



EASA
European Aviation Safety Agency

NPA 2017-05

UAS Open and Specific category Workshop

Cologne 5th July 2017

Structure of the NPA; Boundaries of the open, specific, and certified categories; Applicability



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Main Structure



European Aviation Safety Agency

Notice of Proposed Amendment 2017-05 (A)

Introduction of a regulatory framework for the operation of
drones

Unmanned aircraft system operations in the open and specific category

RMT.0230

EXECUTIVE SUMMARY

In accordance with Regulation (EC) No 216/2008 (hereinafter referred to as the 'Basic Regulation'), the regulation of unmanned aircraft systems (UAS) with a maximum take-off mass (MTOM) of less than 150 kg falls within the competence of the European Union (EU) Member States (MSs). This leads to a fragmented regulatory system hampering the development of a single EU market for UAS and cross-border UAS operations. A new proposed Basic Regulation (hereinafter referred to as 'the new Basic Regulation'), currently under discussion between the Council, the European Commission, and the European Parliament, aims to solve this issue, by extending the competence of the EU to regulate all UAS regardless of their MTOM.

In view of the adoption of this new Regulation, the objective of this Notice of Proposed Amendment (NPA) 2017-05 is:



European Aviation Safety Agency

Notice of Proposed Amendment 2017-05 (B)

Introduction of a regulatory framework for the operation of
drones

Unmanned aircraft system operations in the open and specific category

RMT.0230

EXECUTIVE SUMMARY

In accordance with Regulation (EC) No 216/2008 (hereinafter referred to as the 'Basic Regulation'), the regulation of unmanned aircraft systems (UAS) with a maximum take-off mass (MTOM) of less than 150 kg falls within the competence of the European Union (EU) Member States (MSs). This leads to a fragmented regulatory system hampering the development of a single EU market for UAS and cross-border UAS operations. A new proposed Basic Regulation (hereinafter referred to as 'the new Basic Regulation'), currently under discussion between the Council, the European Commission, and the European Parliament, aims to solve this issue, by extending the competence of the EU to regulate all UAS regardless of their MTOM.

In view of the adoption of this new Regulation, the objective of this Notice of Proposed Amendment (NPA) 2017-05 is:

- to ensure an operation-centric, proportionate, risk- and performance-based regulatory framework for all UAS operations conducted in the open and specific category;
- to ensure a high and uniform level of safety for UAS;
- to foster the development of the UAS market; and
- to contribute to enhancing privacy, data protection, and security.

This NPA proposes to create a new regulation (hereinafter referred to as 'Regulation (EU) 201X/XXX') defining the measures to mitigate the risk of operations in:

- the open category through a combination of limitations, operational rules, requirements for the competence of the remote pilot, as well as technical requirements for the UAS; and
- the specific category through a system including a risk assessment conducted by the operator before starting an operation, or the operator complying with a standard scenario, or the operator holding a certificate with privileges.

Regulation (EU) 201X/XXX will provide flexibility to MSs mainly by allowing them to create zones on their territory where the use of UAS would be prohibited, limited or on the contrary facilitated.

Pursuant to new Basic Regulation, market product legislation (CE marking) ensures compliance with the technical requirements for mass-produced UAS operated in the open category. A dedicated Annex (Part-MRK) to Regulation (EU) 201X/XXX is proposed to define the conditions for making UAS available on the market.

Regulation (EU) 201X/XXX is expected to increase the level of safety of UAS operations, harmonise legislation among the EU MSs, as well as create an EU market that will reduce the cost of the UAS and allow cross-border operations.

Note: sub-NPA 2017-05 (A) contains the explanatory note and the proposed draft rules, whereas sub-NPA 2017-05 (B) contains the full impact assessment (IA) for this RMT.

