

European Aviation Safety Agency
Hermann-Pünder-Straße 3
50679 Köln

DMFV to EASA „Prototype“ Commission Regulation on Unmanned Aircraft Operations

Dear Sirs,

The German Model Flying Association (Deutscher Modellflieger Verband e.V. [DMFV]) – by far the largest interest group for model flying enthusiasts in Europe – represents more than 1.300 model flying clubs and a total of more than 88.000 members in Germany. About 20 percent of our members (with an increasing tendency) also operate multicopter/drones – in other words remotely-controlled and electronically stabilized, unmanned aerial systems.

Due to our 40+ years of expertise and experience, we are:

- Commissioned by the German Federal Government authorities for the certification of large-scale models with a take-off weight exceeding 25 kg, as well as commissioned for granting licenses to pilots of model aircraft weighing more than 25 kg through the Federal Ministry for Transport and Digital Infrastructure,
- Participating in planned legislative activities in the political and administrative areas as well as
- Permanent point of contact for the competent aviation authorities of the Federal Government, the Federal State Governments as well as the German Federal Office of Civil Aviation (Luftfahrt-Bundesamt) concerning the approval procedure for regular model flying fields.

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I. Safety, proportionality and differentiation

We generally welcome all measures that lead to a sensible optimisation of aviation safety. This could include a more focused and factually justified regulatory framework for the new, independent type of drone users. Based on our extensive experience, this 'Prototype' Commission Regulation on Unmanned Aircraft Operations is questionable in terms of proportionally and effectively reaching the goals described therein. The majority of drone and model aircraft pilots exercise their hobby/model sport in a safe and responsible manner. Our members have clearly committed themselves to our statutory regulations regarding the protection of personal rights of third parties.

We consent to the rules of 'Prototype' Commission Regulation on Unmanned Aircraft Operations insofar as these are limited to autonomous drones as well as those drones that are operated beyond direct line of sight (BLOS). However, subject proposal does not include a definition for model aircraft which are operated and controlled within visual range and line of sight (LOS) and which are definitely not operated autonomously. Contrary to the primarily commercial operation of an autonomous drone, model aircraft are used for sports and leisure purposes.

Therefore, in A-NPA 2015-10 and also now in the 'Prototype' Commission Regulation on Unmanned Aircraft Operations we find no clear definition for the differentiation between autonomous drones and model aircraft/drones that meets the principle of legal certainty. This contradicts your self-made declaration on Page 13 of the A-NPA 2015-10: "The intention is to develop rules for the 'open' category that will not affect model aircraft flying". In particular, we are unable to find a clear statement for the unanimously agreed point between all parties that the state-approved model flying fields must not fall under the regulatory framework. In addition, it is imperative that all model flying

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association members do not fall under this regulatory framework when they are performing sports or leisure activities at permitted locations. Our members have been informed regarding the responsible use of drones, are subject to the associations' area of influence and are therefore subject to an appropriate control mechanism.

II. Comments on “Prototype” Commission Regulation on Unmanned Aircraft Operations:

The German Model Flying Association as an aeromodelling community is neither related to the drone industry nor supports the professional use of UAS. This paper has been written to explain the needs and the concerns of their 88.000 members dedicated to fly model aircraft.

The DMFV understands the intention of EASA to regulate the growing drone industry and their customers in order to establish standards of production and operation. Aeromodellers are concerned about drone pilots flying recklessly or in restricted areas – quite often without adequate background knowledge or mandatory insurance. But at the same time, we cannot agree with Article 15 “Transitional provisions” of the “Prototype” which gives the classic flying of model aircraft for sports and leisure just another couple of years to continue with their proven practice and good safety record, before being strangled by the restrictive rules for drones as proposed by EASA regulations.

We welcome the principle approach of recognizing the special role of model flying associations. However the regulation and in particular its Article 15 bears the risk of different interpretations and may cause legal uncertainty.

Our main concern is the suggested common definition for model aircraft and drones, both being referred to as “Unmanned Aircraft”. For well

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over one hundred years aeromodelling has been established with the goal of flying model aircraft according to common rules. A model aircraft can be a fixed wing glider or a power model propelled with different motors or engines, a helicopter, a multicopter, an aerostat or even a rocket. The knowledge and skills to control these model aircraft are usually provided by a community based organisation. The community provides the necessary know-how, model airfields and guidance.

Individual DMFV members who are not members of model flying clubs in their neighborhood nevertheless depend on the information provided by the organisation. Classic model aircraft require experienced and well trained pilots. That knowledge has to be communicated by buddies, magazines, websites etc.; to acquire the piloting skills necessary to fly a model airplane may take months or even years.

