

COMMISSION IMPLEMENTING REGULATION (EU) 2021/665**of 22 April 2021****amending Implementing Regulation (EU) 2017/373 as regards requirements for providers of air traffic management/air navigation services and other air traffic management network functions in the U-space airspace designated in controlled 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 216/2008 and (EC) No 552/2004 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 43 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/373 ⁽²⁾ lays down common requirements for the provision of air traffic management and air navigation services ('ATM/ANS') and other air traffic management network functions ('ATM network functions') for general air traffic and their oversight.
- (2) With the adoption of Commission Implementing Regulation (EU) 2021/664 ⁽³⁾, a U-space airspace could be designated within controlled airspace where manned aircraft operate alongside unmanned aircraft. To ensure the safety of those operations Implementing Regulation (EU) 2017/373 should be amended to include the necessary requirements on air traffic service providers regarding coordination with U-space service providers and, where applicable, single common information service providers.
- (3) Within the designated U-space airspace in controlled airspace, air navigation service providers should remain responsible for the provision of air navigation services to operators of manned aircraft. Air traffic service providers should also conduct a so called dynamic reconfiguration of the U-space airspace to ensure that manned and unmanned aircraft remain safely segregated.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011, OJ L 62, 8.3.2017, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space (see page 161 of this Official Journal).

- (4) Specific procedures and communication facilities should be established between appropriate air traffic service units, U-space service providers, UAS operators and, where applicable, single common information service providers to ensure a coordinated application of the dynamic reconfiguration of U-space airspace by all operational stakeholders.
- (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 before this Regulation applies.
- (6) The European Union Aviation Safety Agency proposed measures in its Opinion No 01/2020 (*) in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.
- (7) Implementing Regulation (EU) 2017/373 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

Amendments to Implementing Regulation (EU) 2017/373

Implementing Regulation (EU) 2017/373 is amended as follows:

- (1) in Annex I, the following points are added:

- (260) "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;
- (261) "U-space service" means a service relying on digital services and automation of functions designed to support safe, secure and efficient access to U-space airspace for a large number of UAS;
- (262) "common information service" means a service consisting in dissemination of static and dynamic data to enable the provision of U-space services for the management of traffic of unmanned aircraft;
- (263) "dynamic airspace reconfiguration" means the temporary modification of the U-space airspace in order to accommodate short-term changes in manned traffic demand, by adjusting the geographical limits of that U-space airspace.;

- (2) in Section 1 of Subpart A of Annex IV, the following point ATS.OR.127 is added:

'ATS.OR.127 Coordination by air traffic services providers in U-space airspace

Air traffic services providers shall:

- (a) provide on a non-discriminatory basis the relevant traffic information regarding manned aircraft that is necessary as part of the common information services referred to in Commission Implementing Regulation (EU) 2021/664 (*) for a U-space airspace established in the controlled airspace where the air traffic service provider is designated to provide its services;
- (b) establish the coordination procedures and communication facilities between appropriate air traffic service units, U-space service providers and, where applicable, single common information service providers permitting provision of this data.

(*) 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).;

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

(3) in Section 2 of Subpart B of Annex IV, the following point ATS.TR.237 is inserted:

'ATS.TR.237 Dynamic reconfiguration of the U-space airspace

Air traffic control units shall:

- (a) temporarily limit the area within the designated U-space airspace where UAS operations can take place in order to accommodate short-term changes in manned traffic demand by adjusting the lateral and vertical limits of the U-space airspace;
- (b) ensure that the relevant U-space service providers and, where applicable, single common information service providers are notified in a timely and effective manner of the activation, deactivation and temporary limitations of the designated U-space airspace.'

Article 2

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 April 2021.

For the Commission
The President
Ursula VON DER LEYEN
