAB task force (TF). Considering the huge quantity and complexity of information as well as the requirement to take into consideration the applicable data protection legislation, the EASA Management Board (MB) has decided to set up a dedicated TF, within the MAB, to work on the establishment of a repository of information. This TF and EASA have cooperated very closely to define and consensually propose the regulatory approach, which is the subject of this Opinion.

MAB members were consulted in April 2022. More than 160 comments were received from 7 national authorities.

EASA reviewed the comments received during the focused (Article 16) consultation⁵. They are summarised in Section 2.4 of this Opinion.

EASA developed the *final* text of this Opinion and the draft Commission Implementing Regulation based on the input of the focused (Article 16) consultation. The resulting final draft Opinion was discussed with the MAB TF during a dedicated meeting on 8 June 2022 where EASA presented the outcome of the consultation and an overview of the amendments proposed to the initial draft. No specific nor substantial comments were received on the resulting draft Opinion from the MAB TF during the meeting. The draft implementing act is published on the Official Publication of EASA⁶.

The major milestones of this RMT are presented on the cover page.

1.2. The next steps

This Opinion contains the proposed draft implementing act for the establishment and functioning of the repository of information in accordance with Article 74 of the Basic regulation. It is submitted to

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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

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 <https://www.easa.europa.eu/document-library/general-publications/european-plan-aviation-safety-2022-2026>

⁵ In accordance with MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material, which was applicable at the time the draft Opinion was developed.

⁶ <http://easa.europa.eu/document-library/opinions>



the European Commission, which will decide whether to adopt the draft implementing act based on the subject Opinion.

EASA will publish the decision that issues the related AMC and GM when the European Commission has adopted the subject implementing act.



2. In summary — why and what

2.1. Why we need to amend the rules — issue/rationale

Article 74 of the Basic Regulation requires EASA to establish and manage a repository of information ('the repository') which is aimed at exchanging safety-related information among the national competent authorities, the European Commission and EASA through a digital platform.

Currently, such a repository does not exist, and it is the purpose of this Opinion to put forward the provisions for the establishment and management a repository of information for the affected stakeholders to be able to fulfil their obligations that stem from Article 74 of the Basic Regulation.

Furthermore, Article 14 'Registration of UAS operators and certified UAS' of Implementing Regulation (EU) 2019/947⁷ ('UAS Regulation') requires Member States to establish and maintain accurate registration systems for both UAS operators that operate and for UASs that are operated within their territory. Article 14 is applicable since 31 December 2020 and it is, therefore, necessary to enable Member States to access and exchange that information through a repository as required by Article 14(4) of that Regulation.

The new implementing regulation will also support EASA's system integration and end-to-end digitalisation objective as defined in Section 3.2 *Update on the Basic Regulation Roadmap* of Volume I of the 2022–2026 EPAS⁸.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This Opinion will contribute to achieving the overall objectives by addressing the issue described in Section 2.1.

The specific objectives are to:

- define the rights and obligations for the European Commission, the Member States, and EASA that are necessary to facilitate the exchange of safety-related aviation information among them; this includes data that is relevant for certification, oversight, and enforcement activities;
- facilitate the exchange of information between national competent authorities and aeromedical examiners and aeromedical centres; and
- ensure that any national authority in charge of civil aviation accident and incident investigation has access to the repository.

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

- *Article 1* lays down the subject matter pursuant to Article 74 of the Basic Regulation and frames the applicability of the proposed implementing act to the main entities that will operationally manage the repository and exchange information through it. As the interested parties referred to in Article 10(1) also have some obligations according to the proposed implementing act, they are included in Article 1.

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).

