European Union Aviation Safety Agency

FAQ n.136190

FAQs:

Operation of unmanned aircraft — Restrictive measures Russia, EU restrictive measures against Russia

Question:

Does the flight ban in Article 3d of Regulation (EU) No 833/2014 apply to unmanned aircraft?

Answer:

Yes. Under Regulation (EU) No 833/2014, it is prohibited for Russian unmanned-aircraft operators to operate within the European Union. The Regulation makes no distinction between manned and unmanned aircraft.

This means in particular that it is not permitted to fly Russian-registered unmanned aircraft or non-Russian-registered unmanned aircraft that are owned or chartered(Note 2) or otherwise controlled(Note 1) by a Russian natural or legal person, entity or body (regardless of the actual registration requirements for such unmanned aircraft). It is also not allowed to operate any other unmanned aircraft that is used for a non-scheduled flight and with regard to which a Russian natural or legal person, entity or body is in a position to effectively determine the place or time of its take-off or landing.

However, unmanned aircraft operated in the “open” category, as defined in Article 4 of Commission Implementing Regulation (EU) 2019/947, and used for private, non-commercial, non-corporate flights carried out within Union territory and airspace for recreational purposes, may be authorised by the competent authorities, under such conditions as they deem appropriate, to land in, take off from or overfly the territory of the Union.

The Member State or Member States concerned shall inform the other Member States and the Commission of any such authorisation granted within two weeks of the authorisation.

This exception is without prejudice to the possibility for EU Member States to establish operational conditions for UAS geographical zones for safety, security, privacy or environmental reasons as provided for in Article 15(1)(a) of Regulation (EU) 2019/947.

Note 1: Except for non-scheduled flights, with regard to which a Russian natural or legal person, entity or body is in a position to effectively determine the place or time of its take-off or

landing, the concept of 'control' is understood in the 'economic' or 'financial' sense and not in the 'technical' or 'operational' sense (cf. para 48 of Judgement of the General Court Case T-233/22).

Note 2: The EU aviation law does not define 'aircraft charter'. EU Member States' authorities should apply the definition of 'charter' in accordance with their national legislation and relevant international agreements.

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Link:

https://www.easa.europa.eu/en/faq/136190