

Informal Translation of French decree titled:

Arrêté du 11 avril 2012 relatif à la conception des aéronefs civils qui circulent sans aucune personne à bord, aux conditions de leur emploi et sur les capacités requises des personnes qui les utilisent.

NOR : DEVA1206042A

(Note : This decree replaces the decree of 21 March 2007 dealing with the same matter)

THE FRENCH REPUBLIC

Ministry of ecology, sustainable development,
transport and housing

Decree dated 11 April 2012

concerning the design of civil aircraft which fly without anyone on board, their conditions of use,
and the skills required of their users

The Minister for ecology, sustainable development, transport and housing

Having regard to the Convention on International Civil Aviation¹ of 7 December 1944 signed in Chicago, published by Decree No. 47-974 of 31 May 1947, and all amending protocols thereto, in particular the protocol of 30 September 1977 concerning the authentic quadrilingual text of the said Convention, published by Decree No. 2007-1027 of 15 June 2007;

Having regard to Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators;

Having regard to Regulation (EC) No 216/2008, as amended by the European Parliament and the Council on 20 February 2008, on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;

Having regard to the Transport Code², and in particular articles L.6100-1, L.6221-1, L.6221-3, L.6222-8, L.6232-4 thereof;

Having regard to the Civil Aviation Code³, and in particular articles R.133-1-2, D.133-10 thereof;

Having regard to the « *Code des postes et des communications électroniques* » [French Postal Services and Electronic Communications Code]

Having regard to the Decree of 31 July 1981, as amended, relating to certificates, licences and qualifications of non-professional civil aviation flight personnel (aircraft flight crew)⁴;

Having regard to the Decree of 31 July 1981, as amended, relating to certificates, licences and qualifications of professional civil aviation flight personnel (aircraft flight crew, excepted flight test crew)⁵

¹ la convention relative à l'aviation civile internationale du 7 décembre 1944, publiée par le décret n°47-974 du 31 mai 1947, ensemble les protocoles qui l'ont modifiée, notamment le protocole du 30 septembre 1977 concernant le texte authentique quadrilingue de la dite convention, publié par le décret n° 2007-1027 du 15 juin 2007

² le code des transports et notamment ses articles L.6100-1, L.6221-1, L.6221-3, L.6222-8, L.6232-4

³ le code de l'aviation civile, et notamment ses articles R.133-1-2, D.133-10

⁴ l'arrêté du 31 juillet 1981 modifié relatif aux brevets, licences et qualifications des navigants non professionnels de l'aéronautique civile (personnel de conduite des aéronefs)

Having regard to the Decree of 2 December 1988, as amended, relating to the physical and mental fitness of civil aviation flight crew⁶;

Having regard to the Decree of 29 March 1999, as amended, relating to the licences and qualifications of civil aeroplane flight crew (FCL1)⁷;

Having regard to the Decree of 12 July 2005, as amended, relating to the licences and qualifications of civil rotorcraft flight crew (FCL2)⁸;

Having regard to the Decree of 27 July 2005, implementing Article D. 133-10 of the Civil Aviation Code⁹

Having regard to the Decree of 30 October 2008 amending the national frequency band allocation table, in particular Annex 7 of the table annexed to the Decree¹⁰;

Having regard to the Decree of 1st June 2010 relating to issuance of certificates, licences and qualifications and habilitations to military aeroplane and helicopter flight personnel¹¹;

Having regard to the Decree of 7 December 2010 relating to identification of obstacles to air navigation¹²;

Having regard to the Decree of 18 April 2011 relating to aircraft radio station licence¹³;

Having regard to the Decree of 11 April 2012 relating to the usage of French airspace by unmanned aircraft¹⁴,

Hereby issues the following Decree

Article 1 - Purpose

The present Decree shall determine the provisions applying to civil aircraft which fly without anyone on board.

It shall not apply to:

- free balloons, in particular sounding balloons used for observations and studies of the atmosphere;
- rockets;
- kites.

