

ANNEX

UAS operations in the 'open' and 'specific' categories [PART-UAS]

SUBPART A

UAS OPERATIONS IN THE 'OPEN' CATEGORY

UAS.OPEN.010 UAS operations in the 'open' category

1. The 'open' category of UAS operations is divided into three subcategories with defined operational limitations, remote pilot requirements and technical requirements for UAS, as follows:
 - (a) subcategory A1;
 - (b) subcategory A2;
 - (c) subcategory A3.
2. Operations in the 'open' category shall be limited to:
 - (a) flights conducted in visual line of sight (VLOS);
 - (b) heights not exceeding 120 m above the surface.
3. When the operation involves flying the UA in close proximity to a fixed obstacle that is taller than 120 m, the maximum height of the UAS operation may be increased up to 50 m above the height of the obstacle, for the portion of the flight in close proximity to it and at the request of the entity responsible for the obstacle.

UAS.OPEN.020 UAS operations in subcategory A1

UAS operations in subcategory A1 shall:

1. not be conducted over open-air assembly of persons;
2. by way of derogation from UAS.OPEN.070(3)(e), be conducted up to a height of 50 m above the surface when in follow-me mode;
3. be performed by a remote pilot who has:
 - (a) been familiarised with the UAS to be operated; or
 - (b) in the case of a UA with an MTOM, including payload, of more than 250 g, demonstrated the competencies necessary to ensure a safe flight, respecting privacy, data protection, security and environmental requirements, by having completed an online training course and passed an online test, according to a manner and format established by EASA, and provided by an entity recognised by the competent authority;
4. be performed with a UA:
 - (a) when privately built that has an MTOM, including payload, of less than 250 g;

- (b) marked as class C0, as defined in Appendix 1 to Regulation (EU) .../... [DA]; or
- (c) marked as class C1, as defined in Appendix 2 to Regulation (EU) .../... [DA] and operated with active and updated electronic identification and geo-awareness systems.

UAS.OPEN.030 UAS operations in subcategory A2

UAS operations in subcategory A2 shall be performed:

1. so that the UA is not flown over uninvolved persons;
2. at a safe distance from uninvolved persons;
3. by a remote pilot who holds a certificate of remote pilot competency that is necessary to ensure a safe flight, respecting privacy, data protection, security and environmental requirements, by passing a theoretical test in a manner and format established by EASA at an entity recognised by the competent authority; and
4. with a UA marked as class C2, as defined in Appendix 3 to Regulation (EU) .../... [DA], operated with active and updated electronic identification and geo-awareness systems.

UAS.OPEN.040 UAS operations in subcategory A3

UAS operations in subcategory A3 shall be performed:

1. in an area where the remote pilot reasonably expects that no uninvolved person will be endangered within the range where the UA will be flown, during the entire time of the UAS operation and keeping a safe distance from the boundaries of congested areas;
2. by a remote pilot who has demonstrated the competencies necessary to ensure a safe flight, respecting privacy, data protection, security and environmental requirements, by having completed an online training course and passed an online test, according to a manner and format established by EASA, and provided by an entity recognised by the competent authority; and
3. with a UA:
 - (a) when privately built that has an MTOM, including payload, of less than 25 kg;
 - (b) marked as class C2, as defined in Appendix 3 to Regulation (EU) .../... [DA] and operated with active and updated electronic identification and geo-awareness systems;
 - (c) marked as class C3, as defined in Appendix 4 to Regulation (EU) .../... [DA] and operated with active and updated electronic identification and geo-awareness systems; or
 - (d) marked as class C4, as defined in Appendix 5 to Regulation (EU) .../... [DA].

UAS.OPEN.050 Responsibilities of the UAS operator

The UAS operator shall ensure that:

1. operational procedures adapted to the type of operation and the risk involved are established, and a remote pilot for each operation is designated;
2. the remote pilots and all other personnel directly involved in the operations are:
 - (a) competent to perform their tasks;
 - (b) familiar with the UAS operator's procedures;
 - (c) aware of any information about the operation published by the relevant authorities;
 - (d) familiar with relevant EU and national regulations, in particular those related to security, privacy, data protection, liability, insurance and environmental protection; and
 - (e) in a physical and mental condition such that would not endanger the safe operation of the UAS;
3. when conducting an operation with a UA of one of the classes defined in this Regulation, the UA is:
 - (a) accompanied by the corresponding EU declaration of conformity, including the reference to the appropriate class; and
 - (b) the related class identification label is affixed on the UA.

