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## 1 Rationale

This airworthiness and operational notice (AON) regulates the technical and operational requirements that need to be fulfilled in order for an operating approval for unmanned aircraft with a maximum operating mass up to and including 150kg to be issued by Austro Control.

## 2 Scope

This AON is applicable for all unmanned aircraft with a maximum operating mass up to and including 150kg that are operated in Austrian territory or fall within the remit of the Austrian Civil Aviation Authority.

Exceptions:

- Unmanned aircraft with a maximum energy of motion up to and including 79 Joule according to §24d AAA are not affected by this AON.
- Unmanned aircraft with a maximum operating mass exceeding 150kg fall under the remit of the European Aviation Safety Agency (EASA) and are therefore not subject of this AON.
- Unmanned aircraft that are used for national defence are not subject of this AON.
- Model aircraft referred to §24c AAA are not affected by this AON. For model aircraft with a maximum operating mass exceeding 25kg the competent authority is the Austrian Aeroclub.

## 3 Entry Into Force

This AON enters into force on January 1<sup>st</sup>, 2014.

## 4 Description / Legislative Provision

### 4.1 Legal Basis

In the following sub-chapter the legislative provisions for the operation of unmanned aircraft are depicted in detail.

#### 4.1.1 Austrian Aviation Act- Österreichisches Luftfahrtgesetz (AAA)

The legislative provisions for the operation of unmanned aircraft are laid down in §§24c ff of the Austrian Aviation Act (LFG, BGBl. Nr. 253/1957 idF BGBl. I Nr. 2013/108).

For the operation of class 1 unmanned aircraft an authorisation of Austro Control is needed. This authorisation is granted when the requirements of this AON are fulfilled and the public interest of aviation safety is not jeopardized by the operation of the unmanned aircraft.

Corresponding to §24c AAA, class 2 unmanned aircraft have to fully comply with the requirements set for manned civil aircraft and all provisions that are in force.

#### 4.1.2 Regulation (EG) Nr. 216/2008 (EASA Basic Regulation)

In the basic Regulation VO (EG) Nr. 216/2008 Annex II(i) unmanned aircraft with an operating mass of or below 150kg are explicitly excluded from the responsibility and jurisdiction of EASA. Therefore the National Aviation Authorities, in Austria's case Austro Control GmbH or another authority that is responsible due to §140(b)–Devolution, is competent in these matters. In case of an operating mass exceeding 150kg, EASA claims the right to be the competent authority.

#### 4.1.3 Rules of the Air– Luftverkehrsregeln (LVR 2010)

All relevant regulations of the Rules of the Air (see LVR 2010, BGBl. II Nr. 80/2011 as amended) are applicable for unmanned aircraft. The constraints referred to in appendix E and H are also applicable for unmanned aircraft.

### 4.2 Definitions and Abbreviations

In the following sub-chapter all terms and abbreviations used in this AON are described in detail. If certain terms and abbreviations are not described otherwise, the document CS-Definitions issued by EASA is applicable.

#### 4.2.1 Definitions and Explanation of Used Terms

##### 4.2.1.1 Model Airplane (AAA §24c(1))

Model airplanes are flying devices not used for the purpose of national defence, that can be operated independently in direct line of sight of the pilot without additional technical aid. Further restrictions are

- The maximum distance between the model airplane and the operator is 500m.
- The flight is only allowed to be conducted without any commercial interest and for recreational purpose only. The purpose of the flight has to be the flight itself.

##### 4.2.1.2 Unmanned Aircraft Class 1 (AAA §24f(1))

Class 1 unmanned aircraft are aircraft not used for the purpose of national defence, that can be operated independently in direct line of sight of the pilot without additional technical aid. Further characteristics are:

- The maximum distance between the unmanned aircraft and the operator can exceed 500m.
- The flight can be conducted for remuneration or other than in § 24c(1) L2 AAA specified purposes.

##### 4.2.1.3 Unmanned Aircraft Class 2 (AAA §24g(1))

Class 2 unmanned aircraft are aircraft not used for the purpose of national defence, that can be operated independently without direct line of sight of the pilot.

#### 4.2.1.4 Mass

The mass of an object is a variable of state. Contrary to the weight it is independent of gravity. The SI unit of mass is kilogram (kg).

#### 4.2.1.5 Forms of Control Systems

The forms of control systems of unmanned aircraft are versatile and generally differ in complexity and in the degree of automation. In order to ensure the safe operation of unmanned aircraft, the steering system has to fulfil certain requirements.