⁸ <https://www.easa.europa.eu/document-library/general-publications/european-plan-aviation-safety-2022-2026>

- *Article 2* defines the objectives of the proposed implementing act. Although these objectives are defined in the Basic Regulation, it is considered necessary to reflect them to focus on the roles and responsibilities as regards the establishment and management of the repository and the exchange of information among the entities concerned.
- *Article 3* includes the definitions of several terms used throughout the proposed implementing act and supports the understanding of the provisions, especially those that specifically relate to personal data.
- *Article 4* clarifies the roles and responsibilities of each of the entities to whom the proposed implementing act applies. It defines the specific roles for each of them and what they are entitled to do or have access to. It also includes a consultation process when a decision needs to be taken for the functioning of the repository. EASA's objective is to set up a consultation process similar to the one established for the ECCAIRSS Steering Committee. For this, terms of reference exist which detail the roles and responsibilities of the stakeholders involved, and the intent is to replicate such terms of reference for the repository. Importantly, the functioning of the future 'steering committee/group' should be agreed — for instance, who may vote and what is the decision process (for ECCAIRS, it is by consensus). The tasks of such steering committee/group and of the secretary should also be agreed.
- *Article 5* defines the main building blocks of the repository. It highlights the digital platforms, one from the Agency (mainly the infrastructure of the repository) and the other from the national competent authorities, as well as their supporting technical solutions as specified in the functional specifications in accordance with Article 6. It is not the intention to have a plurality of interfaces, but rather a single interface for direct user queries as per MAB paper 2020-03 OAI-13 and one for the respective national competent authority. The functional specifications are developed in such a way to keep the cost for the authorised users to a minimum, e.g. by maintaining the existing solution used today for continuity purposes.
- *Article 6* refers to the functional specifications of the repository. These specifications are at the core of the system that will allow the repository to be managed and to be operational. These functional specifications contain the business requirements and are developed by EASA. National competent authorities will be constantly involved in the development of the functional specifications through the governance mechanism (i.e. steering group) established by Article 4(5).
- *Article 7* provides a high-level description of the maintenance of the repository, which is a specific requirement that stems from the Basic Regulation. The responsibility to ensure the continuity of operations of the repository and the management of its data lies with EASA.
- *Article 8* requires EASA to produce two reports to explain how it ensures the functioning of the repository against the requirements of this draft implementing act and the quality of the services provided.
- *Article 9* contains the provisions on the classification of information. It implements Article 8(b) and (e) of the Basic Regulation. A common policy is proposed to ensure that the information stored in the repository is managed in a way that provides the assurance that this information will be treated according to the applicable data protection legislation. This article contains impact categories as certain pieces of information may have a higher impact than others when

disseminated. Therefore, the proposed categories are included within the policy to ensure that such criteria are applied. The classification of information is also driven and shaped according to its impact on activities, legal requirements, etc. EASA's information policy embeds this factor in the categorisation. The establishment of a common policy will be agreed within the consultation process as per Article 4(5). The aim is to establish the minimum dimensions to be addressed by the classification policy, and the security measures to be applied to data that falls within such categories.

- *Article 10* introduces the notion of interested parties that may request to receive some information of the repository, as required by Articles 8(d) and 6(2) of the Basic Regulation. Article 10 clarifies who these interested parties are. For instance, EU public authorities may be tax authorities, police, and customs. It is not the intention to provide in this article an exhaustive list of interested parties but to allow those who have a justified need to receive the information they have requested.
- *Article 11* complements Article 10 on the dissemination of information by specifying the process for the information to be disseminated to interested parties. Strict requirements are proposed as regards interested parties and EASA to ensure that the dissemination of information will not be detrimental to the interest of individuals and organisations. The requirements under this article apply strictly to EASA, as per the Basic Regulation. However, any action related to the establishment and management of the repository shall be ensured by EASA but shall be performed in cooperation with the European Commission and the national competent authorities.
- *Article 12* relates to the logging of data-processing operations. The purpose of this article is to ensure traceability of why, who and when any piece of data has been inputted in the repository. This is for the purpose of transparency of the data-processing operations, in particular as regards the protection of unauthorised access to data. The logging of data may be used as input for the reports on the monitoring of the repository.
- *Article 13* implements Article 8(c) of the Basic Regulation with regard to the update of the information stored in the repository.
- *Article 14* ensures that not everyone will be authorised to access the repository. The concept of 'authorised staff' is introduced, and this provision requires documented procedures for granting access to the repository. The objective is to prevent unauthorised persons from accessing the repository. In addition, for aeromedical centres, it is suggested that their authorised staff be authorised by their respective national competent authorities so that there is efficient control of the authorised staff nominated by these centres. The authorisation of staff is a procedure that is left at the discretion of the competent authorities. As there are different structural approaches in the Member States, it is not considered appropriate to regulate such procedure at EU level. Furthermore, there is no formal authorisation process to authorise staff to access the repository and thus a national competent authority may well grant access to any other person that would already be authorised by another authority.
- *Article 15* lays down requirements for the security management of the repository in terms of protection of the infrastructure of the repository and its data, for both EASA and national competent authorities. To this end, security management, business continuity and disaster

