



European Union Aviation Safety Agency

Notice of Proposed Amendment 2024-06(C)

in accordance with Article 6 of MB Decision 01-2022

Proposed AMC and GM to the UAS Regulations



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Proposed amendments

The amendments are arranged as follows to show deleted, new, and unchanged:

- deleted text is ~~struck through~~;
- new text is highlighted in blue;
- an ellipsis '[...]' indicates that the rest of the text is unchanged.

Where necessary, the rationale is provided in *italics*.

GM1 Article 2(1) Definitions

UNMANNED AIRCRAFT SYSTEMS

Small balloons, often used during celebrations, and small free flight aircraft, often made of cardboard or very light material, that do not pose any risk to people or manned aircraft are not required to comply with Commission Implementing Regulation (EU) 2019/947.

AMC1 Article 5 'Specific' category of UAS operations

TRANSPORT OF DANGEROUS GOODS IN THE 'SPECIFIC' CATEGORY

[...]

- (b) The assessment of the operational risk of transporting dangerous goods should take into account the following:
- (1) the risk that such goods pose to persons that are directly involved in their handling, to the environment, and to third parties and their properties;
 - (2) the hazard posed by the quantity and class of the dangerous goods;
 - (3) the characteristics of the container for the dangerous goods;
 - (4) the level of competence of those handling the dangerous goods; and
 - (5) the geographical area in which the flight will be operated.

Consumer commodities that pose a lower risk may be transported in the 'specific' category if they comply with the applicable dangerous goods regulations.

[...]



GM1 Article 40(1)(a) Requirements for UAS operated in the 'certified' and 'specific' categories except when conducted under a declaration

UA LIGHTER THAN AIR

According to AMC1 to Article 11 (Rules for conducting an operational risk assessment) of Commission Implementing Regulation (EU) 2019/947, UAS that have a maximum dimension greater than 3 metres, when operated over assemblies of people, pose a high risk to third parties. In this case, the safety objectives identified by the SORA are not enough to mitigate the risk, hence, the operation is classified in the 'certified' category and requires the use of a UAS with a type certificate or a restricted type certificate. However, the ground risk model used by the SORA was developed for UAS configurations other than lighter than air and, for such configurations, the resulting ground risk class may be over-conservative.

Therefore, operations conducted with UAS lighter than air, with a maximum dimension greater than 3 metres, are not necessarily classified in the 'certified' category. In this case, the applicant may propose a dedicated risk assessment and identify the appropriate risk class. If the resulting SAIL of the operation does not exceed VI, then the operation may be classified in the 'specific' category.

GM1 Article 40(1a) Requirements for UAS operated in the 'certified' and 'specific' categories except when conducted under a declaration

UAS SPECIFICALLY DESIGNED OR MODIFIED FOR RESEARCH, EXPERIMENTAL OR SCIENTIFIC PURPOSES, AND WHICH ARE LIKELY TO BE PRODUCED IN VERY LIMITED NUMBERS

Annex I to Regulation (EU) 2018/1139 (the Basic Regulation) lists the categories of manned aircraft that are excluded from the applicability of that Regulation. The list includes in point (b) '(manned) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers'. The Basic Regulation recognises that the level of risk of operations conducted with this type of aircraft is different compared to aircraft designed to conduct commercial or non-commercial operations. The condition defined in the Basic Regulation refers mostly to the fact that, being such manned aircraft designed only for research, experimental or scientific purposes, they will be produced in very limited numbers. In this case, a Member State may define the requirements appropriate to the UAS level of risk according to its national regulations. Annex I to the Basic Regulation is not applicable to UAS since the UAS regulations are developed following a risk-based approach. They allow competent authorities to identify the requirements appropriate to the level of risk of UAS also when they are designed only for research, experimental or scientific purposes.

In this case, Commission Implementing Regulation (EU) 2019/947 allows the identification of adequate design requirements whose compliance, depending on the risk of the intended operation, may be assessed without the need for a type certificate issued in accordance with Annex I (Part 21) to Commission Regulation (EU) No 748/2012.



GM1 Article 40(2a) Requirements for UAS operated in the 'certified' and 'specific' categories except when conducted under a declaration

COMPLIANCE WITH COMMISSION DELEGATED REGULATION (EU) 2024/1107

When a UAS is intended to be used in an operation that may be classified in SAIL V or VI, then a type certificate or a restricted type certificate issued in accordance with Commission Regulation (EU) No 748/2012 is required, as well as compliance with Commission Regulation (EU) 2015/640 and Commission Delegated Regulation (EU) 2024/1107. A UAS design organisation may, for business reasons, decide to apply for a type certificate or a restricted type certificate issued in accordance with Commission Regulation (EU) No 748/2012 even if the UAS is intended to be operated in operations classified in SAIL IV. In this case, compliance with Commission Delegated Regulation (EU) 2024/1107 is not required unless the UA is subject to a (restricted) certificate of airworthiness ((R)CofA).

