Commission Implementing Regulation (EU) 2020/746 of 4 June 2020 amending Implementing Regulation (EU) 2019/947 as regards postponing dates of application of certain measures in the context of the COVID-19 pandemic (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/746

of 4 June 2020

amending Implementing Regulation (EU) 2019/947 as regards postponing dates of application of certain measures in the context of the COVID-19 pandemic

(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) Measures introduced to contain the COVID-19 pandemic severely hamper the ability of Member States and the aviation industry to prepare for the application of a number of recently adopted Implementing Regulations in the field of aviation safety.

(2) Confinement and changes in the working conditions and availability of employees combined with the additional workload required to manage the significant negative consequences of the COVID-19 pandemic for all stakeholders are impairing preparations for the application of these Implementing Regulations.

(3) A delay in executing the different tasks required for the proper and timely implementation of Commission Implementing Regulation (EU) 2019/947[(2)], notably the establishment of registration systems that are digital and interoperable, as well as the adaptation of authorisations, declarations and certifications issued on the basis of national law, is inevitable as a consequence of the COVID-19 pandemic.

(4) The standardisation process and other related activities led by the industry and standardisation bodies, such as preparation of testing methodologies, or the testing of technical features, such as the remote identification, has been delayed. This in turn will have a negative impact on the capacity of manufacturers to put on the market unmanned aircraft systems ('UAS') meeting the new standardised requirements in accordance with Commission Delegated Regulation (EU) 2019/945[(3)].

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/746. (See end of Document for details)*

(5) All UAS types should thus be allowed to continue to operate under the existing conditions for an additional 6 months. Therefore, the dates of application of Implementing Regulation (EU) 2019/947 should be postponed accordingly in order to allow UAS operators to be able to use UAS not complying with Delegated Regulation (EU) 2019/945 for additional 6 months.

(6) The European Union Aviation Safety Agency confirmed to the Commission that postponing the application of the provisions referred to in recital 3 is possible without having a detrimental effect on aviation safety, since it will be for a very limited period, the air traffic is likely to resume slowly in the context of recovery from the COVID-19 pandemic resulting in less exposure to the risks, and national law will continue to apply in those Member States where UAS operations are permitted.

(7) In order to provide an immediate relief for national authorities and all stakeholders during the COVID-19 pandemic and allow them to adapt their planning to prepare for the postponed application of the provisions concerned, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(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

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

(1) in Article 20, ‘1 July 2022’ is replaced by ‘1 January 2023’;

(2) Article 21 is amended as follows:

(a) in paragraph 1, ‘1 July 2021’ is replaced by ‘1 January 2022’;

(b) in paragraph 2, ‘1 July 2021’ is replaced by ‘1 January 2022’;

(c) in paragraph 3, ‘1 July 2022’ is replaced by ‘1 January 2023’;

(3) in Article 22, ‘two years’ is replaced by ‘30 months’;

(4) Article 23 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

It shall apply from 31 December 2020.;

(b) paragraph 5 is replaced by the following:

5. Paragraph 3 of Article 15 shall apply from 1 January 2022..

Article 2

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