



## Response of FFAM to the draft Commission Implementing Regulation on the rules and procedures for the operation of unmanned aircraft (with Annex)

FFAM, French Aeromodelling Federation, member of European Model Flying Union, (EMFU) fully support the comments performed by EMFU regarding draft of implementing regulation for unmanned aircraft. A difference remain regarding Open Category which is explained in this comments.

Since the beginning of aviation, model aircraft flying has played a central role in ensuring competitiveness and innovation in the aviation sector. With more than half a million pilots throughout Europe, model flying often introduces youth to the fascination of flying, developing their skills and motivating them to pursue aviation related professions. It has repeatedly shown itself to be a driver of innovation (electrification of aviation and the development of unmanned aircraft used for commercial purposes) and provides a market for testing and large-scale deployment of innovative aviation products, including battery technology. Restricting aeromodelling will worsen Europe's shortage of pilots and aviation engineers, slow down innovation and reduce Europe's competitiveness in the aviation sector.

FFAM (EMFU member) welcomes the recognition provided to the safe record established by the model flying community over many years and **the introduction of Article 16 which we understand is intended to allow model flying to continue under national regulations, as it does today, as required by Recital 34 of the Basic Regulation.**

### Proposal

To help ensure that Article 16 provides the continuity for model flying, as required by the Basic Regulation, we propose that the wording of Article 16 is amended as follows:

#### **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, on the basis of the model club's or association's established procedures, organisational structure, and management system; and*
- 2. The operational authorisation shall specify the conditions under which activities in the framework of the model aircraft club or association may be continued their activities, outside of the framework for the operation of UAS established by this regulation. Such authorisation shall be limited to the territory of the Member State in which it is issued.*



We also request deletion of the reference to model flying in Part B of the Annex within **UAS.SPEC.010, General Provisions, (1)(b)**, as we understand that this was left within the draft in error.

Moreover, we propose that a 3-year implementation period is reintroduced to give Member States sufficient time to issue operational authorisations under Article 16.

During the 3-year period model aircraft activities can continue under existing national rules. Under the current draft, the implementation period is 3 months, which is impossible to meet.

### **Operations within the Open Category**

Whilst the current draft, if amended as above, represents a positive move for those in the model flying community who operate within the framework of clubs or associations, those model flyers operating outside of the framework will be subject to the requirements of the Open Category. These are disproportionate and ill-fitting for model flying.

Many model flyers become part of the model flying community by initially operating on their own (outside of the framework of clubs or associations) and in some countries a large proportion of model flyers remain outside of clubs and associations. There is absolutely no evidence whatsoever to indicate that this creates any problem which requires the application of such disproportionate regulation and we contend that the requirements of the Open Category are not based on any genuine assessment of risk in terms of model flying.

The age restriction of 18 (14) will be a major barrier to youth participation for model flying and along with the requirements for registration and testing are unnecessary and disproportionate regulations for these activities.

### **Proposals**

Remove age limit for open category or allow possibility for Open category to operate for young model flyers under age limit with supervision of an over 18 years old adult.

The restriction not to exceed a height of 120m from the surface will make Slope Soaring impossible within the Open Category. Moreover, the height limits as proposed can neither be applied nor enforced as the technology to measure distance from the surface is not commercially available. Height information systems for model flying are based on launch point (barometric) or position of the pilot (GPS).

Some model flying disciplines do not fit within the requirements of the Open Category, which will make it impossible for them to continue other than in the framework of a club or association under Article 16. This is in particular the case for free flight and control line model aircraft.

FFAM consider that 120 meters **from the surface** is a clear regression compared to what France allow today and may pose issue to some activities which never cause

problems like for example gliding activities. The current distance in France is set by default to 150m above the pilot