Action area:	Civil drones (UAS)
Affected rules:	N/A
Affected stakeholders:	Operators (private and commercial); competent authorities; MSs; flight crews; remote pilots; UAS maintenance staff; UAS manufacturers; other airspace users (manned aircraft); service providers of air traffic management (ATM)/air navigation services (ANS) and other ATM network functions; air traffic services (ATS) personnel; aerodromes; general public; model aircraft associations
Driver:	Efficiency/proportionality; safety
Impact assessment:	Rule-making group: No, but expert group Rule-making procedure: Standard

➤ 2 separate documents:

NPA 2107-05 (A)

- EXPLANATORY NOTE (EN):
 - Two paragraphs: About this NPA; In summary-why and what
- DRAFT COVER REGULATION:
 - 16 General Articles
- PART UAS – Annex I
- PART MRK - Annex II
- ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL (AMC/GM)
 - are included in paragraph 3.2 of the NPA; Leaflets are AMC
- PROPOSED ACTIONS TO SUPPORT IMPLEMENTATION
- REFERENCES
- APPENDIX
 - Differences between the U-Space blueprint and the NPA

NPA 2107-05 (B)

- IMPACT ASSESSMENT



General Articles

- Article 1: Subject matter and scope
- Article 2: Definitions
- Article 3: Principles applicable to all UAS operations
- Article 4: Open category UAS operations
- Article 5: Specific category UAS operations
- Article 6: Designation of the competent authority (Aviation)
- Article 7: Responsibilities of the competent authority (Aviation)
- Article 8: Designation and responsibilities of the market surveillance authority
- Article 9: Exchange of Safety Information
- Article 10: Third Country UAS operators
- Article 11: Means of Compliance
- Article 12: Airspace Areas and Special Zones for UAS Operations
- Article 13: Exchange of information and safety measures
- Article 14: UAS operations conducted in the framework of model clubs and associations
- Article 15: Applicability
- Article 16: Entry into Force and application



Part UAS- Annex I

- PART UAS – Annex I
 - Subpart A “Open Category”
 - Subpart B “Specific Category”
 - Subpart C: “Light UA Operator Certificate (LUC)”
 - Appendixes: Product Requirements for the Open Category
 - Specified for the UAS Classes, for Geo-Fencing System and for E-Identification System



Part MKR-Annex II

- PART MRK - Annex II- “making available on the market”
 - Section 1 - General provisions
 - Section 2 - Obligations of economic operators
 - Section 3 - Conformity of the product
 - Section 4 - Notification of conformity assessment bodies
 - Section 5 - Union market surveillance; control of electrical equipment entering the Union market, and Union safeguard procedures
 - Appendices:
 - II.1 to II.3: Conformity assessment procedures
 - Appendix II.4: Contents of technical documentation
 - Appendix II.5 and II.6: EU declaration of conformity and EU simplified declaration of conformity



