

EU UAV Legislation

Implications for Model Aircraft

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Slides available at:
<https://emfu.eu/work-of-emfu>

EU Legislation

EU Legislation: Background



- Until September 2018 all unmanned aircraft <150kg
Member State competence
- EU Framework Regulation 2018/1139: regulatory
competence >250g to EU:
 - Common market:
 - Product standards
 - Operation (commercial flights)
 - Safety issues (incidents and terrorism)
 - Privacy protection (audio-visual transmission and recording)
- Model aircraft “collateral damage” (“cannot exempt because
cannot define”)
- Vast differences between national regulations and their
enforcement between MS

EU Legislation: Overview



- «Open Category» (1):
 - Max 25 kg;
 - Visual Line of Sight (VLOS), not endanger „uninvolved persons“ and not over assemblies of people;
 - Aircraft >250gr:
 - Minimum age 16 years, (can reduce to 12 years and younger under supervision of qualified pilot);
 - Registration of pilot in national EU-linked registry, registration number must be displayed on aircraft;
 - All pilots must complete online training course and exam (valid 5 years).

EU Legislation: Overview

- «Open Category» (2):
 - Max 120 m from surface (vertical and horizontal)
 - Sailplanes <10kg: max 120m above pilot, horizontal limit VLOS (slope soaring)



EU Legislation: Overview



■ Exemptions:

1. Standard Scenarios (Specific Category)(Article 5(5))

- STS1 and STS2 (low-risk VLOS and BVLOS)

2. «Geographical Zones» (Article 15):

- Exemption from «Open Category» requirements on the basis of a Risk Assessment

EU Legislation: Overview



Exemption 3: («Article 16»)

Operations «in the framework of model aircraft clubs and associations»:

- National authority may issue authorisation on request;
- Authorisation specifies the conditions for operations;
- Authorisation issued in accordance with:
 - relevant national rules; or
 - „established procedures, organisational structure and management system of the model aircraft club or association“
- Mandatory registration pilots aircraft >250gr;
- Clubs and associations can register members on their behalf;
- Registration valid throughout EU;
- Display registration nr. on aircraft.

Guest pilots (competitions and tourists)



- Pilots from third countries (non-EU/EASA)
 - Go to first Member State in which the pilot intends to operate for:
 - Registration
 - Online-Training and Exam



Except: when the „certificate of competence“ of a third country is recognised by the EU Commission
(none so far, not even UK)

Timetable



- 1 July 2019: Entry into force
- 31 December 2020: Start application, incl. Open category rules, registration obligation
- 31 December 2022: activities in the framework of model aircraft clubs and associations automatically fall under „open category“, unless exempted

EMFU and EU Regulatory Process



- EU new regulator for aeromodellers – not familiar with process
- Organised v. non-organised pilots („associations“)
- Legislator/regulators:
 - Separation, not integration
 - „Blind“ to interests of model aircraft pilots („just“ hobbyists, members of clubs and flying authorised club airfields)
 - Unconvinced of economic and social relevance
- Different national rules: gains for some is loss for others
- Important achievements, thanks to joint efforts:
 - Recital „continue to operate as they do today“
 - Article 16
 - „in the framework of“ – not just „members of“
 - Slope soaring <10kg max height 120m above pilot

Implementation

Implementation Guidance



- Recital:
 - «Since model aircraft are considered as UAS and given the good safety level demonstrated by model aircraft operations in clubs and associations, there should be a seamless transition from the different national systems to the new Union regulatory framework, so that model aircraft clubs and associations can continue to operate as they do today, as well as taking into account existing best practices in the Member States.»
 - Not legally binding, but expressing will of the legislator, important guidance for implementation

Implementation



- EMFU members mostly NW Europe
- Existing rules: VERY different starting point in MS
- Different capacities national authorities
- Different degrees of organisation model aircraft pilots
- Implementation in most MS „ongoing“

Key challenge: organisation/resources

„open category=default“ even if intention legislator was „continue as today“ - considerable resources needed to negotiate Article 16 Authorisation and „regain“ rights

Implementation Challenges



- Exemption:
 - Geographical zones (art. 15)?
 - Article 16?
- Who requests Article 16 authorisation?
 - One or multiple national associations?
 - Clubs, airfields, tourism infrastructure?
- Basis authorisation:
 - 16(2)(a): relevant national rules
 - 16(2)(b): established procedures, organisational structure and management system of association (“standard rules”)

Implementation Challenges



Scope of Article 16 Authorisation

- Who (Pilots):
 - Members Club or Association
 - Others „in the framework of“
- What (Unmanned aircraft):
 - Definition Model aircraft?
- Where:
 - Club airfields (permit?)
 - Outside club airfields (slope soaring, competitions, airshows, youth training, etc.)

