European Union Aviation Safety Agency

Regulations on UAS (drone) explained

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 1 July 2020 to **31 December 2020**, meaning:

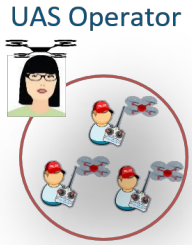
- as of 31 December 2020, registration of drone operators and certified drones becomes mandatory;
- as of 31 December 2020, operations in the 'specific' category may be conducted after authorisation has been given by the National Aviation Authority;
- between 31 December 2020 and 1 January 2023, drone users operating drones without class identification label can continue to operate in the limited category under Article 22 of EU Regulation 2019/947 (see FAQ #x for additional information);
- as of January 2022, national authorisations, certificates, and declarations must be fully converted to the new EU System;
- from 1 January 2022, EASA Member States must make available information on geographical zones for geo-awareness in a digital format harmonised between the EU countries;
- as of January 2023, all operations in the 'open' category and all drone operators must fully comply with EU Regulation 2019/947 and EU Regulation 2019/945.

Last updated:
13/10/2020

Link:
https://www.easa.europa.eu/en/faq/116446

Who is a drone operator

Answer



A drone operator is any person, whether 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 who actually flies the drone. However, you could be the remote pilot without being a drone operator, if, for example, you are a pilot working for a company which provides services with drones. In that 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.

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https://www.easa.europa.eu/en/faq/116447

Types of drone the Regulation refers to

Answer

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


Aerial Work


Urban air mobility


Leisure flights, including with model aircraft


International IFR flights

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 Regulations use 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.

RPAS (Remotely Piloted Aircraft Systems) is a subcategory of UAS, which includes both RPAS and fully autonomous UAS. Fully autonomous UAS fly completely by themselves 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

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Link:
https://www.easa.europa.eu/en/faq/116448

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.

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07/10/2020

Link:
https://www.easa.europa.eu/en/faq/119218

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.

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Link:
https://www.easa.europa.eu/en/faq/116449

Who is an 'uninvolved person'?

Answer

'An uninvolved person is a person who is not participating in the UAS operation or who is 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. consent to be overflown 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 an emergency situation; and
- not be busy with any other activities that would make the person unable to check the position of the drone and, in case of an incident, take action to avoid being hit.

Writing on a ticket that a drone will be used during an event 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 an emergency.

During the operation, it is expected that involved persons will follow the trajectory of the drone and be ready to take action to protect themselves in case the drone behaves unexpectedly. If, during the UAS operation, people are busy working or watching something that is not compatible with monitoring the trajectory of the drone, than they cannot be considered to be involved.

Examples of uninvolved people:

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

An uninvolved person is not only a person who is directly exposed to a drone, but could also be a person who is in a bus, car, etc., and who is indirectly exposed. For example, if a drone is flying over a car, its driver should be considered to be an ‘uninvolved person’. The reason is that a drone flying close to a car (even if it does not impact it) could possibly distract its driver and therefore cause a car accident.

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

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Link:
https://www.easa.europa.eu/en/faq/116453

What is an ‘assembly of people’?

Answer

An assembly of people is a crowd of people. 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 a group of people are so densely packed that their possibility to freely escape or move away from the drone is limited, then it is considered to be an assembly of people.

Examples of assemblies of people are the people in:

- sport, cultural, religious or political events;
- beaches or parks on a sunny day;
- commercial streets during the opening hours of the shops; or
- ski resorts/tracks/lanes.

Regulatory reference: GM1 Article 2(3) Definitions, ED Decision 2019/021/R

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https://www.easa.europa.eu/en/faq/116553

What is covered by the regulations?

Answer

These EU Regulations adopt a risk-based approach, and as such, do not distinguish between leisure or commercial activities. They take into account the weight and specifications of the drone and the operation it is intended to undertake.

The Regulations cater for drones sold on the market, meaning:

1. when operating in the 'open' category:

- i. those that will bear a class identification label (according to Regulation (EU) 2019/945) ranging from 0 to 6 from lighter to heavier models; or
- *ii. those privately built; or*
- *iii. those placed on the market before 1 July 2022.*

2. when operating in the 'specific' category, all drones falling under this category including those without a class identification label.

EU Regulation 2019/947 caters for most types of operation and their levels of risk. It does so through three categories of operations: the 'open', 'specific' and 'certified' categories.

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Link:
https://www.easa.europa.eu/en/faq/116445

Is it possible for an EASA Member State (MS) to maintain its national drone regulation in parallel with the new European drone legislation?

Answer

No. The EU drone regulation is an act that became immediately applicable in all EU MSs since 31 December 2020 superseding national regulations and making them not applicable anymore. However the European drone regulations provide some flexibility for the MSs to develop acts to define certain aspects such as:

- Minimum age for remote pilot
- Conversion of certificates issued before the applicability of the EU regulation
- Authorisation of model club and associations
- Fines when breaching the regulation
- Use of geographical zones
- Insurance

The EASA MSs cannot develop any further regulations on drones on a topic that is already regulated by the European Drone regulation.

Last updated:
10/09/2021

Link:
https://www.easa.europa.eu/en/faq/131132

Are the UK issued certificates for unmanned aircraft system, including training of remote pilot, accepted in EU after December 31, 2020?

Answer

This FAQ is placed in Brexit - Aircraft Operations

Last updated:
27/07/2022

Link:
https://www.easa.europa.eu/en/faq/136864