UAS.OPEN.060 Registration

UAS operators that use a UA with an MTOM, including payload, of more than 250 g, shall:

1. register themselves, in a manner and format established by EASA, unless already registered in accordance with UAS.SPEC.060;
2. update their registration every time data is changed and renew the registration as required by the competent authority;
3. display the registration information on the UA; and
4. ensure that this information is inserted into the electronic identification system, if available on the UA.

UAS.OPEN.070 Responsibilities of the remote pilot

1. The remote pilot shall:
 - (a) be in a physical and mental condition such that would not endanger the safe operation of the UAS;
 - (b) have the ability to take control of the UA, except in the case of a lost link or when operating a free-flight UA;

- (c) have the appropriate competency in the subcategory of the intended UAS operations in accordance with UAS.OPEN.020, UAS.OPEN.030 and UAS.OPEN.040; and
 - (d) comply with UAS.OPEN.050 and UAS.OPEN.060 if the remote pilot is also the UAS operator.
2. Before starting a UAS operation, the remote pilot shall:
- (a) obtain updated information, relevant to the intended UAS operation, about any flight restrictions or conditions published by the Member State of operation;
 - (b) familiarise themselves with the operating environment; and
 - (c) ensure that the UAS is in safe condition to complete the intended flight safely and that its mass, including payload, does not exceed the MTOM defined by the manufacturer or the MTOM limit of its class.
3. During flight, the remote pilot shall:
- (a) comply with the requirements applicable to the subcategory of UAS operations conducted;
 - (b) ensure the safe operation of the UAS with respect to third parties on the ground or in the air;
 - (c) comply with the limitations on the area and airspace restrictions;
 - (d) operate the UAS within the limitations defined in the instructions provided by the manufacturer;
 - (e) keep the UA in VLOS and maintain a thorough visual scan of the airspace surrounding the UA in order to observe any other aircraft and not create any hazard to them;
 - (f) not use the UA to drop material or carry dangerous goods, except for dropping items in connection with agricultural, horticultural or forestry activities in which the carriage of the items does not contravene any other applicable regulations;
 - (g) not fly close to or inside areas where an emergency response effort is ongoing unless they have permission to do so from the responsible emergency response services; and
 - (h) respect privacy rights, the environment, and operate the UAS in a considerate manner that minimises any nuisance caused to other persons or animals.
4. For the purposes of paragraph 3(e), the remote pilot may be assisted by a UA observer situated in the line of sight of the remote pilot. Clear and effective communication shall be established between the remote pilot and the UA observer.

UAS.OPEN.080 Duration and validity of the certificate of remote pilot competency

1. The remote pilot competencies, required by UAS.OPEN.020(3)(b) and UAS.OPEN.040(2), shall be valid for 3 years.

2. The certificate of remote pilot competency, required by UAS.OPEN.030(3), shall be valid for 5 years.
3. The renewal of the remote pilot competencies and of the certificate of remote pilot competency is subject to the demonstration of competencies in accordance with UAS.OPEN.040(2) or UAS.OPEN.030(3), as applicable, in a format established by EASA.

SUBPART B

UAS OPERATIONS IN THE 'SPECIFIC' CATEGORY

UAS.SPEC.010 UAS operations in the 'specific' category

Any operation that does not fall under the operational requirements of the 'open' category, as defined in Subpart A of this Annex, shall be subject to an operational risk assessment, and associated mitigation measures shall be put in place.