recovery plans are expected to be developed by EASA. As regards the link with Annex XXX (Part-IS.AR) on the management of information security risks⁹, it shall be in any case applicable to national competent authorities as it is a European Union regulation. Article 15 is meant to be repository-specific, but of course the upcoming regulation on the management of information security risks will apply.

- *Article 16* defines the processing of personal data stored in the repository. Some principles are established to protect personal data when facilitating the exchange of information and manage the operational functioning of the repository.
- *Article 17* lays down some specific processing requirements on how to treat data that falls under special categories of personal data.
- *Article 18* clarifies who has the data controllership regarding personal data and who are regarded as ‘joint controllers’. The European Commission and EASA act as competent authorities for the issue of certificates, decisions, etc. — the same way national competent authorities do. Under their legal mandate, the European Commission and EASA are controllers of the personal data they process. Article 18(1) scopes the sole controllership of each competent authority over the data they process originally to perform their public authority activities.
- *Article 19* (which is new, compared to the draft opinion consulted) is about the responsibilities of EASA when acting as data processor of the personal data stored in the repository. The insertion of this new article is not triggered by a specific comment, but EASA considers it important to clarify its responsibilities when processing personal data that is stored in the repository.
- *Article 20* lays down the responsibilities of the joint controllers in the context of exercising their rights in accordance with the applicable data protection legislation. The purpose of Article 20 is not to define how joint controllers shall share personal data with data subjects when requested, but rather establish transparency with regard to the joint controllers’ responsibilities by requiring the designation of a single point of entry for such requests. Data shall be shared with the data subjects by the joint controller that is responsible for the data at its origin (authority issuing the certificate).
- *Article 21* relates to the responsibilities of the joint controllers for the management of security incidents, including personal data breaches. They shall assist and notify each other whenever there is a data breach and security incident or a risk relating to personal data being processed in the repository and, very important, communicate these risks and breaches/incidents to the competent supervisory authorities referred to in Article 23. Therefore, this article aims to ensure awareness and transparency over the data stored in the repository. It allows all joint controllers to assess and take action on the potential impact a data breach could have on their own systems, but also the potential impact on the repository itself.
- *Article 22* covers the rights of the data subjects when personal data are processed in the repository. Those rights include the access, rectification, erasure and restriction of such data processing in the repository as well as the possibility to file a complaint when those rights are

⁹ Regulation to be adopted and published in the course of 2022.

violated. The data is always originally processed by the competent authority that issues the certificate, decision, etc. Therefore, data subjects should address their complaints to the supervisory authority of the competent authority (origin controller) (Article 19(3)).