Article 2 – Definitions linked to aircraft flying without anyone on board

⁵ l'arrêté du 31 juillet 1981 relatif aux brevets, licences et qualifications des navigants professionnels de l'aéronautique civile (personnel de conduite des aéronefs à l'exception du personnel des essais et réception

⁶ l'arrêté du 2 décembre 1988 modifié relatif à l'aptitude physique et mentale du personnel navigant technique de l'aviation civile

⁷ l'arrêté du 29 mars 1999, modifié, relatif aux licences et qualifications de membre d'équipage de conduite d'avion (FCL1)

⁸ l'arrêté du 12 juillet 2005 modifié relatif aux licences et qualifications de membre d'équipage de conduite d'hélicoptères (FCL2)

⁹ l'arrêté du 27 juillet 2005 portant application de l'article D.133-10 du code de l'aviation civile

¹⁰ l'arrêté du 30 octobre 2008 portant modification du tableau national de répartition des bandes de fréquences, notamment l'annexe 7 du tableau annexe de l'arrêté

¹¹ l'arrêté du 1er juin 2010 relatif aux conditions de délivrance de licences, qualifications et habilitations de membres d'équipage de conduite d'avions et d'hélicoptères au personnel navigant militaire

¹² l'arrêté du 7 décembre 2010 relatif à la réalisation du balisage des obstacles à la navigation aérienne

¹³ l'arrêté du 18 avril 2011 relatif à la licence de station d'aéronef

¹⁴ l'arrêté du 11 avril 2012 relatif à l'utilisation de l'espace aérien par les aéronefs qui circulent sans personne à bord

For the purpose of this present decree, the following terms have the following definitions :

- 1) remote piloted aircraft (RPA): any aircraft flying without anyone on board.
- 2) remote piloted aircraft system : system constituted of the RPA and its associated components necessary for its control and command from the ground.
- 3) remote pilot : the person who is in control of the aircraft's flight path.
- 4) captive RPA : A RPA shall be deemed "captive" if it is linked to the ground, to a moving body which cannot to be lifted or displaced by the captive aircraft attached to it, or to a remote pilot by any physical means.
- 5) automatic : A remote piloted aircraft shall be deemed to manoeuvre in an "automatic" manner if it's movements in flight has been programmed in some way before or during the flight, and if all or part of the flight takes place without the intervention of the remote pilot other than in emergency control mode.
- 6) direct view : A remote piloted aircraft is flown in "direct view" of its remote pilot when:
 - the aircraft flies « within visual line of sight » according to the requirements of the above mentioned decree dated 11 April 2012;
 - the flight is within the visual range of the remote pilot, his(her) view being possibly corrected by glasses or contact lenses ;
 - the pilot has direct line-of-sight view of the aircraft, without any help from an image-transmitting device of the aircraft;
- 7) model aircraft: An unmanned aircraft shall be referred to as a "model aircraft" if it is used exclusively for recreational purposes or for model aircraft competitions, by a remote pilot who is permanently able to control its flight path at all times so as to avoid obstacles and other aircraft.

Article 3 – Nature of « special activities » (i.e. aerial work)

- a) For the purpose of this text, the concerned special activities shall be as follows:
 - agricultural, phytosanitary or health and safety treatments, and any other operations involving spreading on the ground or dispersal in the atmosphere;
 - airdrops of any kind;
 - the towing of banners or any form of advertising;
 - aerial surveying, photography, observation and surveillance, including participation in fire-fighting activities;
 - any other specific activity requiring a derogation from the general air traffic rules;

as well as training for any of the aforementioned activities.

- b) Operators of unmanned aircraft shall be deemed to include any natural or legal person responsible for the organisation or execution of the specific activity using the UA as described in a above.

Article 4 – Classification of remote piloted aircraft

Civil remote piloted aircraft shall be classified in the following categories:

Category A

- Model aircraft, whether or not motorised, having a maximum take-off weight of less than 25 kg, or a total weight (structure and load carried) of less than 25 kg in the case of inert-gas aircraft, carrying a single means of propulsion and respecting the following limitations:

- Combustion engine: total cylinder capacity of 250 cm³ or less
- Electric motor: total power of 15 kW or less

- Turboprop: total power of 15 kW or less
- Jet engine: total thrust of 30 daN or less, with a thrust-to-weight ratio without fuel of 1.3 or less
- Hot air: total weight of bottled gas carried of 5 kg or less
- Any captive model aircraft

Category B

- Any model aircraft failing to comply with the characteristics of Category A

Category C

- captive remote piloted aircraft, not classified as model aircraft, and with a maximum take-off weight less than 150kg.