UAS.SPEC.020 Operational risk assessment

1. If the intended operation is not fully addressed by a standard scenario issued by EASA, or if EASA has not issued a standard scenario for that operation, the UAS operator shall:
 - (a) provide the competent authority with an operational risk assessment for the intended operation, except when the operator holds a light UAS operator certificate (LUC) as per Subpart C of this Annex with the appropriate privileges; and
 - (b) identify mitigation measures to be put in place in order to limit the risk of the intended operation.
2. When conducting the operational risk assessment, the UAS operator shall consider as a minimum the following elements:
 - (a) the characteristics of the area and the conditions under which the operation will be conducted;
 - (b) the class of the airspace and the impact on other air traffic and air traffic management (ATM) in cooperation with the relevant air navigation service provider (ANSP);
 - (c) the design features and performance of the UAS;
 - (d) the type of operation;
 - (e) the level of competency of the remote pilot;
 - (f) organisational factors;
 - (g) security risks;
 - (h) privacy risks; and
 - (i) impact on the environment.
3. The UAS operator shall regularly evaluate the adequacy of the mitigation measures taken and, if needed, update them.

4. If an operation is conducted partially or totally in the airspace of a Member State other than the Member State of registration, the UAS operator shall:
 - (a) comply with the local conditions established by the Member State of operation in accordance with Article 11 of this Regulation;
 - (b) provide the competent authority of the Member State of registration with the local conditions and the additional mitigation measures, if required by the Member State of operation.

UAS.SPEC.025 Standard scenarios

1. EASA shall issue standard scenarios and the associated conditions and mitigation measures for different types of operations.
2. Each standard scenario shall:
 - (a) define whether the UAS operator shall submit an operational declaration or apply for an operational authorisation before conducting the corresponding operation;
 - (b) include the conditions under which an operation may be conducted.

UAS.SPEC.030 Operational declaration

1. If required by the corresponding standard scenario, a UAS operator, except when the UAS operator holds an LUC as per Subpart C of this Annex with the appropriate privileges, shall submit an operational declaration to the competent authority in a manner and format established by EASA.
2. Upon receipt of the declaration, the competent authority shall:
 - (a) provide, without undue delay, the UAS operator with a confirmation of receipt; and
 - (b) verify that the declaration contains all the required information.
3. If the operation is conducted in the airspace of a Member State other than the Member State of registration of the UAS operator, the UAS operator shall also submit the operational declaration to the competent authority of the Member State of operation in a language accepted by this Member State.
4. After receiving the confirmation of receipt of the operational declaration by the competent authority, the UAS operator is entitled to start the operation if all the conditions identified in the corresponding standard scenario are met and the required mitigations measures are in place.
5. The UAS operator shall notify the competent authority, without delay, of any change to the statements or information contained in the operational declaration submitted.

UAS.SPEC.035 Application for an operational authorisation

Except when the UAS operator holds an LUC with the appropriate privileges, as per Subpart C of this Annex, the UAS operator shall:

1. submit an application for operational authorisation to the competent authority in a manner and format established by EASA, before starting an operation that:

- (a) corresponds to a standard scenario requiring an operational authorisation; or
 - (b) does not correspond to any standard scenario;
2. only start the operation after having received the operational authorisation issued by the competent authority in a manner and format established by EASA;
 3. submit an application for an updated operational authorisation if there are any significant changes to the operation or to the mitigation measures listed in the operational authorisation.

UAS.SPEC.040 Issuing of an operational authorisation

1. Upon receipt of an application from a UAS operator for the issue of an operational authorisation, the competent authority shall verify that the application contains all the information and documentation listed in paragraph 2(a) and (b) of this point.
2. The competent authority shall issue, without undue delay, an authorisation to a UAS operator to conduct an operation in the ‘specific’ category when it concludes that the operation:
 - (a) corresponds to a standard scenario issued by EASA that requires an authorisation, and that the following conditions are met:
 - (i) the mitigation measures required by the standard scenario have been put in place by the UAS operator;
 - (ii) an operations manual has been compiled, when required by the standard scenario; and
 - (iii) a procedure is in place for the coordination with the relevant ATC unit(s) if the entire operation or part of it is to be conducted in controlled airspace; or
 - (b) does not correspond to a standard scenario, and that the following conditions are met:
 - (i) the competent authority is satisfied with the operational risk assessment provided by the UAS operator pursuant to UAS.SPEC.020;
 - (ii) the mitigation measures established by the UAS operator limit the risk of the operation to an acceptable level;
 - (iii) an operations manual has been compiled; and
 - (iv) a procedure is in place for the coordination with the relevant ATC unit(s) if the entire operation or part of it is to be conducted in controlled airspace.
3. The competent authority shall specify in the authorisation the conditions under which a UAS operator is authorised to conduct the intended operation.
4. If an operation is intended to take place partially or totally in the airspace of a Member State other than the Member State of registration of the UAS operator, the competent authority, in coordination with the competent authority of the Member State of operation, shall assess:

- (a) the impact of local conditions on the operation; and
 - (b) the effectiveness of the additional mitigation measures that may be required to comply with the local conditions.
5. The authorisation shall be issued in a manner and format established by EASA.

