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

of 22.4.2021

**amending Regulation (EU) No 923/2012 as regards requirements for manned aviation
operating in U-space airspace**

(Text with EEA relevance)

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amending Regulation (EU) No 923/2012 as regards requirements for manned aviation operating in U-space airspace

(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 3922/91¹, and in particular Articles 31 and 44 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 923/2012² lays down the common rules of the air and operational provisions regarding services and procedures in air navigation applicable to general air traffic.
- (2) In order to allow manned aircraft which are not provided with an air traffic control service to safely operate alongside unmanned aircraft in U-space airspace, it is important that the position of manned aircraft is communicated to U-space service providers. This should be achieved by making manned aircraft electronically conspicuous, effectively signalling their presence by means of surveillance technologies.
- (3) Implementing Regulation (EU) No 923/2012 should include such requirements for manned aviation operating in the U-space airspace.
- (4) Such new requirements should improve safety by enhancing situation awareness within the U-space airspace.
- (5) In order to ensure the proper implementation of this Regulation, Member States and affected stakeholders should be given sufficient time to adapt their procedures to the new regulatory framework.

¹ OJ L 212, 22.8.2018, p. 1.

² Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010, OJ L 281, 13.10.2012, p. 1.

- (6) The European Union Aviation Safety Agency proposed measures in its Opinion No 01/2020³ in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (7) Implementing Regulation (EU) No 923/2012 should therefore be amended accordingly.
- (8) 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

Regulation (EU) No 923/2012 is amended as follows:

- (1) the following points (146) and (147) are added in Article 2:
 - “(146) ‘U-space airspace’ means a UAS geographical zone designated by Member States, where UAS operations are only allowed to take place with the support of U-space services;
 - (147) ‘U-space service’ means a service relying on digital services and automation of functions designed to support safe, efficient and secure access to U-space airspace for a large number of UAS.”;
- (2) point SERA.6005 in Section 6 of the Annex is replaced by the following:

“SERA.6005 Requirements for communications, SSR transponder and electronic conspicuity in U-space airspace

 - (a) Radio mandatory zone (RMZ)
 - (1) VFR flights operating in parts of Classes E, F or G airspace and IFR flights operating in parts of Classes F or G airspace designated as a radio mandatory zone (RMZ) by the competent authority shall maintain continuous air-ground voice communication watch and establish two-way communication, as necessary, on the appropriate communication channel, unless in compliance with alternative provisions prescribed for that particular airspace by the ANSP.
 - (2) Before entering a radio mandatory zone, an initial call containing the designation of the station being called, call sign, type of aircraft, position, level, the intentions of the flight and other information as prescribed by the competent authority, shall be made by pilots on the appropriate communication channel.
 - (b) Transponder mandatory zone (TMZ)
 - (1) All flights operating in airspace designated by the competent authority as a transponder mandatory zone (TMZ) shall carry and operate SSR transponders capable of operating on Modes A and C or on Mode S, unless in compliance with alternative provisions prescribed for that particular airspace by the ANSP.
 - (c) U-space airspace

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

- (1) Manned aircraft operating in airspace designated by the competent authority as a U-space airspace, and not provided with an air traffic control service by the ANSP, shall continuously make themselves electronically conspicuous to the U-space service providers.
- (d) Airspaces designated as radio mandatory zone, transponder mandatory zone or U-space airspace shall be duly promulgated in the aeronautical information publications.”

Article 3
Entry into force

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 26 January 2023.

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

Done at Brussels, 22.4.2021

For the Commission
The President
Ursula von der LEYEN