

Provisions applicable to both 'Open' and 'Specific' Category (FAQs)

[Regulations on UAS \(drone\) explained](#)

What is covered by the regulations?

ANSWER

The EU regulation adopts a risk-based approach and as such does not distinguish between leisure or commercial activities. It takes into account the weight and specifications of the drone and the operation it intends to undertake.

The regulation caters:

a. for drones sold on the market, meaning:

1. *when operating in the open category: i. those that will bear a CE class mark (according to Regulation (EU) 2019/945) ranging from C0 to C4 from lighter to heavier models; ii. those currently owned, and produced before the date of 31st Dec 2022, so not bearing a CE class mark,*
2. *when operating in the specific category, also those without a CE class mark*

b. privately built drones, meaning built for their own use.

EU regulation 2019/947 caters for most types of operation and their level of risk. It does so through 3 categories of operations: Open, Specific and Certified category.

The **Open Category** addresses operations in the lower risk bracket, where safety is ensured by the drone operator complying with relevant requirements for its intended operation. This category is subdivided into three further subcategories called A1, A2 and A3. Operational risks under the “open” category are considered so low that no authorisation is required before starting the flight.

The **Specific category** covers riskier operations where safety is ensured by the drone operator obtaining an operational authorisation from the national competent authority before starting the operation; after conducting a safety risk assessment which will determine the requirements necessary for safe operations.

The **Certified category** where safety risk is so high that safety is ensured through the certification of the drone operator and aircraft as well as licensing of remote pilots.

What are the applicability dates under EU regulation 2019/947 and 2019/945?

ANSWER

Due to the COVID-19 crisis, the applicability date of EU regulation 2019/947 has been delayed from the 1st July 2020 to the **31st December 2020**, meaning:

- as of 31st December 2020, registration of drone operators and certified drones becomes mandatory;
- as of 31st December 2020, operations in the “Specific” category may be conducted after authorisation given by the national authority;
- between 31st December 2020 and 1st January 2023 drones users operating drones without CE class markings can continue to operate, in the limited category under article.22 EU regulation 2019/947 (see FAQ for the ‘Open’ category for additional information);
- as of January 2022, national authorisations, certificates, declarations must be fully converted to the new EU System;
- from 1st January 2022, EASA Member States must make available information on geographical zones for geo awareness in a digital format harmonised among EU countries;
- as of January 2023 all operations in the “Open” category and all drones operators must fully comply with [EU regulation 2019/947](#) and [EU regulation 2019/945](#).

Who is a drone operator?

ANSWER

A drone operator is any person, natural or an organisation, **who owns the drone(s) or rents the drone**. You can be both a drone operator and a remote pilot if you are also the person that actually fly the drone. However it can be the case where you are the remote pilot without being a drone operator. For example, if

you are a pilot working for a company which provide services with drones. In this case, the company is the drone operator and you are the remote pilot.

If you bought a drone to fly it in your leisure time, you are both the drone operator and remote pilot.

If you bought a drone to give away as a gift, the person who will receive the gift and then fly the drone will be the drone operator and the remote pilot.



Types of drone the Regulation refers to

ANSWER



Aerial Work



Urban air mobility



Leisure flights, including with model aircraft



International IFR flights

'Unmanned Aircraft' means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board;

This definition includes all types of aircraft without a pilot on board, including radio controlled flying models (powered fixed wing, helicopters, gliders) whether they have an on-board camera or not.

The regulation uses the term UAS, unmanned aircraft system, to refer to a drone, its system and all the other equipment used to control and operate it; such as the command unit, the possible catapult to launch it and others.

The RPAS (Remotely Piloted Aircraft Systems), is a subcategory of UAS, which includes both RPAS and fully autonomous UAS. Fully autonomous UAS fly completely by itself without the need for any pilot intervention.

Regulatory reference: paragraph 30 of Article 3 of Regulation (EU) 1139/2018 / Article 2(1) of EU regulation 2019/947 and article 3(3) of EU regulation 2019/945

How do I determine which category I fall under: Open, Specific or Certified?