UAS.SPEC.050 Responsibilities of the UAS operator

The UAS operator shall:

1. ensure that operational procedures and limitations adapted to the type of the intended operation and the risk involved are established;
2. designate a remote pilot for each operation or, in the case of autonomous operations, ensure that during all phases of the operation, responsibilities and functions are properly allocated in accordance with the procedures;
3. ensure that before conducting operations, remote pilots and all other personnel directly involved in the operations are:
 - (a) competent to perform their tasks;
 - (b) familiar with the UAS operator's procedures and operations manual, when required by UAS.SPEC.040(2);
 - (c) aware of any information about the operation published by the relevant authorities;
 - (d) familiar with relevant EU and national regulations, in particular those related to security, privacy, data protection, liability, insurance and environmental protection; and
 - (e) in a physical and mental condition such that would not endanger the safe operation of the UAS;
4. carry out an operation within the limitations, conditions, and mitigation measures defined in the standard scenario or specified in the operational authorisation;
5. keep a record of the UAS operations information as required by the standard scenario or operational authorisation;
6. comply with the local conditions established by the Member State of operation;
7. maintain the UAS in condition for safe operations and comply with UAS.SPEC.100, if required; and
8. in cases of autonomous operations, comply with the requirements defined in UAS.SPEC.070(2) and (3).

UAS.SPEC.055 Responsibilities of model clubs and associations

Model clubs and associations that hold an operational authorisation defined in Article 6 of this Regulation shall:

1. make available to their registered members appropriate procedures to comply with the conditions and limitations defined in the operational authorisation issued by the competent authority;
2. assist UAS remote pilots, who are registered members of the club or association, in achieving the minimum competency required to operate the UAS safely in accordance with the procedures defined in paragraph 1;
3. take appropriate action when informed that a registered member does not comply with the conditions and limitations defined in the operational authorisation and, if necessary, inform the competent authority;
4. provide, upon request from the competent authority, the documentation required for oversight and monitoring purposes.

UAS.SPEC.060 Registration

UAS operators shall:

1. register themselves in a manner and format established by EASA unless already registered in accordance with UAS.OPEN.060;
2. register the UA when the UA concerned has been issued a certificate of airworthiness or a restricted certificate of airworthiness;
3. update the registration every time data is changed and renew the registration as required by the competent authority;
4. display the registration information on the UA; and
5. ensure that this information is inserted into the electronic identification system when required by the operational authorisation or by the standard scenario requiring a declaration, as applicable.

UAS.SPEC.070 Responsibilities of the remote pilot

1. The remote pilot shall:
 - (a) be in a physical and mental condition such that would not endanger the safe operation of the UAS;
 - (b) have the appropriate remote pilot competency; and
 - (c) comply with UAS.SPEC.050 and UAS.SPEC.060 if the remote pilot is also the UAS operator.
2. Before starting a UAS operation, the remote pilot shall:
 - (a) obtain updated information, relevant to the intended operation, about any flight restrictions or conditions established by the Member State of operation;
 - (b) ensure that the operating environment is compatible with the authorised or declared limitations and conditions or with the model clubs' and associations' procedures;

- (c) ensure that the UAS is in a safe condition to complete the intended flight safely; and
 - (d) when required by the standard scenario, by the operational authorisation or by the conditions published by the Member State for the zone of operation, ensure that the information about the operation has been made available to the relevant air traffic service (ATS) unit, other airspace users or relevant stakeholders.
3. During the flight, the remote pilot shall:
- (a) comply with the authorised or declared limitations and conditions or with the model clubs' and associations' procedures, as applicable;
 - (b) ensure the safe operation of the UAS with respect to third parties on the ground or in the air;
 - (c) comply with the limitations for the area and airspace restrictions;
 - (d) operate the UAS within the limitations defined by the UAS operator;
 - (e) not fly close to or inside areas where an emergency response effort is ongoing unless they have permission to do so from the responsible emergency response services; and
 - (f) respect privacy rights, the environment, and operate the UAS in a considerate way that minimises any nuisance caused to other persons or animals.

