



Terms of Reference

for rulemaking task RMT.0730

Regular update of the acceptable means of compliance and guidance material to Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft

ISSUE 1

Issue/rationale

The unmanned aircraft industry is rapidly evolving. The corresponding rules need to be updated regularly to ensure that they are fit for purpose, cost-effective and can be implemented.

Regular updates to the acceptable means of compliance (AMC) and guidance material (GM) to Commission Implementing Regulation (EU) 2019/947¹ shall be issued when relevant data is available following updates of industry standards, feedback from the application of Commission Implementing Regulation (EU) 2019/947 on unmanned aircraft systems (UAS), maturity of predefined risk assessment, or minor issues raised by the stakeholders.

Action area	Regular updates/review of rules				
Affected rules	AMC and GM to Commission Implementing Regulation (EU) 2019/947				
Affected stakeholders	Operators (private and commercial); competent authorities; flight crews; remote pilots; maintenance staff; design and production organisations; other airspace users (manned aircraft); service providers of air traffic management/air navigation services (ATM/ANS) and other ATM network functions; air traffic services (ATS) personnel; aerodromes operators; general public; model aircraft associations; EASA (on a case-by-case basis)				
Driver	Efficiency/proportionality	Reference	n/a		
Rulemaking group	No	Impact assessment	On a case-by-case basis	Rulemaking Procedure	In accordance with MB Decision No 18-2015 of 15 December 2015

EASA rulemaking process



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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0947&from=EN>).



1. Issue and reasoning for regulatory change

EASA shall issue, as necessary, AMC and GM to Commission Implementing Regulation (EU) 2019/947 that lays down the rules and procedures for the operation of unmanned aircraft to illustrate the means to establish compliance with this Regulation or to illustrate the meaning of a requirement.

While it is anticipated that the objective requirements will remain stable, the more detailed AMC or GM are expected to require regular amendments to take specific safety issues into consideration and introduce new methods of compliance or procedures. Moreover, there is the need to draw on the experience gained by Member States when issuing operational authorisations for UAS operations in the specific category and include it in a predefined risk assessment that may be used by all European UAS operators.

In order to increase the efficiency of the rulemaking process, it has been decided to decrease the administrative burden of individual rulemaking tasks and to group subjects that are considered mature for consultation with stakeholders, subsequently leading to EASA decisions. This concept is foreseen in EASA Management Board (MB) Decision No 18-2015² (see Article 3.5 on ‘systematic rulemaking projects’).

On a regular basis, EASA shall review all eligible candidate issues and eventually publish a notice of proposed amendment (NPA), following the standard rulemaking procedure, proposing amendments to the AMC and GM to Commission Implementing Regulation (EU) 2019/947. It will be also considered, on a case-by-case basis, whether the proposed amendments qualify for the special rulemaking procedures such as ‘direct publication’ or ‘accelerated procedure’, as defined in Article 15 and Article 16 respectively of EASA Management Board (MB) Decision 18-2015. As an example, AMC and GM updates that are based on documents already consulted by other organisations, such as JARUS, may qualify for the ‘direct publication’ procedure.

2. Objectives

The general objectives of the European Union in the field of civil aviation are defined in Article 1 of Regulation (EU) 2018/1139³ (the ‘Basic Regulation’).

In addition to the general objectives above, the specific objectives are to:

- reflect the state of the art and best practices;
- increase safety, efficiency and harmonisation in the application of Commission Implementing Regulation (EU) 2019/947;
- incorporate improvements that result from relevant developments in new technologies; and
- develop predefined risk assessment for the UAS operations in the specific category that are considered mature enough.

² 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 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 (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

³ 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>).



Due to the generic nature of this rulemaking task, this ToR remains open without an end date. Each individually proposed amendment package shall, however, provide the specific planning and intended date for the issue of the respective EASA decisions.

3. Activities

On a regular basis:

- select issues that meet the criteria mentioned above;
- whenever enough issues are available, consult stakeholders as appropriate;
- review the comments received and consider them when developing the related decision or opinion, and amend the AMC and GM to Commission Implementing Regulation (EU) 2019/947.

4. Deliverables

- An NPA listing the subjects that have been selected and proposing related amendments to the AMC and GM to Commission Implementing Regulation (EU) 2019/947, unless Article 15 or Article 16 of EASA Management Board (MB) Decision 18-2015 applies;
- a comment-response document (CRD), if required; and
- an ED decision amending the AMC and GM to Commission Implementing Regulation (EU) 2019/947.

5. How we consult

Depending on the expected significance of the impact of the proposed amendments, on the number of involved stakeholders or on the consultation already conducted by other organisations (e.g. JARUS), EASA shall either follow the accelerated rulemaking procedure⁴ or the direct publication⁵, or follow the full rulemaking procedure (consultation through an NPA). The involvement of specific stakeholders will be considered on a case-by-case basis (e.g. if the update of the AMC and GM involves UAS operations conducted at very low level (VLL) and far from aerodromes, not all manned aircraft stakeholders may be consulted).

6. Annex I: Reference documents

6.1. Related regulations

- Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45)

6.2. Affected decisions

- Decisions to be published that issue the AMC and GM to the Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft

6.3. Reference documents

n/a

⁴ Article 16 of Management Board Decision No 18-2015 of 15 December 2015.

⁵ Article 15 of Management Board Decision No 18-2015 of 15 December 2015.

