

ANNEX

UAS OPERATIONS IN THE ‘OPEN’ AND ‘SPECIFIC’ CATEGORIES*PART B***UAS OPERATIONS IN THE ‘SPECIFIC’ CATEGORY**

UAS.SPEC.010 General provisions

The UAS operator shall provide the competent authority with an operational risk assessment for the intended operation in accordance with Article 11, or submit a declaration when point UAS.SPEC.020 is applicable, unless the operator holds a light UAS operator certificate (LUC) with the appropriate privileges, in accordance with Part C of this Annex. The UAS operator shall regularly evaluate the adequacy of the mitigation measures taken and update them where necessary.

UAS.SPEC.020 Operational declaration

- (1) In accordance with Article 5, the UAS operator may submit an operational declaration of compliance with a standard scenario as defined in Appendix 1 to this Annex to the competent authority of the Member State of operation as an alternative to points UAS.SPEC.30 and UAS.SPEC.40 in relation to operations:
 - (a) of unmanned aircraft with:
 - i. maximum characteristic dimension up to 3 metres in VLOS over controlled ground area except over assemblies of people,
 - ii. maximum characteristic dimension up to 1 metre in VLOS except over assemblies of people;
 - iii. maximum characteristic dimension up to 1 metre in BVLOS over sparsely populated areas;
 - iv. maximum characteristic dimension up to 3 metres in BVLOS over controlled ground area.
 - (b) performed below 120 metres from the surface of earth, and:
 - i. in uncontrolled airspace (class F or G), or
 - ii. in controlled airspace after coordination and individual flight authorisation in accordance with published procedures for the area of operation.
- (2) A declaration of UAS operators shall contain:
 - (a) administrative information about the UAS operator;
 - (b) a statement that the operation satisfies the operational requirement set out in point (1) and a standard scenario as defined in Appendix 1 to the Annex;
 - (c) the commitment of the UAS operator to comply with the relevant mitigation measures required for the safety of the operation, including the associated instructions for the operation, for the design of the unmanned aircraft and the competency of involved personnel.

- (d) confirmation by the UAS operator that an appropriate insurance cover will be in place for every flight made under the declaration, if required by Union or national law.
- (3) Upon receipt of the declaration, the competent authority shall verify that the declaration contains all the elements listed in point (2) and shall provide the UAS operator with a confirmation of receipt and completeness without undue delay.
- (4) After receiving the confirmation of receipt and completeness, the UAS operator is entitled to start the operation.
- (5) UAS operators shall notify, without any delay, the competent authority of any change to the information contained in the operational declaration that they submitted.
- (6) UAS operators holding an LUC with appropriate privileges, in accordance with Part C of this Annex, are not required to submit the declaration.

UAS.SPEC.030 Application for an operational authorisation

- (1) Before starting an UAS operation in the 'specific' category the UAS operator shall obtain an operational authorisation from the national competent authority of the Member State of registration, except:
 - (a) when point UAS.SPEC.020 is applicable; or
 - (b) the UAS operator holds an LUC with the appropriate privileges, in accordance with Part C of this Annex.
- (2) The UAS operator shall 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.
- (3) The application for an operational authorisation shall be based on the risk assessment referred to in Article 11 and shall include in addition the following information:
 - (a) the registration number of the UAS operator;
 - (b) the name of the accountable manager or the name of the UAS operator in the case of a natural person;
 - (c) the operational risk assessment;
 - (d) the list of mitigation measures proposed by the UAS operator, with sufficient information for the competent authority to assess the adequacy of the mitigation means to address the risks;
 - (e) an operations manual when required by the risk and complexity of the operation;
 - (f) a confirmation that an appropriate insurance cover will be in place at the start of the UAS operations, if required by Union or national law.

UAS.SPEC.040 Issuing of an operational authorisation

- (1) When receiving an application in accordance with point UAS.SPEC.030, the competent authority shall issue, without undue delay, an operational authorisation in accordance with Article 12 when it concludes that the operation meets the following conditions:

- (a) all information in accordance with point (3) of point UAS.SPEC.030 is provided;
 - (b) a procedure is in place for coordination with the relevant service provider for the airspace if the entire operation, or part of it, is to be conducted in controlled airspace.
- (2) The competent authority shall specify in the operational authorisation the exact scope of the authorisation in accordance with Article 12.

