

COMMISSION IMPLEMENTING REGULATION (EU) 2022/425**of 14 March 2022****amending Implementing Regulation (EU) 2019/947 as regards postponing the transition dates for the use of certain unmanned aircraft systems in the ‘open’ category and the date of application for standard scenarios for operations executed in or beyond the visual line of sight****(Text with EEA relevance)**

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 thereof,

Whereas:

- (1) Pursuant to Article 20 of Commission Implementing Regulation (EU) 2019/947 ⁽²⁾, unmanned aircraft systems (‘UAS’) that do not comply with Commission Delegated Regulation (EU) 2019/945 ⁽³⁾ and which are not privately-built are allowed to continue to be used in the ‘open’ category under certain limited operational conditions, when they have been placed on the market before 1 January 2023. Pursuant to Article 22 of Implementing Regulation (EU) 2019/947, UAS that do not comply with the requirements of Parts 1 to 5 of the Annex to Delegated Regulation (EU) 2019/945 are allowed to be used in the ‘open’ category only under certain limited operational conditions for a transitional period ending on 1 January 2023.
- (2) Pursuant to Article 23(2) of Implementing Regulation (EU) 2019/947, as from 3 December 2023, Member States may only accept declarations made by UAS operators in accordance with Article 5(5) of that Implementing Regulation for an operation complying with one of the two standard scenarios, either in visual line of sight over a controlled ground area in a populated environment or beyond visual line of sight with Airspace Observers over a controlled ground area in a sparsely populated environment, set out in Appendix 1 to the Annex to that Implementing Regulation.
- (3) Some of the harmonised standards addressing the requirements applicable to UAS of classes C0 to C6 necessary to operate in the ‘open’ category or under the standard scenarios, as well as the direct remote identification would not be available until mid-2023. Without those harmonised standards, UAS manufacturers would in practice be hindered from placing compliant UAS on the market before the end of the transitional period provided for by Article 22 of Implementing Regulation (EU) 2019/947.
- (4) It is therefore necessary to extend the dates provided for in Articles 20 and 22 of Implementing Regulation (EU) 2019/947 in order to ensure that the harmonised standards addressing the requirements applicable to UAS of classes C0 to C6 are available to UAS producers and operators before those periods expire. It is also necessary to postpone the date of application of the two standard scenarios set out in Appendix 1 to the Annex to that Implementing Regulation in order to ensure that those harmonised standards are available before Member States may accept declarations for operations compliant with those standard scenarios. Until then Member States should be able to accept declarations made by UAS operators in accordance with Article 5(5) of that Implementing Regulation, based on national standard scenarios or equivalent.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ 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).

⁽³⁾ 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).

- (5) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/947 is amended as follows:

- (1) in Article 20, '1 January 2023' is replaced by '1 January 2024';
(2) in Article 22, the introductory wording is replaced by the following:

'Without prejudice to Article 20, the use of UAS in the 'open' category which do not comply with the requirements of Parts 1 to 5 of the Annex to Commission Delegated Regulation (EU) 2019/945 (*) shall be allowed for a transitional period ending on 31 December 2023, subject to the following conditions:

(*) 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) in Article 23, paragraphs 2, 3 and 4 are replaced by the following:

2. Article 5(5) shall apply from 1 January 2024.

3. Points UAS.OPEN.060(2)(g) UAS.SPEC.050(1)(l)(i) of the Annex shall apply from 1 July 2022 and point UAS.SPEC.050(1)(l)(ii) of the Annex shall apply from 1 January 2024.

4. Without prejudice to Article 21(1), until 31 December 2023 Member States may accept declarations made by UAS operators in accordance with Article 5(5), based on national standard scenarios or equivalent, if those national scenarios meet the requirements of point UAS.SPEC.020 of the Annex.

Such declarations shall cease to be valid from 1 January 2026.'

Article 2

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

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

Done at Brussels, 14 March 2022.

For the Commission
The President
Ursula VON DER LEYEN