The purpose of UA - as they are defined by EASA - is different. They are designed to be sold everywhere and operated without any special knowledge or training. Their design guarantees stability in flight without special skills of their operators. They are platforms for other tasks than just to fly. Their purpose is to collect data, taking photographs or to transport goods.

The DMFV understands the intention of EASA to prevent inexperienced UA users from endangering manned aircraft, public or the environment. A first step might be the registration of all UA users. DMFV members are already obliged to mark certain model aircraft with a fireproof label indicating ownership. All members of the DMFV are registered in our organization. Nevertheless, an additional national registration for non-organized pilots might be acceptable.

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If the "Commission Regulation on Unmanned Aircraft Operations" in 2020 or later will regulate the flying of classic model aircraft in the same way as the operation of multicopter drone UA, the second oldest and most popular air sports will come to an end. Half of all its enthusiasts worldwide live in Europe. We cannot believe that the European Union is willing to terminate one of the most demanding and skilled hobby sports. We would like to see a differentiation between these two kinds of model aircraft:

classic model aircraft

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fixed wing model aircraft, helicopters,
and 25kg multicopters, aerostats, rockets

|
purpose to fly for leisure and sports

|
used by community-members

|
obeying existing restrictions of airspace and
airspace and well known safety rules

|
already registered by communities
authorities

drone model aircraft

|
multicopter UA between 250g
(see EASA operation categories)

|
purpose to collect data

|
used commercially and by consumers

|
to obey additional restrictions of
of safety rules to be defined

|
to be registered by airspace

III. Resolution by the US Federal Aviation Administration (FAA)

We also kindly ask you to take into consideration the Federal Aviation Administrations rules on model aircraft being in force since June 21st 2016. As you know at the beginning of the negotiations the rules requested a maximum flight altitude for any model aircraft. Now we are happy to inform you that the FAA recognized AMA's role as a community-based organisation allowing flights of model aircraft above 400 feet under certain conditions.

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In particular, Section 336 of the 2012 FAA Modernization and Reform Act thus permits operations above 400 feet, if conducted within the AMA's program requiring the pilot to be an AMA member, to avoid and not interfere with manned aircraft and to keep the model in visual line of sight of the pilot/observer.

That being said, the FAA Modernization and Reform Act exempts AMA members from any maximum flight altitude, whereas the 'Prototype' Commission Regulations on Unmanned Aircraft Operations still retains a 500 feet maximum altitude limit even for authorized associations.

IV. Conclusions

The DMFV welcomes the approach of recognizing the special role of model flying associations. However, Article 15 of the 'Prototype' Commission Regulations on Unmanned Aircraft Operations is not clear enough and leaves room for different interpretations resulting in legal uncertainty.

For that reason the DMFV requests

- a clear definition of unmanned aircraft by distinguishing between classic model and drone aircraft,
- exemptions for authorized associations by explicitly providing that all model flying association members do not fall under the regulatory framework when they are performing sports or leisure activities at permitted locations; the exemptions should be explicitly provided by law and should not depend on uncontrolled discretionary decisions by the competent bodies,
- Unlimited flight altitudes for association members performing sports and leisure activities similar to the US and complying with associations rules.

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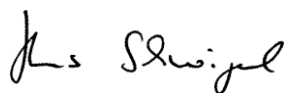
The DMFV urges the EASA to lobby for a clearer wording of Article 15 instead of leaving the enforcement solely to the competent bodies. Classic model aircraft in the area of sports and leisure activities look back on a long tradition and the associations do already have the function of “authorized bodies” for the purpose of carrying out control over their members. It goes without saying that the majority of drone and model aircraft pilots exercise their hobby/model sport in a safe and responsible manner and any of such risks emerged did not arise under the domain of authorized associations.

Different incentives and administrative practices in the treatment of the above regulation are very likely and Art 15 of the above regulation runs the risk to terminate a longstanding and well-acknowledged hobby.

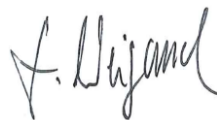
Germany on its own already has 25 different control bodies and DMFV is of the opinion that the whole issue is far too complex to be left without any legal guidelines to the enforcement bodies. In our opinion Article 15 of the above regulation must be re-formulated to properly reflect proportionality and legal certainty.

We would appreciate an opportunity to meet with you to discuss these concerns in more detail and look forward to hearing from you.

Best regards



Hans Schwägerl, President



Frank Weigand, Managing Director

Bonn, 19 September 2016