ANSWER

A drone can be operated in the “Open “category when it:

- bears one of the CE class marks 0, 1, 2, 3 and 4;or
- is privately built and with a weight less than 25kg; or
- it is purchased before the 1st of January 2023, with no CE class marking as above;
- will be operated not directly over people, unless it bears a CE class mark or is lighter than 250g. (Please refer to subcategories of operations: A1, A2 and A3 to find out where you can fly with your drone).
- will be maintained in Visual Line of Sight (VLOS) or be assisted by a UA observer ;
- is flown at no more than 120 metres high;
- will not carry dangerous goods and not drop any material.

In all other cases it must be operated in the **Specific or Certified category**.

Regulatory reference: Article 4 and article 20 of EU Regulation 2019/947; Annex part A and Article 5(1) of EU Regulation 2019/947, Part1 to 5 Annex of EU regulation 2019/945.

When is a drone considered to be a toy?

ANSWER

A drone is considered as a toy when it could be attractive to a child. More precisely, products designed or intended whether or not exclusively, for use in play by children under 14 years of age should be considered as a toy and comply with the Directive 2009/48/EC on the safety of toys. The compliance of a drone with that directive is declared in the corresponding EU declaration of conformity. In case of doubts, the fact that a product should be considered as a toy is assessed by market surveillance authorities based on a number of characteristics related to the attractiveness of the product for kids, accessibility, etc.

However, manufacturers may clearly exclude their product from the application of the Directive on the safety of toys (when a confusion is possible) by indicating clearly a minimum age > 13 years on their product (packaging, manual etc.) (e.g; “not for use under 14 years”).

Regulatory reference: Article 2 of Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys.

What is the difference between autonomous and automatic drone?

ANSWER

An **autonomous** drone is able to conduct a safe flight without the intervention of a pilot. It does so with the help of artificial intelligence, enabling it to cope with all kinds of unforeseen and unpredictable emergency

situations. This is different from **automatic** operations, where the drone flies pre-determined routes defined by the drone operator before starting the flight. For this type of drone, it is essential for the remote pilot to take control of the drone to intervene in unforeseen events for which the drone has not been programmed. While **automatic** drones are allowed in all **categories**, **autonomous** drones are not allowed in the 'open' category.

Autonomous drones need a level of verification of compliance with the technical requirements that is not compatible with the system put in place for the 'open' category. Autonomous operations are, instead, allowed in the 'specific' category, where the Regulation includes a tool flexible enough to verify requirements with the appropriate level of robustness.

Autonomous operations are also allowed in the 'certified' category.

Who is an 'uninvolved person'?

ANSWER

" **An uninvolved person**, means persons who are not participating in the UAS operation or who are not aware of the instructions and safety precautions given by the UAs (drone) operator".

A person is considered **involved** if he/she decides to be a part of the operation, understands the risk and is able to check the position of the drone while it is flying.

Therefore in order to be considered 'involved' in the operation, a person needs to:

- give consent to be a part of the operation (e.g. a consent to be overflowed by the drone); the consent needs to be explicit;
- receive from the drone operator/remote pilot instructions and safety precautions to be applied in case of emergency situation;
- do not be busy with other activities such that the person cannot check the position of the drone and, in case of incident take action to avoid to be hit.

Writing on a ticket that during an event a drone will be used, is not considered sufficient, since the drone operator needs to receive individual explicit consent and make sure people understand the risk and the procedures to be taken in case of emergency.

During the operation it is expected that involved persons follow the trajectory of the drone and are ready to take action to protect themselves in case the drone has an unexpected behaviour. If people during the UAS operation, people are busy to work or to watch something that is not compatible with monitoring the trajectory of the drone, than these cannot be considered as uninvolved.

Examples of uninvolved people:

- spectators gathered for sport activities, concerts or other mass events;
- people in a beach or in a park, walking on the streets.

Uninvolved person is not only the one exposed directly on a drone, but could also mean a person who is in a bus, car, etc., i.e. is indirectly exposed. For example, if a drone is flying over a car, its driver should be

considered as 'uninvolved person'. The reason behind is that a drone is flying close to a car (even if not impacting on it) could possibly distract its driver and therefore cause a car accident.