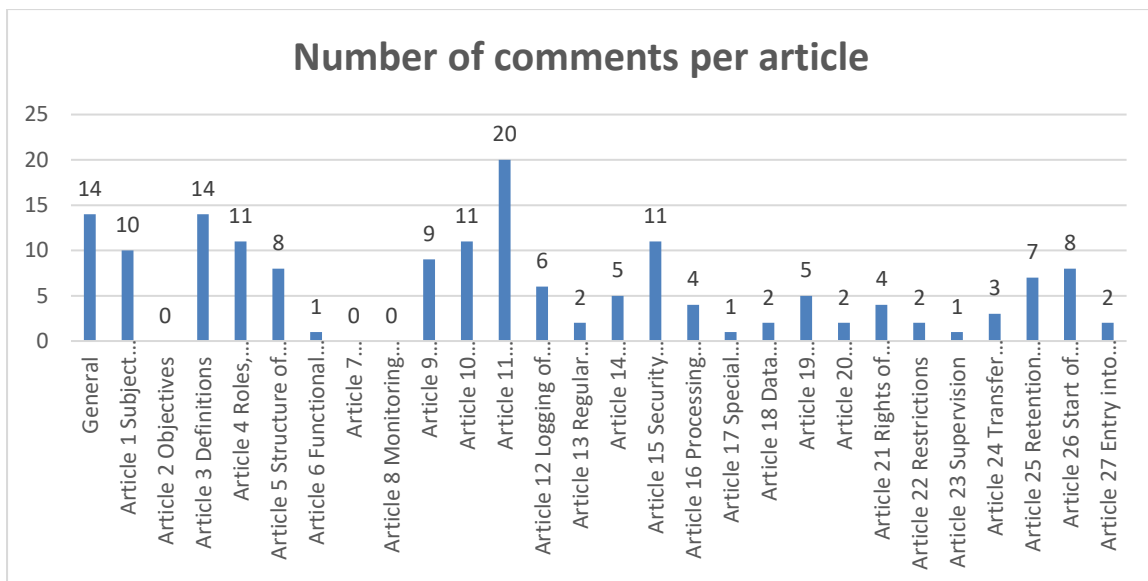
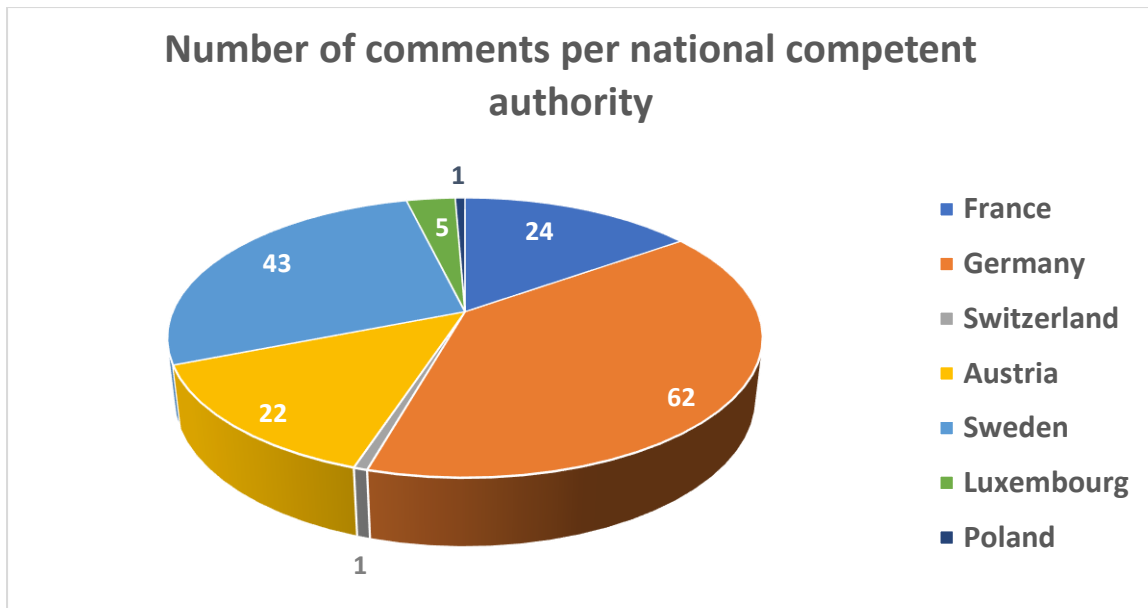
- *Article 23* limits the rights of the data subjects referred to in Article 21. The power for such limitation is given to the national competent authorities, the European Commission and EASA. Such limitations need to be proportionate and may only be exercised under specific conditions. This article subjects all the restrictions to an assessment of necessity and proportionality test, as well an obligation on the controller to provide them with the grounds and extent of the limitation. These are the conditions set out in Article 23(2) for the application of restrictions.
- *Article 24* defines the responsibility of the competent supervisory authorities with regard to their supervisory role. This article aims to add clarity to the scope of competence of both the national competent supervisory authorities and the European Data Protection Supervisor (EDPS) in relation to the repository. The EDPS is competent for monitoring the lawfulness of the data processed in EASA's own systems and in the repository, not in the national systems.
- *Article 25* addresses the case where interested parties located outside the European Union territory request personal data. It clarifies that the transfer of personal data from the repository is not possible, but that EASA and the national competent authorities may provide such data if it is stored in their own systems.
- *Article 26* requires EASA to retain personal data for a certain period of time and delete it from the repository under certain conditions, while data that relates to the medical fitness of pilots shall not be retained. This article does not define a maximum period of retention as mentioned in Article 74(8)(g) of the Basic Regulation but rather allows for flexibility as not all data/information should be stored for the same period of time. Therefore, point 1(a) ensures that personal data is retained for no longer than it is necessary for the authorised users to fulfil their obligations. Point 4 ensures that such personal data is appropriately protected.
- *Article 27* defines the process for the repository to become operational. Several steps are necessary to be taken before the repository can be operational and include some necessary testing, validation and transfer of data into the repository before its operation may start. The proposal is to ensure that the validation by the Member States is timely limited after EASA has declared that the repository is established and ready for use. EASA proposes 1 year, which would mean that Member States would have 3 to 4 years to implement Article 27.
- *Article 28* defines the date of entry into force and the applicability date.

