



**EASA**  
European Aviation Safety Agency

NPA 2017-05

# UAS Open and Specific category Workshop

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## Member States perspective

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# Basic principles

- Reminder from the **basic tenets for UAS** in the **new basic regulation**:
  - ✓ State operations still excluded but can **Opt-in**
  - ✓ Rules should be **proportionate to the risk** of the particular operation or type of operations and strive, as far as possible, ensure the continuation of **existing activities**
  - ✓ A degree of **flexibility** should be provided **for the Member States** ... taking into account various local characteristics
- The NPA approach for the **Open category** is based on above principles. A **balance** has been sought between:

**Low burden and high flexibility** for MS



**Robust risk mitigations and enforceability**



# *Flexibility for Member States*

**Flexibility** for Member States is mainly provided by allowing them to **designate airspace areas or special zones** of operations (art. 12):

- (a) where certain **UAS operations** or types of UAS operations are not permitted without prior **authorisation** or are **not permitted** at all;
- (b) where access is allowed only to **certain UAS classes**;
- (c) where access is allowed only to **UAS equipped** with an electronic identification and/or geofencing system;
- (d) where UAS operations shall comply with specified **environmental standards**; or
- (e) where UAS operations are **exempted from one or more** of the open-category **requirements** of this Regulation [...]



# Flexibility for Member States

For notional purposes only





# *Member States involvement in Open category*

Open category was conceived to allow “buy & fly” operations, with (almost) no Competent Authority (CA) involvement. However, to mitigate a higher risk of operations in some sub-categories, **some limited Member State involvement will be required:**

- ✓ Create and maintain a **registry** (for UA and/or UA operators)
  - It should be **electronic**, so **maintenance** effort would be **limited**
- ✓ Create and publish **airspace areas or special zones**
- ✓ **Remote pilot competence** for A2 OPS:
  - **Approval of entity** to conduct theoretical test
  - Issuance of **certificate of competence**
- ✓ **Safety promotion**
- ✓ **Market surveillance:** compliance with **CE marking** for UAS classes
- ✓ **Law enforcement**



# *Member States involvement in specific category*

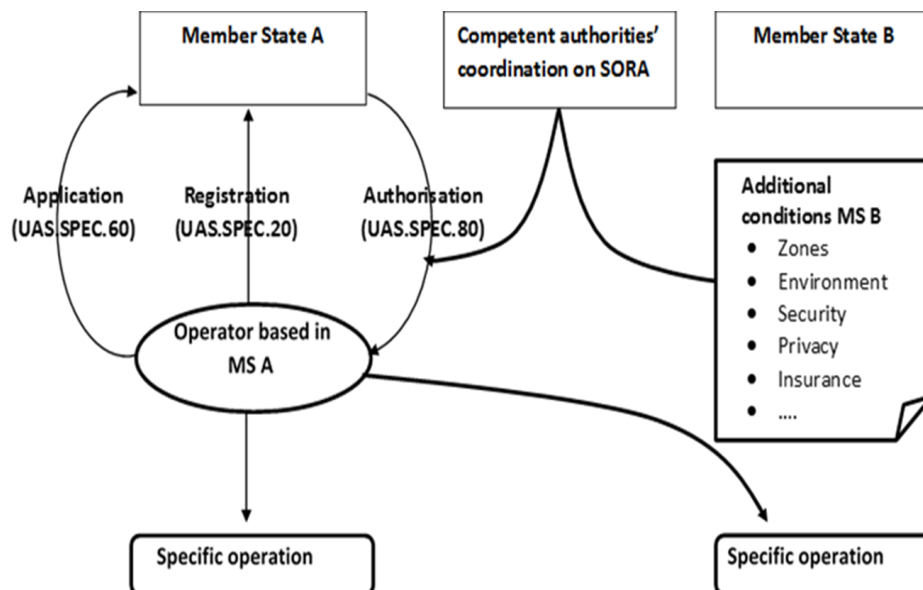
- Receive and review for completeness, **declarations** of compliance related to operations covered by “low risk” standard scenarios
  - issue remote pilot certificates when required by the risk assessment
  - Issue **authorisation** for operations covered by “high risk” standard scenarios
  - Review **risk assessment** and issue authorisation for operations not covered by a standard scenarios
  - Assess organisations, issue, amend and revoke **LUC**
  - **Oversight** of all declared, authorised and certified organisations
  - Impose **enforcement measures** when necessary
  - Have a **system to detect and analyse non-compliance** of declared operators or operators it has authorised or certified
- Detailed analysis of economic and social impacts for authorities is included in the IA (e.g. extra FTE needed for specific tasks)



# Mutual recognition between Member States

Any authorization or **certificate** issued by a Member State will be **valid across Member States**:

- Registration
- Remote pilot competence
- LUC
- Specific category operational authorization





# Conclusions

- The NPA approach is intended to **reach the best possible balance** between a **low burden** and **high flexibility for MSs**, on one side, and **robust enough mitigation and enforcement means**, on the other side.
- By means of **designation of airspace areas or special zones** of operations, MS have an important tool to **adapt Open operations** to their **specific needs**.
- **Involvement of competent authorities** in operations in the Open category will be **limited to minimise the burden** on them while **ensuring required mitigations** are in place.
- **Involvement of competent authorities** in operations in the Specific category for issuing of authorization, LUC and oversight
- **Law enforcement** will be supported by the tools provided in the NPA



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# Questions

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





# *Law Enforcement by Member States*

- Main elements in NPA to **facilitate law enforcement** of Open operations are:
  - ✓ **Publication of airspace areas or special zones** allows operators to know where and under what conditions UAS operations are allowed
  - ✓ **Registration** and **electronic identification** allow immediate identification of non-compliant UAS operators
    - **Electronic identification** enables identification of a flying UA without direct physical access to that aircraft
    - **Access to the registry** allows enforcement authorities to obtain more information on the UAS operator and its registered UA.
  - ✓ **CE markings** and **registration data on UA** assist inspection (with physical access) of UAS compliance with regulation
  - ✓ **Certificates of competence** assist inspection of remote pilot suitability for Open A2 operations