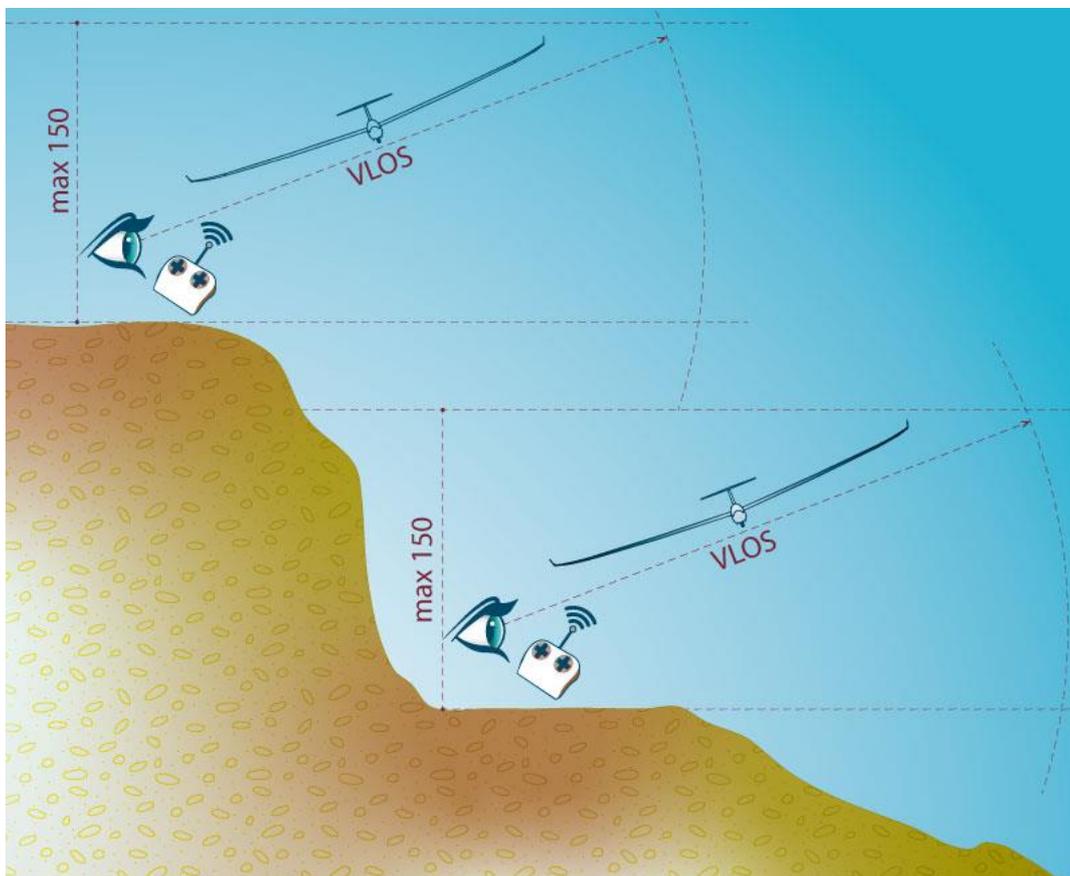
**Proposals for modifications of Draft-Implementing-Act-Drones**

**Reword Article 4 (1)(c) as follow:**

“the maximum flight distance above the pilot shall be no more than **150m** as specified in Part A of the Annex”

**Modify UAS.OPEN.010 General provisions (2) in Part A of the Annex with following wording:**

“Where the UAS operation involves the flight of the UA starting from a natural elevation in the terrain or over terrain with natural elevations, the UA shall remain at a maximum distance of 150 meters above the starting point at a maximum horizontal distance limited by VLOS”



Reference to Free Flight was included in the AMC/GMC to NPA2017-05. GM UAS.OPEN.070(1)(b), defined 'Free flight' as 'performing flights with no external control, taking advantage of the ascending currents, dynamic winds and the performance of the model. Outdoor free flights are carried out with gliders or with models equipped with means of propulsion (e.g. rubber-bands, thermal engines) that raise them in altitude, before they freely glide and follow the air masses'.

Control line model aircraft are tethered powered aircraft operating at the end of control lines within a 30 metre radius of the pilot. The Basic Regulation removes tethered aircraft of less than 1Kg from the scope of these regulations, but there are some models which exceed 1Kg.

Neither Free Flight or Control Line Aircraft will comply with the market requirements of C4 and are not necessarily privately built.

The registration, training and examination requirements are excessive and overly bureaucratic. Examples such as the "Kenntnisnachweis" in Germany show that these can be implemented in very simple and low-cost manner.

While it should be forbidden to drop dangerous materials or goods, or endangering persons through dropping any materials or goods, the prohibition to "drop any material" makes no sense. Such prohibition will unnecessarily stop the ability to drop parachutes, candy drops during air shows and "target practice" club competitions. This prohibition should be removed.

### **Proposal**

**The requirements for Class C4 and "privately built" under UAS subcategory A3 are amended or an additional class is added to the Open Category to better accommodate the full range of model flying activities.** Any open category rules for model flying activities should avoid age limits, height limits, reduce any training, examination and registration requirements to an absolute minimum and allow the dropping of materials or goods where this does no harm.

### **Presence of Uninvolved Persons**

Model flying has always mitigated ground risks by operating to the principle of not endangering uninvolved persons or their property. We request that the text of (UAS.OPEN.40, (1), p. 2 Annex): in the UAS Open Subcategory A3, is amended to "no uninvolved person will be endangered within the area where the UA will be flown during the entire time of the UAS operation"

### **Proposal**

**(UAS.OPEN.40, (1), p. 2 Annex): in the UAS Open Subcategory A3, is amended to "no uninvolved person will be endangered within the area where the UA will be flown during the entire time of the UAS operation"**

## **Conclusion**

We understand that Article 16 is intended to provide a mechanism for model flying to continue as it does today, in accordance with the requirements of the Basic Regulation. The current draft requires a number of changes to ensure that this

objective can be met for those operating within the framework of clubs and associations.

For activities outside the framework of model aircraft clubs and associations, the majority of which is likely to fall under the open category, the open category rules must be changed to ensure that these rules better fit the characteristics and low risks from model flying.