

New EU Legislation

Implementation Issues

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EU Legislation: Overview



- «Open Category» (1):
 - Max 25 kg;
 - Visual Line of Sight (VLOS), safe distance from uninvolved persons and not over assemblies of people;
 - Aircraft >250gr:
 - Minimum age 16 years, Member State can reduce this to 12 years, younger persons can fly under supervision of qualified pilot of at least 16 years;
 - Registration of pilot, 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):
 - Maximum Distance 120 m from surface (vertical and horizontal)
 - Sailplanes of less than 10kg: 120m above the pilot, no horizontal limit other than VLOS (Slope soaring)



EU Legislation: Overview



- Exemptions (1):
 - Standard Scenarios (Specific Category)(Article 5(5)):
 - Max. 3m «maximum characteristic dimension» in VLOS over 120m
 - In preparation:
 - Standard scenario (STS) intended to cover operations in populated environment (“urban”) over a controlled ground area, in VLOS (visual line of sight) and within a CTR (controlled traffic region of an airport)
 - Standard scenario (STS) intended to cover operations in sparsely populated environment (“rural”), in EVLOS (extended-VLOS, using visual observers) and within a CTR (controlled traffic region of an airport)
 - «Geographical Zones» (Article 15):
 - Exemption from «Open Category» requirements on the basis of a Risk Assessment

EU Legislation: Overview



Exemptions (2):

- Operations «in the framework of model aircraft clubs and associations» (Article 16):
 - **On request**, the national competent authority **may** issue an authorisation;
 - Authorisation **specifies the conditions** under which operations may be conducted;
 - Authorisation issued in accordance with:
 - **relevant national rules**; or
 - „established procedures, organisational structure and management system of the model aircraft club or association“, incl. requirements (i) to (iv)
 - Only mandatory EU requirement is that **all pilots operating aircraft over 250gr must be registered** (national registry, connected with EU registries);
 - Clubs and associations can **register members on their behalf** (avoid extra burden members);
 - **Registration is valid throughout EU** (no further registration requirement if a pilot wishes to fly in another EU Member State);
 - Registrationnr. must be **displayed on aircraft**.

Implementation Guidance



- Recital 27:
 - «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**

Timetable



- 28. February 2019: Unanimous support EU Member States in the European Commission's EASA Committee
- 12 Juni 2019: Publication in EU Official Journal?
- July 2019: Entry into force
- July 2020: Application (incl. **Registration, Open category rules, ...**)
- July 2022: **End of the exemption for activities in the framework of model aircraft clubs and associations**

Implementation: how long do we have?



- Create clarity and certainty for model aircraft pilots
- Application of „in the framework of“ for the time between the application of the rules (July 2020) and the granting of the Article 16 authorisation?
- Avoid need for members to register themselves for the time between the application of the rules (July 2020) and the granting of the Article 16 authorisation

Important issues must be clarified before July 2020

Implementation: Key issues (1)



- Application „in the framework of“:
 - **Who (Pilots):**
 - Members Club or Association
 - Guests/Tourists, National, EU, non-EU
 - **What (Unmanned aircraft):**
 - Definition Model aircraft?
 - Maximum weight?
 - **Where:**
 - Club airfields (permit?)
 - Outside club airfields (slope soaring, competitions, airshows, youth training, etc.)

Implementation: Key issues (2)



Issue	Article 16 authorisation		Open Category
	<i>EU Requirements</i>	<i>Your proposal?</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: Key issues (3)



- Who is the national competent authority (addressee of the request for an authorisation, who issues authorisation)?
- Multiple clubs and associations = multiple authorisations?
- Registration (IT infrastructure): who implements the registry, for whom? Who manages connection to EU system? Who pays?) (**Implementation by July 2020!**)
- Online Training und Examination: who implements this, for whom? Who pays? (**Implementation by July 2020!**)
- Changes in statutes and rules clubs and associations?
- Other issues in current national legislation – what is captured in the Article 16 authorisation? What isn't? (national/regional/local competence)

Implementation: Key issues (4)



- Training and Examination:
 - A pilot must complete his (open category) Training and Examination in the Member State where he is registered. Certificate is valid throughout EU:
 - Offer training for members even if not required under Article 16 authorisation;
 - Recognise certificates from other EU Member States, if certificate is required under Article 16 Authorisation?
- Artikel 18(h)(ii):
 - Competent Authority must develop a “risk-based oversight system for model clubs and associations that hold an authorisation referred to in Article 16”. What does this mean?

Guest pilots and tourists (1)

- International competitions
- Visitors with other clubs and associations
- „Tourists“ (slope soaring, ...)