Implementation Challenges



Issue	Article 16 authorisation		Open Category
	<i>EU Requirements</i>	<i>Authorisation?</i>	
Where	None	?	VLOS Safe distance from uninvolved persons and not over assemblies of persons Not endanger uninvolved persons At least 150m distance from residential, commercial, industrial or recreational areas
Max. Weight	None	?	25 kg
Max. Height	None	?	120m from surface or 120m above pilot (sailplanes <10kg)
Transporting and dropping materials	None	?	No transport dangerous substances and no dropping of any materials
Minimum age	Member State to determine	?	16 years (>250gr), can be reduced to 12 years
Competence of pilot	Member State to determine	?	Online training and exam
Registration Pilot	Mandatory, but can be done through club or association	Individual or through ass./club?	Mandatory
Registrationnr. Pilot	Registrationnr. must be displayed on model	requirements?	Registrationnr. must be displayed on model

Implementation Challenges



- Resources....
- In most EU countries implementation still ongoing and Article 16 Authorisation under negotiation
- Very diverse national approaches likely to be maintained

Registration and open category training



Country	Registration			Online theoretical competency training and certificate (open category A3)(EU defined validity 5 years)	
	Costs	Validity	Website	Costs	Website
Austria	EUR 31.20	3 years	www.dronespace.at	Free	www.dronespace.at
Belgium	t.b.d.	t.b.d.	t.b.d.	t.b.d.	t.b.d.
Denmark	t.b.d.	t.b.d.	t.b.d.	t.b.d.	t.b.d.
Finland	1 year EUR 30 3 years EUR 75 5 years EUR 100	1/3/5 years	www.droneinfo.fi	Free if done together with registration	www.droneinfo.fi
France	Aircraft: Free	Aircraft: 5 years	www.alphatango.aviation-civile.gouv.fr	Free	www.fox-alphatango.aviation-civile.gouv.fr
Germany	EUR 20 (EUR 5 for members of association)	lifetime	lba-openuav.de	EUR 25	lba-openuav.de
Luxembourg	t.b.d.	t.b.d.	t.b.d.	t.b.d.	t.b.d.
Netherlands	EUR 23 EUR 13 for annual update	Needs to be updated annually	www.rdw.nl/particulier/voertuigen/drone/nieuwe-regels	Various private offers	Overview private offers on www.dronewatch.nl
Norway	NOK 180 (~ EUR 17.5)	1 year	www.flydrone.no	Free	www.flydrone.no
Sweden	SEK 50 (~ EUR 5) for registration and update	Needs to be updated annually	dronarsidan.transportstyrelsen.se	SEK 130 (~ EUR 13)	dronarsidan.transportstyrelsen.se
Switzerland	Switzerland has no registration or training and certification obligation for model aircraft				
United Kingdom	GBP 9 (~EUR 11)	1 Year	rcc.bmfa.uk/caa-registration	Free	rcc.bmfa.uk/rcc

State of Play Feb 2022



Future challenges

Future Challenges



- Review and further development of EU legislation
 - U-space:
 - Participation in decision making
 - Integrate rather than exclude aeromodelling activities
 - Options for electronic conspicuity?
 - Costs of operation of model aircraft in u-space areas:
 - Services free of charge
 - (Any) technology low cost
- (EMFU comments on NPA 2021-14)

Assessment and conclusion

Assessment and Conclusion

- Significant strain on/need for resources
- 31 December 2022: unlikely that all will get exemption/authorisation – illegal operations/insurance implications? competitions?
- EU legislation:
 - For some an improvement compared to current situation
 - For most continue state of play or minor changes
 - For some deterioration
- No change in huge diversity of national rules – not necessarily a bad thing?
- “Open category”: opportunity for some
- Stay on the ball:
 - Review EU rules
 - New issues & rules (U-Space, electronic conspicuity?)

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