UAS.SPEC.075 Transferability of an operational authorisation

An operational authorisation is not transferable.

UAS.SPEC.080 Duration and validity of an operational authorisation

1. The competent authority shall specify in the operational authorisation its duration.
2. Notwithstanding paragraph 1, the authorisation remains valid provided that:
 - (a) the UAS operator remains in compliance with the relevant requirements of this Regulation and with the operational authorisation issued by the competent authority; and
 - (b) is not surrendered or revoked.
3. Upon revocation or surrender, the operational authorisation shall be returned to the competent authority without delay.

UAS.SPEC.090 Access

For the purpose of demonstrating compliance with this Regulation, a UAS operator shall grant any person that is duly authorised by the competent authority access to any facility, UAS, document, records, data, procedures or to any other material relevant to its activity which is subject to authorisation or declaration, regardless of whether or not its activity is contracted or subcontracted to another organisation.

UAS.SPEC.100 Use of certified equipment and certified UA

1. If the UAS operation is conducted with a UA which has been issued a certificate of airworthiness or a restricted certificate of airworthiness, or when using certified equipment, the UAS operator shall record the operation or service time in accordance either with the instructions and procedures applicable to the certified equipment, or with the organisational approval or authorisation.
2. The UAS operator shall follow the instructions referred to in the UA certificate or equipment certificate, and also comply with any airworthiness directives issued by EASA.

UAS.SPEC.110 Alternative means of compliance (AltMoCs)

1. Means of compliance alternative to those adopted by EASA may be used by a UAS operator to establish compliance with Regulation (EU) .../... [new BR] and its implementing rules.
2. When a UAS operator wishes to use an AltMoC, it shall, prior to implementing it, provide the competent authority with a full description of the AltMoC it intends to implement. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating compliance with Regulation (EU) .../... [new BR] and its implementing rules.
3. The operator may implement these AltMoCs subject to prior approval by the competent authority and upon receipt of the notification as prescribed in Article 10 of this Regulation.

SUBPART C
LIGHT UAS OPERATOR CERTIFICATE (LUC)

UAS.LUC.010 General requirements for an LUC

1. Any legal person shall be eligible to apply for an LUC under this Subpart.
2. An application for an LUC or for an amendment to an existing LUC shall be submitted to the competent authority in a format and manner established by EASA.
3. An LUC holder may be granted the privilege to authorise its own operations if the requirements of this Subpart are met, in accordance with UAS.LUC.060.

UAS.LUC.020 Responsibilities of the LUC holder

The LUC holder shall:

1. ensure that the requirements of UAS.SPEC.050, UAS.SPEC.060 and UAS.SPEC.070 are met;
2. comply with the scope and privileges defined in its terms of approval;
3. establish and maintain a system for exercising operational control over any operation conducted under the terms of its LUC;
4. carry out an operational risk assessment of the intended operation, in accordance with UAS.SPEC.020, when it is not fully addressed by a standard scenario issued by EASA or if EASA has not issued a standard scenario for that operation;
5. for operations conducted using the privileges in accordance with UAS.LUC.060, keep records of:
 - (a) the operational risk assessment, when required according to paragraph 4, and its supporting documentation;
 - (b) all supporting documents as required by the standard scenario related to the operation conducted;
 - (c) mitigation measures taken; and
 - (d) the qualifications and experience of personnel involved in the UAS operation, compliance monitoring and safety management.