2.4. What are the stakeholders' views — outcome of the consultation

2.4.1 Comments received

A total of 163 comments were received by 7 national authorities.





2.4.2 Main parts of the proposal affected by the AB consultation:

- Personal and medical data to be transferred to the repository.
- Data protection in general.
- Roles and responsibilities of the authorised users.
- Transfer and consistency with both the national repository and the EAMR.
- Clarification requested on a certain number of provisions.
- The consultation process referred to in Article 4(5).
- The need to ensure secure interfaces between the repository and the national systems.

2.4.3 Articles amended considering the comments received

Following the AB consultation phase, EASA reviewed all the individual comments received and, where relevant and appropriate, revised the initial draft text to clarify and improve the proposed provisions. The articles that have been amended following the comments received during the AB consultation are the following:

- Article 1 *Subject matter and scope*: the term ‘interested parties’ has been added to the list of regulated entities.
- Article 3 *Definitions*: six definitions have been amended and one has been deleted.
- Article 4 *Roles, responsibilities, and governance*: the term ‘approved’ has been removed from point 1.
- Article 9 *Classification of information*: point 2(c) has been amended to reflect that the classification does not only apply to the medical fitness of pilots or to special categories of data.
- Article 11 *Arrangements for the dissemination of information*: the term ‘anonymised’ has been removed from point 4(c). The new text caters for certain cases where it would be necessary to provide personal data. Also, the term ‘field of activities’ in point 2(b) has been removed.
- Article 12 *Logging of data-processing operations*: in point 2(b), the term ‘national competent authorities’ has been replaced with ‘authorised user’. The rest are editorial amendments.
- Article 15 *Security management of the repository*: several changes have been made for consistency reasons and to avoid duplication of text.
- Article 17 *Special categories of personal data*: in point 2(d), the term ‘deletion’ has been added.
- Article 18 *Data controllership*: the responsibilities have been clarified.
- Article 19 *Data processor*: defines the role and responsibilities of EASA as ‘data processor’.
- Article 21 *Management of security incidents, including data breaches*: point 2 has been amended by introducing the term ‘European Data Protection Supervisor’ (EDPS).
- Article 22 *Rights of the data subjects*: the term ‘central’ has been removed from point 2.
- Article 23 *Restrictions*: editorial changes to bring safety into focus rather than the objectives.
- Article 25 *Transfer of personal data to interested parties located in a third country or to international organisations*: point 3 has been removed.
- Article 26 *Retention period of personal data*: new text proposal to forbid the archiving of data that relates to the medical fitness of pilots.
- Article 27 *Start of operations*: point 1 has been amended to set a deadline for Member States to validate the technical and legal arrangements and notify the European Commission. A new point (point 4) has been added to determine a date from which the information that relates to any new certificate must be transmitted by the Member State and a date from which information on old certificates should be disseminated to the repository.
- Article 28 *Entry into force and applicability*: editorial change to correct the reference to the article.