Regulatory reference: GM1 Article 2(18) Definitions, ED Decision 2019/021/R.

What is an 'assembly of people'?

ANSWER

Assembly of people is referred to a crowd. It is not defined by a specific number of people, but is related to the possibility for an individual to move around in order to avoid the consequences of a drone which is out of control. If in a given people are so densely packed, that they their possibility to freely escape or move away from the drone is limited, it is considered as assembly of people.

Examples of assemblies of people are:

- sport, cultural, religious or political events;
- beaches or parks on a sunny day;
- commercial streets during the opening hours of the shops; and
- ski resorts/tracks/lanes.
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Regulatory reference: GM1 Article 2(3) Definitions, ED Decision 2019/021/R.

Registration Requirements

Do I need to register my drone?

ANSWER

Unless are certified, drones do not need to be registered but **you, as drone operator/owner, must register yourself**. You do so with the Civil Aviation Authority **of the EU country you residence in**. (<https://www.easa.europa.eu/domains/civil-drones/naa>)

You register once, independently of how many drones operating in the open or specific category you have. Your registration will be valid for a period defined by your national Civil Aviation Authority after which you need to renew it.

However, you **do not need to register yourself** if your drone(s):

1. weighs less than 250g and has no camera or other sensor able to detect personal data; or
2. even with a camera or other sensor, weighs less than 250g, but is a toy (this means that its documentation shows that it complies with 'toy' Directive 2009/48/EC);

A drone is certified when it has a certificate of airworthiness (or restricted certificate of airworthiness) issued by the national aviation authority. In this case it require a registration. A certified drone is needed only when the risk of the operation requires it. So it is never needed for drones operated in the open category.

Relevant regulation: article 21 of EU regulation 2019/947.

What happens once I register?

ANSWER

Once registered, you receive a **'drone operator registration number'** that needs to be **displayed** with a sticker **on all the drones you own including those privately built**. You must also, **upload it** into the **'Drone's remote identification system'**.

Regulatory reference: article 14 EU regulation 2019/947.

Will my registration as drone operator be recognised throughout Europe?

ANSWER

Yes, you as drone operator, will receive a unique registration number and this will be valid in all other EASA member State. You cannot register twice.

Regulatory reference: article 14 of EU regulation 2019/947.

Flying a Model Aircraft

How can I fly my model?

ANSWER

Model flyers have the following options to conduct their operations:

(a) They may operate as members of a model club or association that has received from the competent authority an authorisation, as defined in Article 16 of the UAS Regulation. In this case, they should comply

with the procedures of the model club or association in accordance with the authorisation. The authorisation will define all the conditions to operate, and may deviate from the Regulation (for example it may allow operations with drones exceeding 25 kg, or flying higher than 120 m etc). Member States may enable model aircraft clubs and associations to register their members in the registration systems established in accordance with Article 14 on their behalf. If this is not the case, the members of model aircraft clubs and associations shall register themselves in accordance with Article 14.

(b) If a person does not want to become a member of a club or association, they may use the special geographical zones defined by EASA Member States, in accordance with Article 15(2) of the UAS Regulation, where drones and model aircraft are exempted from certain technical requirements, and/or where the operational limitations are extended, including the mass or height limitations.

(c) Lastly, models may be operated in subcategory A3. Please refer to the FAQ

Regulatory reference: Art.16 of EU regulation 2019/947.

Once in the Air

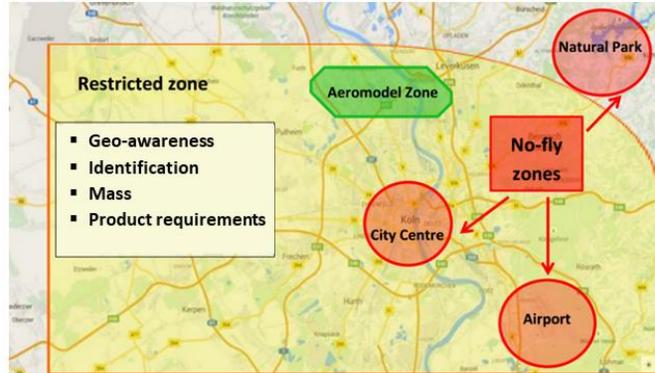
Can I fly my drone anywhere I want to?

