

NJORD Estonia: New EU drone regulations enter into force on 1 July 2019

On 11 June 2019, the European Commission published comprehensive rules on drones. The Commission Delegated Regulation and the Implementing Regulation (“Regulations”) have been drafted to ensure that drone operations across Europe are safe and secure, protecting the safety and privacy of the EU citizens. Regulations are expected to enter into force from 1 July 2019.

Last year gave a clear indication as to why these rules could be necessary, when a suspected drone caused around 1,000 cancelled flights at Gatwick Airport in December 2018. The new rules are supposed to help both professional and recreational drone operators to have a clear understanding of what is allowed or not, while also enabling the free circulation of drones within the EU.

The Regulations do not use the term “drone” but define such technologies as unmanned aircraft systems (UAS) and the equipment to control it remotely. The operator of a drone is any legal or natural person operating or intending to operate one or more UAS. Drone operations are separated into three categories – open, specific and certified.

Open category. To classify a drone in the “open” category, it must meet certain technical and legal requirements. For example, the drone cannot have a take-off mass of more than 25 kg, it must not be flown over assemblies of people and it may not carry dangerous goods or drop any material. Drones in the “open” category do not need any prior authorisation or operational declaration before they can be flown.

Specific category. If a drone does not meet the conditions of the “open” category, it will be qualified in the “specific” category. Drones in the “specific” category will need authorisation from a competent authority. The authorisation may be issued in the framework of model aircraft clubs and associations or in certain scenarios a declaration issued by the operator will suffice.

Certified category. A drone will be classified in the “certified” category if it is intended to be flown over assemblies of people and has a characteristic dimension of 3 metres or more, is designed to transport people or involves the carriage of dangerous goods. The drone and the operator are required to be certified by the competent authority and in some cases, the pilot will require a license.

The Regulations also specify the responsibilities of the pilot before and during operation. The pilot is not allowed to perform duties under the influence of psychoactive substances or alcohol, or when unfit to perform due to injury, fatigue or other causes. The pilot is supposed to keep a thorough visual scan of the airspace surrounding the drone in order to avoid any risk of collision with a manned aircraft and comply with any operational limits in geographical zones.

If a drone operator already has authorisation from one Member State and they wish to operate it in another Member State, they only need to provide a copy of the authorisation and the locations of where they intend to operate the drone. Drone operators from outside the EU need to apply for authorisation/certification in the Member State, where they first intend to operate the drone.



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