2.5. What are the expected benefits and drawbacks of the proposed implementing act

Benefits

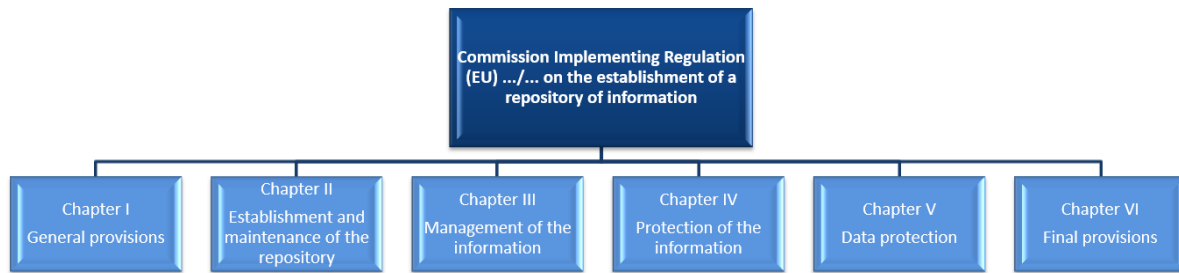
By establishing the main building blocks and defining the necessary provisions for the establishment, functioning and management of the repository of information, the proposal should facilitate the exchange of information among the authorised users and, therefore, contribute to the effective cooperation between the Agency and the national competent authorities concerning the performance of their tasks relating to certification, oversight, and enforcement.

The effective access, exchange and management of civil-aviation-related information and data should contribute to the overall safety and efficiency of the aviation system. The repository will facilitate the availability of such information and data across all civil aviation domains and will thus contribute to maintaining a high level of safety.

Drawbacks

The establishment and maintenance of the repository will incur costs for both EASA and the national competent authorities. EASA will have to plan resources to maintain the repository and the national competent authorities will have to ensure that their systems are compatible with the repository. This will entail some effort at technical and human resources level. At this stage, the economic impact cannot be accurately estimated because the functional specifications required for the repository to function are still under development, and it still needs to be demonstrated that the overall architecture of the repository can perform as expected. Therefore, a more precise assessment in economic terms could only be performed once all the elements of the repository are known.

3. Structure of the proposed implementing act



Chapter I — General provisions

- Article 1 Subject matter and scope
- Article 2 Objectives
- Article 3 Definitions

Chapter II — Establishment and maintenance of the repository

- Article 4 Roles, responsibilities, and governance
- Article 5 Structure of the repository
- Article 6 Functional specifications of the repository
- Article 7 Maintenance of the repository
- Article 8 Monitoring and reporting

Chapter III — Management of the information

- Article 9 Classification of information
- Article 10 Dissemination of the information stored in the repository
- Article 11 Arrangements for the dissemination of information
- Article 12 Logging of data-processing operations
- Article 13 Regular and standardised update of the information

Chapter IV — Protection of the information

- Article 14 Authorised staff
- Article 15 Security management of the repository

Chapter V — Data protection

- Article 16 Processing of personal data stored in the repository
- Article 17 Special categories of personal data
- Article 18 Data controllership
- Article 19 Data processor
- Article 20 Responsibilities of the joint controllers
- Article 21 Management of security incidents, including data breaches
- Article 22 Rights of the data subjects
- Article 23 Restrictions
- Article 24 Supervision by the competent authorities
- Article 25 Transfer of personal data to interested parties located in a third country or to international organisations
- Article 26 Retention period of personal data

Chapter VI — Final provisions

- └─ Article 26 Start of operations
- └─ Article 27 Entry into force and applicability



4. How we monitor and evaluate the proposed implementing act

Once adopted, EASA will monitor and evaluate the implementation of the implementing act through regular standardisation activities. In addition, the monitoring of the implementation of the implementing act would be carried out through regular feedback received from the EASA Advisory Bodies. Such feedback will facilitate the assessment of how efficiently the adopted implementing act has been implemented.

Cologne, 14 July 2022

For the European Union Aviation Safety Agency

The Executive Director

Patrick KY



5. References

5.1. Affected EU regulations

n/a

5.2. Related EU regulations

- 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)
- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018. p. 39)
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L119, 4.5.2016. p. 1)
- 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)
- 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)

5.3. Related EASA decisions

n/a

5.4. Other references

n/a

