

EASA NPA 2017-05 - European UAS Regulatory Framework: Outline

Introduction

On 12 May 2017 the European Aviation Safety Agency (EASA) published its Notice of Proposed Amendment (NPA) 2017-05, which covers the introduction of European Regulations for unmanned aircraft (drones). In simple terms, an NPA is a public consultation document for which all citizens of the European Union are entitled to pass comment on. The [full NPA document](#) (linked here) can be accessed from the EASA website. The consultation period closes on 12 August 2017, but some countries have recently requested an extension of this deadline to end August, possibly later - a decision on this is expected from EASA by mid-June.

Purpose of this document

This document has been written with the aim of providing readers, particularly those who are less familiar with the layout and structure of European aviation regulatory documents, with an outline of the NPA document and a simple explanation of the general intent behind the key parts of the proposed regulation. It is intended to be used as an aid to understanding the NPA so that readers should then have a better idea of the overall aims of the regulation when preparing their own consultation responses. Please do not contact the CAA in order to make any other enquiries about the content or interpretation of the NPA - all comments or questions regarding the NPA should be sent to EASA as part of your consultation response.

This document does not offer any comment or opinion from the CAA on the relative merits or potential difficulties of the proposed regulations, nor should it be viewed as being an early indication of the CAA's own response to the NPA.

Structure of the NPA

NPA 2017-05 has been published in two parts as follows:

- **NPA 2017-05 (A)** - this contains the explanatory notes and the proposed regulations
- **NPA 2017-05 (B)** - this contains the full details of the work conducted by EASA in assessing the likely impact of the proposed regulations on EU citizens as a whole, and a background explanation of the reasons why certain regulatory approaches were taken

This outline will focus primarily on the content of NPA 2017-05 (A), which is laid out as follows:

Section 1 General information about the NPA, including how it was created, how you should submit

your comments and what happens after the consultation.

- Section 2 A general summary which provides a background to the reasons why the new rules are being proposed and a description of some of the major topics within the proposal.
- Section 3 A detailed layout of the proposed EU regulation, written in the exact form that it will appear when the regulation comes into force. This comprises of:
- The **Cover Regulation**, containing the introductory recitals and the **Articles** which form the main regulatory elements/hooks
 - Two **Annexes**, containing finer/specific details of the regulations:
 - **Annex I (Part UAS)** refers to the operational and technical aspects regarding the use of UAS in the Open and Specific categories within three further subparts (A, B and C)
 - **Annex II (Part MRK)** refers to the requirements for making certain UAS products available on the European market
 - **Guidance material** - which further explains certain points within the cover regulation and Part UAS
- Section 4 Points the reader to the Impact Assessment NPA 2017-05 (B)
- Section 5 Sets the date for when a workshop aimed at further explaining the content of the NPA will be held in the EASA premises in Cologne, Germany. This event is open to all - further details will be found on the EASA website.
- Section 6 A standardised section for notifying any other references used within the NPA (although none are quoted in this)
- Section 7 An appendix which highlights the differences between the content of the NPA and that of the outline blueprint for the future 'U-space' concept (UAS traffic management services)

NPA 2017-05 (A) Section 2

This section provides a general overview of the principles behind the new regulations and requires little additional explanation here. However, two points should be noted:

- Table 1 on page 14, which outlines a counter-proposal for the sub-categorisation of the Open category that was discussed during the development process, has been written down incorrectly in that the text associated with the proposed A1 and A2 subcategories has been transposed (i.e. the text for the A1 subcategory actually refers to A2, and vice versa)
- Part (A) of the NPA was originally published on 5 May 2017, but this contained an error within Table 2 on page 15. The text in the table did not reflect the text in the rest of the document. This error was corrected when the NPA was re-published on 12 May. Only versions of the document accessed from the EASA website after 12 May should therefore be used when responding.

NPA 2017-05 (A) Section 3

The remainder of this document concentrates on the text within the draft Regulation itself and will address, in simple terms, the intent or meaning of the wording within each Article/sub-regulation.

The Cover Regulation

Recitals The initial recitals simply set out the overall reasoning behind the regulation.

Article 1 The intent of this article is to set out what the regulation covers:

- Operations in the 'Open' and 'Specific' categories
- The requirements and procedures for the commercial sale of Open category drones on the European market (essentially, the CE marking requirements)

More importantly, the following are not covered:

- Certified category operations. These will be addressed through changes/additions to the existing Implementing Rules for manned aircraft (Aircrew, Airworthiness, Air Operations etc.) at a later date.
- Indoor operations of UAS. The intent is that these would be covered through existing Health and Safety requirements.

It is also worth noting at this point that there is no distinction made between commercial and non-commercial operations. All are treated in exactly the same way in that it is the risk associated with the operation, rather than the type of operation that is the key factor when taking a risk based approach.

Article 2 Definitions. This is an alphabetical listing of the meaning of the more regularly used terms within the regulation which are not adequately covered by the traditional dictionary meaning. Wherever possible, existing definitions from other Aviation or EU regulations have been used, but many are completely new. These definitions are all open for comment.

Article 3 This is an important article because it sets out the key high level principles upon which the rest of the regulation has been based. These are:

- The UAS operator is ultimately responsible for his/her actions in complying with the regulations
- A registration scheme is required by the regulation. There are thresholds set out later regarding how this applies and the details that must be marked on the aircraft. Individual countries are free to choose who runs the scheme
- Electronic identification and geofencing will be required for some operations
- Any incidents must be reported
- The ability to use airspace 'zones' is given to individual countries, with further details set out in Article 12

Article 4 Open Category. This article is used to outline the requirements of the Open category and points you to:

- The Operating Rules in Annex I, subpart A (UAS.OPEN.XXX).
- Introduces the subcategorisation of the Open category, based on a mix of technical, operational and pilot competence requirements. A central part of the EC's policy is that the consumer drones sold to EU citizens in the future should comply with specific product standards (essentially the CE marking principle). A subcategorisation system is viewed as an essential enabler for this.
- EASA's attempt to bring the 'method of harmonisation' for the Open category together in a way that satisfies the obligations of EC Regulation 765/2008. This is the