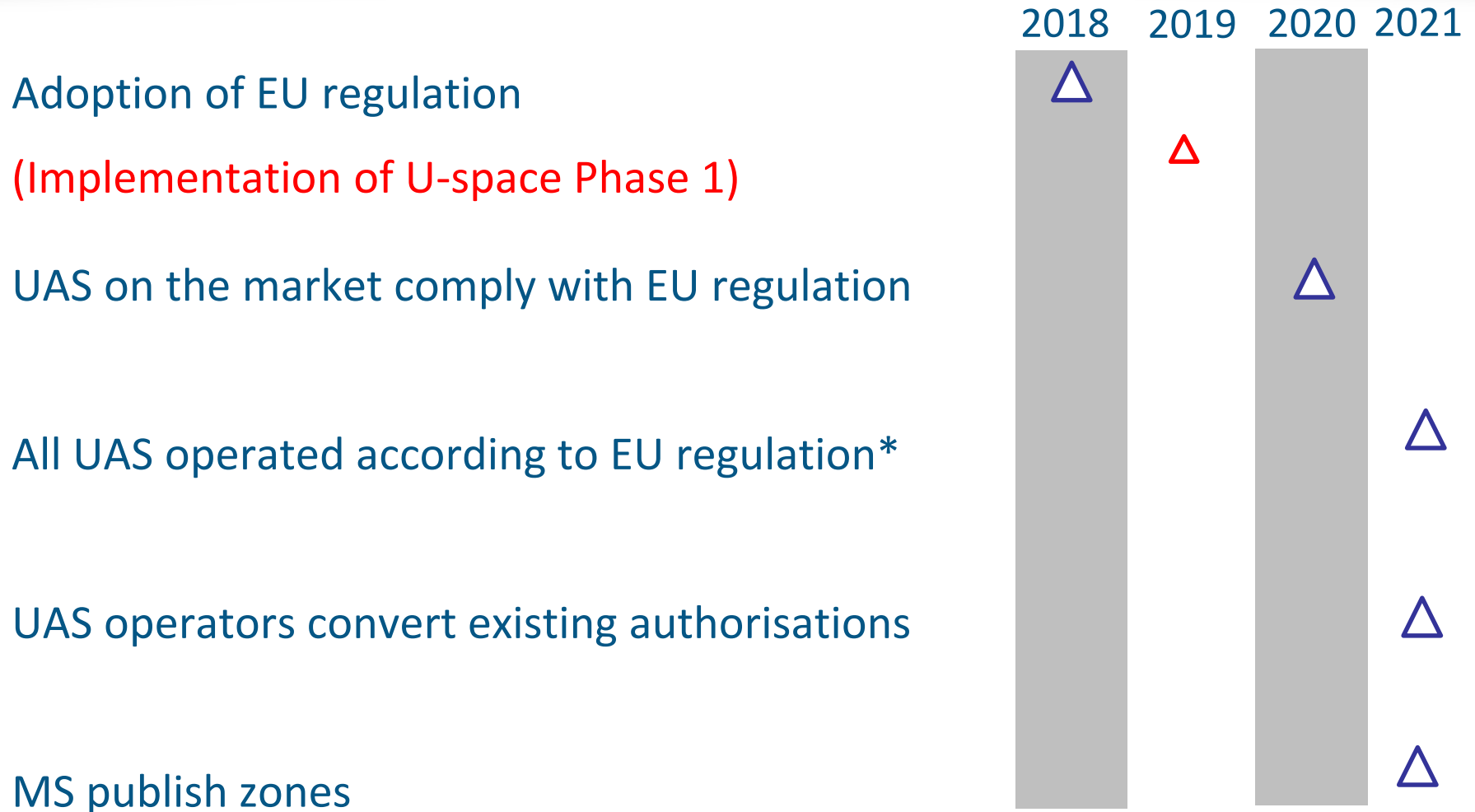
Open category vs specific

Open category	No pre-authorisation required before conducting an operation	Manufacturer responsible for compliance with technical requirements via CE marking
Specific category	Send a declaration or ask for authorisation before conducting an operation	Operator responsible for risk assessment and compliance with technical requirements

- Main limitations in the open category:
 - Mass below 25 kg and
 - Maximum height 120 m or up to 50 m above a higher obstacle and
 - Visual Line Of Sight (VLOS) and
 - Flight over assemblies of people is not allowed
 - Additional limitations based on subcategories
- When one of these is not met, the operation is classified specific



Overview of NPA: Applicability



*After 2021 legacy UAS are considered equivalent to homebuilt



Certified category

- Planned regulatory work:
 - Lower priority than Open and Specific but started February 2017
 - NPA 1Q 2018: Proposed to not create a new dedicated IR for certified category but amend current regulations
 - a new dedicated UAS part is envisaged only for OPS and FCL
 - Estimate completion date of opinions or EASA Certification Specifications: end 2018/ early 2019



Certified category: first considerations

- ‘Certified category’ means a category of UAS operation that, considering the risks involved, requires the certification of the UA, of its operator and licensing of the flight crew;
- Some examples are proposed in the EN:
 - large or complex UAS operating continuously over open assemblies of people;
 - large or complex UAS operating BVLOS in high-density airspace;
 - UAS used for the transportation of people; and
 - UAS used for the carriage of dangerous goods, which may result in high risk for third-parties in event of a crash.



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Questions

<http://www.easa.europa.eu/easa-and-you/civil-drones-rpas>