If guest pilots and tourists are not covered by the Article 16 authorisation they must fly under open category rules

Interest of our members
Future international competitions
Economic implications for tourism



Guest pilots and tourists (2)

- „Delegated Act*“: Pilots from third countries (non-EU/EASA)
 - Competent authority is that of the first Member State in which the pilot intends to operate:
 - Registration
 - Online-Training and Exam



Except: when the „certificate of competence“ of a third country is recognised by the EU Commission

* Commission Delegated Regulation on unmanned aircraft systems and on third-country operators of unmanned aircraft systems

Guest pilots and tourists: solutions (1)



- Scope of application Art. 16 authorisation („in the framework of“):
 - Ensure broad scope of application (beyond just own members)?
 - Explicit reference to guest pilots and tourists („who“, „what“, „where“)?



Discuss issue with your competence authority
(including a reference in the request for the
authorisation)

Guest pilots and tourists: solutions (2)

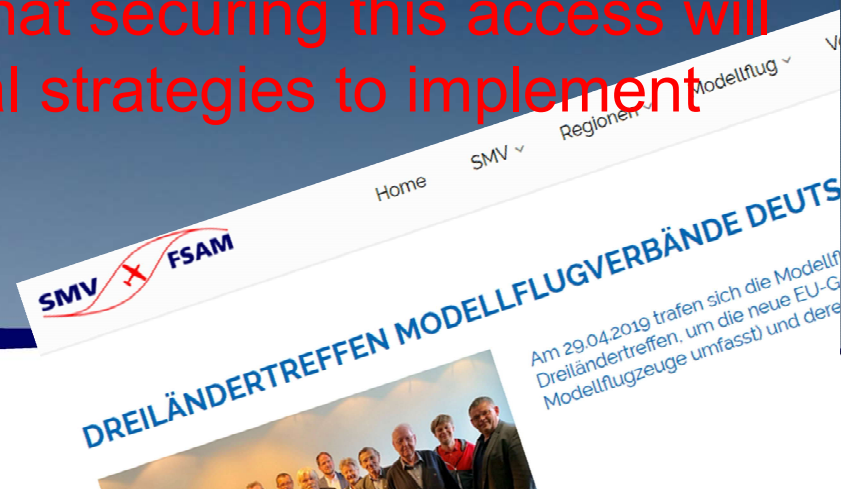


- Bilateral solutions (between Clubs and Associations):
 - Guest membership with limited rights, but the ability to fly under the requirements of the national Article 16 authorisation?
 - Agreement between Associations?
 - „who“, „what“ and „where“?
 - Change in Statutes/Club rules?
 - Practical and financial consequences (membership card, etc.)?
 - Other options?

Guest pilots and tourists: solutions (3)



- Meeting between Associations of Austria, Germany and Switzerland on 29 April 2019:
 - „Considering the fact that many of our members regularly visit neighbouring countries for competitions, flight demonstrations, as guests or tourists, we agreed that it is important to ensure that these visitors can continue to fly under the same conditions as the members of the respective model flying association of the country they visit. We have discussed various practical options to contribute to this **and agreed that securing this access will be a central part of our national strategies to implement the new EU rules.**“



Further work at EU level (1)

- EASA «Draft Acceptable Means of Compliance (AMC) and Guidance Material (GM):
 - Display registrationnr. pilot on aircraft (how, where?)
 - Validity registration (3 years?)
 - Duty to inform/obtain consent «uninvolved persons»
 - Safety distance to persons and animals
 - ...
- European Committee for Standardisation: Draft European Standard: Aerospace series - Unmanned Aircraft Systems - Product requirements and verification for the Open category

Further work at EU level (2)

- Standard Scenarios:
 - Standard scenario (STS) intended to cover operations in populated environment (“urban”) over a controlled ground area, in VLOS (visual line of sight) and within a CTR (controlled traffic region of an airport)
 - Standard scenario (STS) intended to cover operations in sparsely populated environment (“rural”), in EVLOS (extended-VLOS, using visual observers) and within a CTR (controlled traffic region of an airport)
- Review EU rules starting 2020
- ...

«To Do» List....



- Action now:
 - What do we want? What can we expect?
 - Who requests Article 16 authorisation and for whom?
 - Identify and seek contact with national competent authority;
 - Draft and send request for Article 16 authorisation;
 - Legal (statutes, operating rules) and technical infrastructure requirements (registration, training, certification) clubs and associations?
 - Agreements with associations in other Member States?
- Short timetable
- No Article 16 Authorisation: open category!

Role EMFU?



- Exchange information on domestic implementation progress and challenges?
 - How?
- Assist in addressing issue of guest pilots and tourists?
 - How?
- Continued input in EU processes

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