ANSWER

Each EASA Member State will determine drone geographical zones, which are areas where drones may not fly (e.g. national parks, city centres or near airports) or may fly only under certain conditions, or where they need a flight authorisation. Therefore, it is important for you to consult your National Aviation Authority to check where you can and cannot fly your drone.

Flexibility for Member States

Geographical zones defined by Member States



Geo-awareness on drones to support remote pilots

These geographical zones apply to all categories.

In addition, you are not allowed to fly a drone close to or inside an area where there is an ongoing emergency response.

See the links to National Aviation Authorities at: <https://www.easa.europa.eu/domains/civil-drones/naa>

Regulatory reference: Article 15 and UAS.OPEN.060 (4) of EU regulation 2019/947.

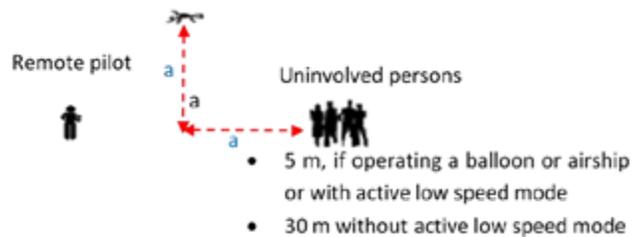
Can I fly over people?

ANSWER

Generally when you operate in the 'open' category, you are not allowed to fly over uninvolved people, unless you have a privately built drone with a weight below 250 g or a drone purchased on the market with

a class identification label 0 or 1 mark. In any case, try to minimise the time during which you fly over people.

If you have a drone with a CE class 2 mark, under subcategory A2, as a general rule, keep the UA at a lateral distance from any uninvolved person that is not less than the height at which the drone is flying (this is the '1:1 rule', i.e. if the UA is flying at a height of 40 m, the distance from any uninvolved person should be at least 40 m), and never fly closer than 30 metres horizontally from any uninvolved person. If your drone is equipped with a low-speed mode function and this is active, you can fly as close as 5 metres from uninvolved people.



Distance from uninvolved people in the case of flying with a class C2 drone

In all other cases (drones with class identification label 3, 4, 5 or 6 marks or privately built and heavier than 250 g), you need to ensure that no uninvolved people are present within the range of the operation.