UAS.LUC.030 Safety management system

1. A UAS operator, who applies for an LUC, shall establish, implement and maintain a safety management system corresponding to the nature and complexity of its activities that includes:
 - (a) a safety policy describing the overall philosophies and principles of the organisation with regard to safety, and related safety objectives to form the basis for safety performance monitoring;

- (b) clearly defined lines of responsibility and accountability throughout the organisation, including the direct safety accountability of the accountable manager;
 - (c) procedures for maintaining personnel trained and competent to perform their tasks;
 - (d) the identification of safety hazards entailed by the activities of the UAS operator, their evaluation and the management of the associated risks, including taking action to mitigate those risks and verify the effectiveness of the action;
 - (e) documentation of all safety management system key processes, including a process for making personnel aware of their responsibilities and of the procedure for amending this documentation;
 - (f) an independent function to monitor the compliance of the UAS operator with the relevant requirements of this Regulation, including a system to provide feedback of findings to the accountable manager to ensure effective implementation of corrective measures as necessary; and
 - (g) a function to ensure that safety risks inherent to a service or product delivered through subcontractors are assessed and mitigated under the operator's safety management system.
2. The following key safety personnel shall be part of the operator's safety management system:
 - (a) an accountable manager responsible for establishing, implementing and maintaining an effective safety management system;
 - (b) a safety manager responsible for coordinating the safety management system; and
 - (c) one or more persons with the responsibility of ensuring that the UAS operator remains at all times in compliance with the requirements of this Regulation.
 3. Where the organisation holds one or more additional organisation certificates within the scope of Regulation (EU) .../... [new BR], the safety management system of the UAS operator may be integrated with the safety management system that is required by any of the additional certificate(s) held.

UAS.LUC.040 LUC manual

1. An LUC holder shall provide an LUC manual to the competent authority, describing directly or by cross reference its organisation, the relevant procedures and the activities carried out.
2. If any activity is carried out by partner organisations or subcontractors, the LUC manual shall include a relevant statement as well as written procedures on how the LUC holder shall manage the relationship with those partner organisations or subcontractors.
3. The LUC manual shall be amended as necessary to retain an up-to-date description of the LUC holder's organisation, and copies of amendments shall be provided to the competent authority.

4. The UAS operator shall distribute the relevant parts of the LUC manual to all its personnel in accordance with their functions.
5. The content of the LUC manual shall not contravene the terms of approval and the privileges granted to the LUC holder.

UAS.LUC.050 Terms of approval of the LUC holder

1. The competent authority shall issue an LUC in a manner and format established by EASA after it is satisfied that the UAS operator complies with UAS.LUC.020, UAS.LUC.030 and UAS.LUC.040.
2. The terms of approval shall include the UAS operator's privileges, authorised activities and operational limitations, as appropriate.

UAS.LUC.060 Privileges of the LUC holder

When satisfied with the documentation provided, the competent authority shall:

1. within its terms of approval, grant the LUC holder the privilege to authorise its own operations, in a manner and format established by EASA;
2. identify in the LUC the privileges granted to the UAS operator.

UAS.LUC.070 Changes in the LUC management system

After the issue of an LUC:

1. any change in the terms of approval of the UAS operator; or
2. any significant change to the elements of the LUC holder safety management system as required by UAS.LUC.030,

shall require prior approval by the competent authority.

UAS.LUC.075 Transferability of an LUC

Except as a result of a change of ownership of the organisation, approved by the competent authority in accordance with UAS.LUC.070, an LUC is not transferable.

UAS.LUC.080 Duration and validity of an LUC

1. An LUC shall be issued for an unlimited duration. It shall be valid subject to:
 - (a) the LUC holder remaining in compliance with the relevant requirements of this Regulation and of the Member State that has issued the certificate; and
 - (b) it not being surrendered or revoked.
2. Upon revocation or surrender, the LUC shall be returned to the competent authority without delay.

UAS.LUC.090 Access

For the purpose of demonstrating compliance with this Regulation, the LUC holder shall grant any person that is duly authorised by the competent authority access to any facility, UAS,

document, records, data, procedures or to any other material relevant to its activity which is subject to certification, authorisation or declaration, regardless of whether or not its activity is contracted or subcontracted to another organisation.

UAS.LUC.110 Alternative means of compliance (AltMoCs)

1. Means of compliance Alternative to those adopted by EASA may be used by a UAS operator to establish compliance with Regulation (EU) .../... [new BR] and its implementing rules.
2. When a UAS operator wishes to use an AltMoC, it shall, prior to implementing it, provide the competent authority with a full description of the AltMoC it intends to implement. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating compliance with Regulation (EU) .../... [new BR] and its implementing rules.
3. The operator may implement these AltMoCs subject to prior approval by the competent authority and upon receipt of the notification as prescribed in Article 10 of this Regulation.