Latest Draft Regulations for Model Flyers October 2018

The latest drafts of the EASA regulations for unmanned aircraft were published recently by the European Commission and contain a significant and positive development for model flyers.  DG MOVE (the European Transport Commission) submitted a proposal to remove model flying conducted within Associations/Clubs from the EASA regulations and this seems to have gained acceptance.

The latest draft Implementing Act introduces this principle:

**(25) Since model aircraft are considered as UAS and given the good safety level demonstrated by model aircraft operations in clubs and associations, it is not necessary to adopt particular provisions for recreational flight activities conducted within the framework of model aircraft clubs and associations.**

This is further clarified by Article 16

**UAS operations in the framework of model aircraft clubs and associations**

**1. The competent authority may issue a model aircraft club or association with an operational authorisation in accordance with relevant national rules.**

**2. The operational authorisation shall specify the conditions under which the model aircraft club or association may continue their activities, and shall be limited to the territory of the Member State in which it is issued.**

There remained some confusion regarding the extent to which model flying would remain within the scope of the regulations, compounded by the retention of a reference to model flying within UAS.SPEC.010 (General provisions).  However, we have just had confirmation from EASA that this reference to model flying was left in the regulations in error and will be removed.

On this basis, the current draft regulations essentially remove model flying conducted within Associations/Clubs from the scope of the EASA regulations.  EASA have also confirmed our interpretation that a Member State’s Competent Authority (in our case the CAA) can define a complete national regulatory framework for model flying (which may or may not define requirements for age limits, operator registration and competency requirements etc) and that model associations may operate to the resulting national authorisation.  This is exactly what we have today!

However, this still leaves model flying conducted by those operating outside of an Association/Club within the scope of the EASA ‘Open Category’ which imposes height restrictions, age restrictions and also registration and competency requirements to almost all model aircraft up to 25Kg (the maximum limit within the ‘Open Category’).

The facility for a Member State to define areas/zones where model aircraft can operate with exemptions from 'Open Category' requirements has also been retained in Article 15 and could potentially help some countries where the requirement to join an Association/Club will be an unwelcome/unworkable imposition.

**Article 15 Operational conditions for geographical zones**

**2.On the basis of a risk assessment carried out by the competent authority, Member States may designate certain geographical zones in which UAS operations are exempt from one or more of the open category requirements.**

The current draft of the regulations is open for feedback on the European Commission website until the 5th November.  It is possible to submit feedback directly if you register on the EC website.  Details can be found here: <https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-1460265_en>

We believe that the changes introduced in the current draft regulations represent a positive development for model flying and on that basis we are not calling for a mass mobilisation of members to respond on this occasion.