Depending on the desired category for which the UA should be approved, the following degrees of automation and complexity are distinguished:

- Non-complex manual control
- Non-complex control with stabilization
- Complex control with stabilization and navigation
- Complex control with stabilization, navigation and automation

The necessary degree of automation and complexity for every category of unmanned aircraft is highlighted in the corresponding chapter of this document. The stated degree of complexity and automation has to be considered as minimum requirement that can voluntarily be surpassed by the performance of the aircraft's control system.

#### 4.2.1.6 Location of the Control Unit

The control of an unmanned aircraft is only allowed from a stationary position. Exceptions can be granted in certain cases (e.g.: rescue units, security staff in public service, ...).

#### 4.2.2 Abbreviations

AAA	Austrian Aviation Act
ACG	Austro Control Österreichische Gesellschaft für Zivilluftfahrt mbH
AGL	Above Ground Level
AON	Airworthiness and Operational Notice
AOO	Area of Operation
ATC	Air Traffic Control
CS	Certification Specification
CS-LUAS	Certification Specification for Light Unmanned Aerial Systems
CS-LURS	Certification Specification for Light Unmanned Rotorcraft Systems
UA	Unmanned Aircraft

### 4.3 Unmanned Aircraft Class 1

#### 4.3.1 Categorisation

The operation of unmanned aircraft in national airspace sets high demands to not only technical and operational but also ATC-matters in order to ensure safety for humans, animals and objects. Adequateness and practicability should be applied for the different types of unmanned aircraft and the area of operation.

Therefore an evaluation scheme is established that contemplates the mass of the unmanned aircraft, environmental conditions as well as the building- and the population density. The requirements to the UA result from the highlighted scheme and depend on the previously mentioned factors.

The operation of unmanned aircraft in areas in which a strong environmental impact can be expected in the case of a crash (e.g.: pollution of agriculturally used fields or groundwater, danger of a wildfire, ...) is only permitted if the constraints issued by the competent authority are complied with.

#### *4.3.1.1 Mass of the Unmanned Aircraft*

Unmanned aircraft are split into the following three groups according to the maximum operating mass:

- Operating mass up to and including 5kg
- Operating mass exceeding 5kg and up to and including 25kg; and
- Operating mass exceeding 25kg and up to and including 150kg

For the determination of the operating mass, the unmanned aircraft must be ready for use, including all equipment, ballast, freight, operating supplies (oil, ...) and fuel for the maximum certified endurance.

#### *4.3.1.2 Area of Operation (AOO)*

In the following sub-chapter an overview of the terms building- and population density is introduced. The resulting areas of operation in which the unmanned aircraft is operated are highlighted. Whenever the environment in which the UA is operated corresponds to more than one area of operation, the superior AOO is determining the airworthiness and operational requirements.

##### *Area of Operation I – Undeveloped Area*

The unmanned aircraft is solely operated in undeveloped areas.

An undeveloped area is an area in which no buildings or similar are erected. Only the pilot and personnel that is essential for the execution of the flight are permitted in this area. The abidance of any other additional persons or pedestrians is prohibited.

##### *Area of Operation II – Unsettled Area*

The unmanned aircraft is solely operated in unsettled areas, in which at most only secondary buildings (e.g.: entrepots, garners, barns) or buildings in which no habitable space is existent any longer due to damage or collapse are featured.

Furthermore only the pilot, personnel that is essential for the execution of the flight and pedestrians that are just temporarily for a short time in the area of operation (hikers, cyclists,...) are permitted in this area.

##### *Area of Operation III – Settled Area*

The unmanned aircraft is operated in settled areas, in which primary buildings (e.g.: dwellings, schools, stores, offices) that are substantially used as housing-, trade- or leisure areas are featured.

*Area of Operation IV – Densely Populated Area/ Gathering of People*

The unmanned aircraft is operated in spatially closed urbanization zones (comparable to the inner city of a typical market town or district capital).

**Remarks:**

The operation of unmanned aircraft above a gathering of people currently requires a particular examination and is only permitted on a case-by-case basis with a special permit. A gathering of people is an accumulation of persons on a small space that can be observed for example at sporting events, concerts, festivals, weddings, company parties, demonstrations etc.

Whenever it is desired that a class 1 UA is operated in the area of potentially inflammable or explosive industrial areas, a special permit with case-by-case stipulations is required.

*4.3.1.3 Category Evaluation of Class 1 Unmanned Aircraft*

The following table (Figure 1) has to be used for the determination of the applicable airworthiness- and operational requirements of the unmanned aircraft. In the application form for an operating approval the category (A, B, C, D) according to the area of operation and the operating mass of the unmanned aircraft has to be stated.