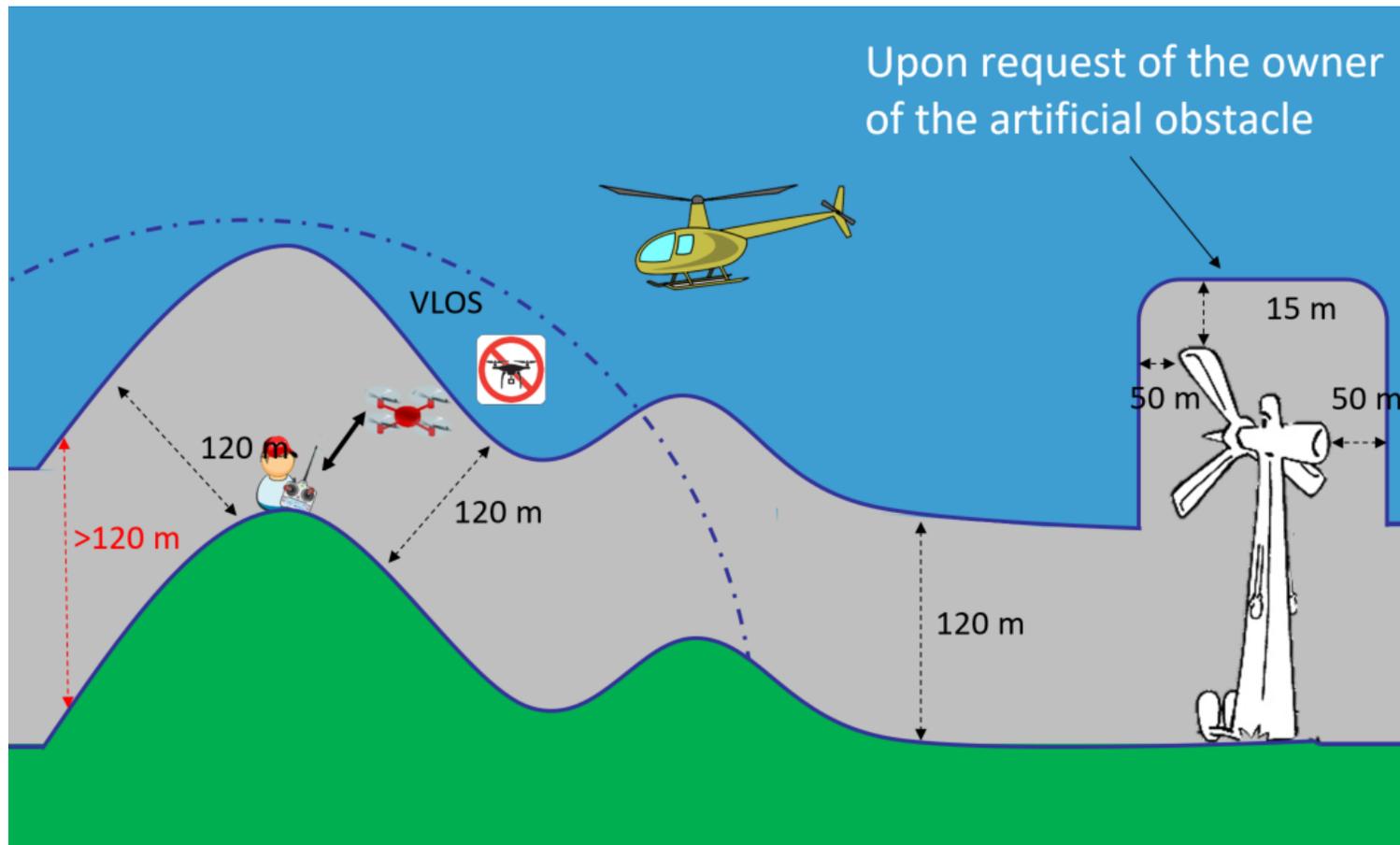
Regulatory reference: article 4 (1) (c) and UAS.OPEN.040 of EU regulation 2019/947.

How high can I fly my drone?

ANSWER

Your maximum flight height is generally 120 m from the earth's surface. Please check whether the National Aviation Authority imposes a geographical zone with a lower limit in the area where you fly. If you need to fly over an obstacle taller than 120 m, you are allowed to fly up to 15 metres above the height of the obstacle, but only if there is an explicit request from the owner of the obstacle (e.g. a contract with the owner to perform an inspection). In such a case, you may fly within a horizontal distance of 50 metres from the obstacle.

When you are operating in hilly environments, the height of the drone above the surface of the earth should be within the grey zone in the picture below: you need to keep the drone within 120 m of the closest point of the terrain. This means that there may be conditions such as on top of a hill where even if you keep your drone 120 m from the side of the hill, you are actually flying at a distance higher than 120 m above the bottom of the valley. So as long as you keep your drone within 120 m of the shoulder of the hill (as in the grey area in the picture below), your flight is legal.



Regulatory reference: UAS.OPEN.010 (2) (3) Annex Part A of EU Regulation 2019/947

Is there a minimum age to fly a drone?

ANSWER

The minimum age for remote pilots of drones in the 'open' and 'specific' categories is 16 years old, however, check with your local National Aviation Authority, as they can lower the minimum age requirement.

However, there is no minimum age for flying a drone with a CE class 0 mark under subcategory A1.

Regulatory reference: Article 9 EU regulation 2019/947.

Do I need insurance?

ANSWER

You, as drone operator, are always required to have an insurance for your drone if you are using a drone with a weight above 20kg. However most of EASA Member States mandate a third party insurance also if you are operating a lighter drone. So please consult the national regulation.

Regulatory reference: Article 14 (2) (d) of EU regulation 2019/947.