UAS.SPEC.050 Responsibilities of the UAS operator

- (1) The UAS operator shall comply with all of the following:
- (a) establish procedures and limitations adapted to the type of the intended operation and the risk involved, including:
 - i. operational procedures to ensure the safety of the operations;
 - ii. procedures to ensure that security requirements applicable to the area of operations are complied with in the intended operation;
 - iii. measures to protect against unlawful interference and unauthorised access;
 - iv. procedures to ensure that all operations are in respect of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. In particular it shall carry out a data protection impact assessment, when required by the National Authority for data protection in application of Article 35 of Regulation (EU) 2016/679;
 - v. guidelines for its remote pilots to plan UAS operations in a manner that minimises nuisances, including noise and other emissions-related nuisances, to people and animals.
 - (b) designate a remote pilot for each operation or, in the case of autonomous operations, ensure that during all phases of the operation, responsibilities and tasks especially those defined in points (2) and (3) of point UAS.SPEC.060 are properly allocated in accordance with the procedures established pursuant to point (a) above;
 - (c) ensure that all operations effectively use and support the efficient use of radio spectrum in order to avoid harmful interference;
 - (d) ensure that before conducting operations, remote pilots comply with all of the following conditions:
 - i. have the competency to perform their tasks in line with the applicable training identified by the operational authorisation or, if point UAS.SPEC.020 applies, by the conditions and limitations defined in the appropriate standard scenario listed in Appendix 1 or as defined by the LUC;
 - ii. follow remote pilot training which shall be competency based and include the competencies set out in paragraph 2 of Article 8;

- iii. follow remote pilot training, as defined in the operational authorisation, for operations requiring such authorisation, it shall be conducted in cooperation with an entity recognised by the competent authority;
 - iv. follow remote pilot training for operations under declaration that shall be conducted in accordance with the mitigation measures defined by the standard scenario;
 - v. have been informed about the UAS operator's operations manual, if required by the risk assessment and procedures established in accordance with point (a);
 - vi. obtain updated information relevant to the intended operation about any geographical zones defined in accordance with Article 15;
- (e) ensure that personnel in charge of duties essential to the UAS operation, other than the remote pilot itself, comply with all of the following conditions:
- i. have completed the on-the-job-training developed by the operator;
 - ii. have been informed about the UAS operator's operations manual, if required by the risk assessment, and about the procedures established in accordance with point (a);
 - iii. have obtained updated information relevant to the intended operation about any geographical zones defined in accordance with Article 15;
- (f) carry out each operation within the limitations, conditions, and mitigation measures defined in the declaration or specified in the operational authorisation;
- (g) keep a record of the information on UAS operations as required by the declaration or by the operational authorisation;
- (h) use UAS which, as a minimum, are designed in such a manner that a possible failure will not lead the UAS to fly outside the operation volume or to cause a fatality. In addition, Man Machine interfaces shall be such to minimise the risk of pilot error and shall not cause unreasonable fatigue;
- (i) maintain the UAS in a suitable condition for safe operation by:
- i. as a minimum, defining maintenance instructions and employing an adequately trained and qualified maintenance staff; and
 - ii. complying with point UAS.SPEC.100, if required;
 - iii. using an unmanned aircraft which is designed to minimise noise and other emissions, taking into account the type of the intended operations and geographical areas where the aircraft noise and other emissions are of concern.

UAS.SPEC.060 Responsibilities of the remote pilot

- (1) The remote pilot shall:

Status: This is the original version (as it was originally adopted).

- (a) not perform duties under the influence of psychoactive substances or alcohol or when it is unfit to perform its tasks due to injury, fatigue, medication, sickness or other causes;
 - (b) have the appropriate remote pilot competency as defined in the operational authorisation, in the standard scenario defined in Appendix 1 or as defined by the LUC and carry a proof of competency while operating the UAS.
- (2) Before starting an UAS operation, the remote pilot shall comply with all of the following:
- (a) obtain updated information relevant to the intended operation about any geographical zones defined in accordance with Article 15;
 - (b) ensure that the operating environment is compatible with the authorised or declared limitations and conditions;
 - (c) ensure that the UAS is in a safe condition to complete the intended flight safely, and if applicable, check if the direct remote identification works properly;
 - (d) ensure that the information about the operation has been made available to the relevant air traffic service (ATS) unit, other airspace users and relevant stakeholders, as required by the operational authorisation or by the conditions published by the Member State for the geographical zone of operation in accordance with Article 15.
- (3) During the flight, the remote pilot shall:
- (a) comply with the authorised or declared limitations and conditions;
 - (b) avoid any risk of collision with any manned aircraft and discontinue a flight when continuing it may pose a risk to other aircraft, people, animals, environment or property;
 - (c) comply with the operational limitations in geographical zones defined in accordance with Article 15;
 - (d) comply with the operator's procedures;
 - (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.

UAS.SPEC.070 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 the duration of the operational authorisation in the authorisation itself.
- (2) Notwithstanding point (1), the operational authorisation remains valid as long as the UAS operator remains compliant with the relevant requirements of this Regulation and with the conditions defined in the operational authorisation.

- (3) Upon revocation or surrender of the operational authorisation the UAS operator shall provide an acknowledgment in digital format that must be returned to the competent authority without delay.

UAS.SPEC.090 Access

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

UAS.SPEC.100 Use of certified equipment and certified unmanned aircraft

- (1) If the UAS operation is using an unmanned aircraft for which a certificate of airworthiness or a restricted certificate of airworthiness have been issued, or 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 unmanned aircraft certificate or equipment certificate, and also comply with any airworthiness or operational directives issued by the Agency.