
AIRWORTHINESS NOTIFICATION

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Information on the legal conditions for planning and conducting UAS operations with unmanned aircraft in the Romanian airspace

(additional information regarding the legal conditions for planning and conducting UAS flight activities in restricted areas)

The European / national legislation applicable to flight activities with unmanned aircraft is the following:

1. Regulation (EU) No. 1139/2018 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing the European Union Aviation Safety Agency, amending Regulations (EC) No. 2111/2005, (CE) No. 1008/2008, (EU) No. 996/2010, (EU) No. 376/2014 and Directives 2014/30 / EU and 2014/53 / EU of the European Parliament and of the Council, as well as repealing Regulations (EC) No. 552/2004 and (EC) No. 216/2008 of the European Parliament and of the Council and of Council Regulation (EEC) No. 3922/91, with further amendments;

2. Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, with further amendments;

3. Law No. 21 / 18.03.2020 on the Romanian Air Code;

4. Government Decision no. 912/2010 on the approval of the procedure for authorizing flights in the national airspace, as well as the conditions under which the take-off and landing of civil aircraft may be performed from / on other land or water surfaces than the certified aerodromes;

5. Government Decision No. 643/2020 laying down measures for the implementation of Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems and application of the Implementing Commission Regulation (EU) 2019/947 of 24 May 2019 on rules and procedures for the operation of unmanned aircraft;

6. Joint Order of the Minister of Transport and the Minister of National Defense No. 1328 / M.128 / 2013, Romanian civil-military aeronautical regulation on airspace management and application of the concept of flexible use of airspace in Bucharest flight information region, RACMR MSA-UFSA, and for establishing the way of classification and organization of airspace of Bucharest flight information region, RACMR MSA - UFSA of 23.10.2013, published in the Official Gazette, Part I, No. 100 of February 10, 2014.

A. General provisions for the establishment of UAS geographical areas

In accordance with the provisions of the above mentioned normative acts and based on the decision of the Airspace Management Council (CMSA), airspace zones (UAS Geographical Areas) have been established in the national airspace in which the operation of unmanned aircraft is prohibited or restricted.

Therefore, in the UAS Geographical Areas where the flight activities with unmanned aircraft (civil or state aircraft) are:

1. **prohibited**, planning or conducting these activities is not permitted, nor is it possible for UAS operators to obtain exemptions in this respect;
2. **restricted**, planning or conducting such activities is permitted, but provided the UAS operator hold:
 - a. an overflight authorization / approval issued by the entity that proposed the restriction; and
 - b. the legal authorizations / approvals necessary to carry out these flight activities.

Information on the “UAS Geographical Areas”, as well as the contact details necessary to request overflight authorizations are available on the Romanian CAA website (<https://www.caa.ro/ro/pages/drone>).

Before conducting flight activities in a particular airspace sector, UAS operators / UAS pilots are required to verify the existence of “UAS Geographical Areas”, assess the nature of the restriction imposed and, if necessary, request the entity which imposed the restriction an overflight authorization.

In order to obtain an overflight authorization, the UAS operator / pilot will transmit a request to one of the contact addresses corresponding to the area where he/she intends to conduct flight activities, the request being drawn up in accordance with the procedures established and published by each entity. Contact addresses are available both on the interactive map and in the associated table.

Civil or military governmental institutions or organizations imposing restricted areas may, as appropriate, establish the limitations and conditions under which UAS operations may be conducted in such areas.

The responsibility for the evaluation and classification of a flight activity as “open”, “specific” or “certified” rests exclusively with the UAS operator and is performed taking into account the provisions of Regulation (EU) No. 2019/947. Exceeding any of the limitations of the “open” category entails the obligation for the UAS operator to obtain the authorizations / approvals corresponding to “specific” or “certified” category, as appropriate.

In addition to the requirements of Regulation (EU) No. 2019/947 (in accordance with its provisions), in accordance with the provisions of Government Decision No. 912/2010, for the development of aerial filming / photography / mapping activities, UAS operators shall request approval from the Ministry of National Defense, 10 working days before the intended operation. Additional information for obtaining the approval is available on the MApN website: <https://www.defense.ro/aviz-filmare-foto-aerian>.

B. Flight planning in restricted UAS geographical areas

In order to plan and carry out flight activities with unmanned aircraft in the restricted airspace (including the airspace related to the City of Bucharest - LRR3), the UAS operator will assess the conditions / limits of the flight activities, and, if the limits of the “open” category are exceeded, he/she must obtain, from the Romanian CAA, the authorizations / approvals for the “specific” category.

Regardless of whether the flight activities are carried out in the “open” or “specific” category, the UAS operator must have:

- a. an overflight authorization / approval issued by the entity that proposed the restriction;
- b. a filming permit for aerial filming / photography activities issued by the Ministry of National Defense, if the operation involves such activities;
- c. the approval of the land administrator from which they take off or on which they land for conducting the flight operations.

Considering the possible situations in which a UAS operator may be planning and conducting flight activities in restricted airspace areas (including LRR3 area), please be advised of the following:

- a. the operator complies with the limitations of the “open” category:
 - no interaction with the Romanian CAA needed;
 - request of overflight authorization / approval from the entity mentioned as the contact point for the respective area;
 - request of approval for aerial filming / photography from the Ministry of National Defense;
- b. the operator operates in a standard scenario (option available exclusively for operations with UAS with class identification label C5 or C6):
 - submits a DECLARATION for which the Romanian CAA transmits an acknowledgment of receipt to the UAS Operator;
 - requests overflight authorization / approval from the entity mentioned as the contact point for the respective area;
 - requests approval for aerial filming / photography from the Ministry of National Defense;
- c. the operator requests an operation authorization from the Romanian CAA;
 - the Romanian CAA analyzes the risk assessment in accordance with the provisions of Article 11 with the applicable AMC and GM and the operations manual in accordance with the provisions of Part B with the applicable AMC and GM (AMC 1 UAS.SPEC.030);
 - requests overflight authorization / approval from the entity mentioned as the contact point for the respective area;
 - requests approval for aerial filming / photography from the Ministry of National Defense;
- d. the operator (legal person only) holds a LUC (UAS light operator certificate):
 - based on the UAS light operator certificate, makes its risk assessment and approves its operation;
 - requests overflight authorization / approval from the entity mentioned as the contact point for the respective area;
 - requests approval for aerial filming / photography from the Ministry of National Defense.

Obtaining the Authorization of the UAS operation in the “specific” category does not automatically involve obtaining the approval to carry out the flight operation, for which the overflight authorization and approval from the Ministry of National Defense are required.