

## Replies to Questions by Malte Wilhelm submitted to EASA on 18 March 2022

### General disclaimer on the search and rescue operations:

Please note that Search and Rescue operations do not fall under the remit of Regulation (EU) 2018/1139 (EASA Regulation), for this reason, you should address the national competent authority of the EU State member where you intend to operate, if your questions concern this type of operation. The below answers are provided by EASA to the extent that they concern operation of drones falling within the scope of the EASA Regulation.

### 1. What traffic regulations apply to the use of drones?

Traffic regulations are known in Europe under the term 'rules of the air'. The applicability of European rules of the air depends on the category of the unmanned aircraft and the type of operations that are conducted.

- For unmanned aircraft operated under the 'certified category' (i.e. larger drones certified in a manner similar to traditional aircraft), the rules of the air are those defined in Commission Implementing Regulation (EU) No 923/2012, known as 'Standardised European Rules of the Air' (SERA).
- Unmanned aircraft operated under the 'specific category' shall be subject to the applicable operational requirements laid down in Commission Implementing Regulation (EU) No 923/2012. The specific details on how to apply such rules for certain types of operations are still under discussion.
- Unmanned aircraft operated under the 'open category' are not subject to rules of the air as they cover operations that present the lowest risks and should not require drones to be subject to standard aeronautical compliance procedures. However, such type of operations shall comply with the operational limitations set out in Part A of the Annex to Commission Implementing Regulation (EU) 2019/947.
- Member States may also decide to designate certain portions of their airspace as 'U-space airspace', within which certain mandatory services for unmanned aircraft can be provided, such as geo-awareness service, or flight information/authorisation service. No rules of the air are foreseen in those U-space airspace, but the traffic is managed at a strategic and pre-tactical deconfliction level.

### 2.1 What special regulations apply to the usage of drone in Lapland / Finnish Lapland?

EASA does not have this information. Please contact the competent authorities in Finland.

### 3. What data protection and other special legal restrictions apply to the use of drones for search and rescue/ commercial purposes?

As indicated above, search and rescue operations do not fall under the remit of Regulation (EU) 2018/1139 (EASA Regulation), for this reason, you should address the national competent authority of the EU State member where you intend to operate.

Additionally, all operations that process personal data are subject to Regulation (EU) 2016/679 (GDPR). EASA has no competence to interpret GDPR. For this reason, operators should seek the advice and consult their national data protection authorities when the operation intended processes personal data. In any case, we can already advise you that all operators, when processing personal data, (as controllers of the data) shall comply with all data protection principles laid down in Article 5 of GDPR.

You can have more information on drones for professional use on the following link: [Drone Rules](#). However, please be advised that this website is not always in its entirety up to date.

#### **4. Are changes to the legal situation currently in preparation, and if so, in what respects?**

Overview of the planned rulemaking tasks concerning unmanned aircraft can be found in the latest edition of the European Plan for Aviation Safety 2022 – 2026 (<https://www.easa.europa.eu/document-library/general-publications/european-plan-aviation-safety-2022-2026>)

#### **5. Are there any licenses required to operate drones? If yes, what are the specifics?**

The type of training or license that a remote pilot of an unmanned aircraft must possess depends on the category of unmanned aircraft operation.

For unmanned aircraft operated in ‘open’ category this would typically be the completion of either online training or completing training and obtaining a remote pilot certificate of competency.

For unmanned aircraft operated in a ‘specific’ category, unless the operation falls into a standard scenario, the required training will be determined by the National Competent Authority based on the training course provided by the operator. In case of operation in a standard scenario, the remote pilot must complete and successfully pass an online training course.

For unmanned aircraft operated in ‘certified’ category, a remote pilot license similar to a pilot license for traditional manned aircraft will be required. The details concerning pilot training and competence for the different categories can be found in Commission Implementing Regulation (EU) 2019/947. You can also consult the FAQs on the EASA website.