Category D

- remote piloted aircraft other than model aircraft, whether or not motorised, not captive, having a maximum take-off weight of less than 2 kg, or a total weight (structure and load carried) of less than 2 kg in the case of inert-gas aircraft;

Category E

- remote piloted aircraft which are not model aircraft, which do not fall into Category C or D, whether or not motorised, having a maximum take-off weight of less than 25 kg, or a total weight (structure and load carried) of less than 25 kg in the case of inert-gas aircraft,

Category F

- Any RPA, not being model aircraft, having a maximum take-off weight of less than 150 kg which fails to comply with the characteristics of Category C, D or E.

Category G

- Any RPA, not being a model aircraft, and which fails to comply with the characteristics of Categories C to F.

Article 5 – Special classification case

Any aircraft without any person on board, having a total weight of less than 1 kg, used for recreational or competition purposes which, once launched, flies freely following the movements of the atmosphere without any possible intervention by its pilot and whose flight does not last longer than 8 minutes shall be deemed a Category A model aircraft.

Article 6 – Operation limitation for remote pilots

- 1) A remote pilot may not control a RPA if he is on board another moving vehicle
- 2) The Minister in charge of civil aviation may, however, on request and subject to acceptable justification, exceptionally grant ad hoc authorisation for such flights, subject to limitations where appropriate.

Article 7 – Category G remote piloted aircraft flights out of sight of the remote pilot

Notwithstanding airspace usage requirements, a category G RPA may not be flown out of the direct sight of its remote pilot, unless certified to be operated in this manner together with its control system.

Article 8 : Requirements applicable to the operation of model aircraft

1) Model aircraft shall not be flown out of sight of its remote pilot.

2) However, model aircraft operated by a person who uses model aircraft on-board images as its navigation means¹⁵ is only allowed provided an other person fulfils remote pilot duties and responsibilities, using aircraft double command means for the two persons, and the aircraft stays in direct view of that remote pilot, so as to ensure compliance with the rules of the air.

3) Notwithstanding airspace usage requirements, Annex I to the present Decree shall define the requirements applicable to model aircraft and the persons who operate them.

Article 9 – Requirements applicable to special activities involving remote piloted aircraft

Notwithstanding airspace usage requirements , annex II to the present Decree shall define the requirements applicable to RPA used for special activities and to the persons who operate them, irrespective of whether these special activities are carried out for commercial purposes or not.

Article 10 - Requirements applicable to experimental flights

Notwithstanding airspace usage requirements, flights of RPA for testing a prototype or a technology shall be dealt with Annex III requirements.

Article 11 – Authority surveillance

The Minister in charge of civil aviation may arrange for any verifications and monitoring to be carried out by persons or bodies authorised for that purpose which he deems to be necessary to ensure that any remote piloted aircraft and the remote pilot or operator thereof are in compliance with the provisions of the present Decree.

Article 12 – Prohibition of operations that do not demonstrate a sufficient level of safety

The Minister in charge of civil aviation may prohibit or apply limitations to any remote piloted aircraft or to any operator's activity if he has knowledge of safety problems affecting third parties .

Article 13

Except its article 8-1, the Decree of 21 March 2007¹⁶ relating to unmanned aircraft that fly within direct sight of their operators is hereby repealed.

Article 14

The General Director of Civil Aviation shall be responsible for the execution of the present Decree, which shall be published in the Official Journal of the French Republic.

Done on 11 April 2012

For the Minister and by delegation:

The General Director of Civil Aviation

P. GANDIL

¹⁵ Usually called FPV flights.

¹⁶ L'arrêté du 21 mars 2007 relatif aux aéronefs non habités qui évoluent en vue directe de leurs opérateurs