	Area of Operation			
	I undeveloped	II unsettled	III settled	IV densely populated
mass up to and including 5kg	A	A	B	C
up to and including 25kg	A	B	C	D
up to and including 150kg	B	C	D	D

**Figure 1: Categorisation**

**Remarks:**

Whenever a class 1 unmanned aircraft is intended to be operated above 150m AGL or under circumstances in which it is supposable that the UA overflies the Austrian border, a special permit by Austro Control GmbH. in regard to § 3 paragraph 5 RoA 2010 as amended is required.

In regard to § 3 paragraph 6 RoA 2010 as amended, the operation of class 1 unmanned aircraft within the obstacle clearance areas of controlled airfields requires a special permit issued by Austro Control GmbH is needed. If the unmanned aircraft is intended to be operated in the obstacle clearance area of an uncontrolled airfield or within 2500 m around the aerodrome reference point of an airfield without an obstacle clearance area an affirmation of the airport operations manager (Flugplatzbetriebsleiter) is required.

For a UA operation within the obstacle clearance area of military airfields a permit of the Federal Ministry of Defence and Sports is required regarding to § 24f paragraph 6.

#### 4.3.2 Unmanned Aircraft- Category A

In the following the operational and initial airworthiness requirements as well as concerning the pilot and continuing airworthiness of unmanned aircraft of the category A are defined.

##### 4.3.2.1 *Airworthiness Requirements*

- Category A unmanned aircraft do not have to comply with special airworthiness requirements. The used components (e.g.: servo, receiver, flight stabilization systems, accumulators, engines) must be state of the art. Only parts, components and systems that are field-tested and operationally reliable must be used.
- A non-complex manual control is sufficient. The control has to be state of the art and needs to fulfil all technical requirements (approved frequency band, maximum transmitting power, ...) in place.
- The unmanned aircraft needs to be unmistakably identifiable and assignable. In order to comply with this requirement a data placard (for a sample see appendix D) has to be attached to the aircraft.
- A pre-flight check has to be conducted by the operator and/or the pilot prior to the flight in order to ensure a flawless condition of the aircraft.
- The unmanned aircraft has to be operated within the specified operating limits (e.g.: mass, wind, rain, temperature, visibility, day/night)
- The unmanned aircraft has to comply with the Permissible Noise Levels Order (see appendix N)

##### 4.3.2.2 *Operational Requirements*

- The operator has to hold a valid insurance according to § 164 AON and needs to submit a copy of the insurance certificate to the competent authority.
- The operator has to comply with the incident and accident reporting system in regard to § 136 AON.
- The operator has to keep records of at least the date, the time, the duration, the name of the pilot, the venue of the flight including the categorisation of the area of operation (I-IV) and the number of takeoffs/ landings in the operational records. When appropriate the record also has to include specifics, deviations to the usual operation and disruptions in the operation. The records have to be preserved for at least two years and must be presented to the competent authority upon request.

##### 4.3.2.3 *Requirements in Regard to the Pilot*

- The minimum age of the pilot is 16 years.
- The pilot has to obey the operating instructions presented in appendix E.
- The holder of the operating approval (owner) has to ensure the qualification of the appointed pilot(s)

##### 4.3.2.4 *Documents to be Submitted*

- Application for an Operating Approval
- Insurance Certificate
- Declaration of operational safety
- Photograph of the unmanned aircraft (three-view picture)



- Description of the control system including the type of the system  
Unless otherwise stated, the listed documents can be submitted digitally or as a photocopy.

#### 4.3.3 Unmanned Aircraft- Category B

In the following the operational and initial airworthiness requirements as well as requirements in regard to the pilot and continuing airworthiness of unmanned aircraft of the category B are defined.

##### 4.3.3.1 *Airworthiness Requirements*

- Category B unmanned aircraft with a maximum operating mass above 25kg a permission for model aircraft with a maximum operating mass above 25kg has to be obtained.
- For unmanned aircraft of the category B with a maximum operating mass of or below 25kg the airworthiness requirements of appendix B are in force as far as applicable. The verification of compliance with the requirements has to be conducted by the operator itself. The authority reserves the right to review the test and compliance showing documents and to physically inspect the aircraft.
- A detailed Failure Mode and Effect Analysis (FMEA) pursuant to appendix F has to be provided
- A non-complex control with stabilization is essential. The control has to be state of the art and needs to fulfil all technical requirements (approved frequency band, maximum transmitting power, ...) in place.
- The unmanned aircraft needs to be unmistakably identifiable and assignable. In order to comply with this requirement a data placard (for a sample see appendix D) has to be attached to the aircraft.
- The unmanned aircraft has to be operated within the specified operating limits (e.g.: mass, wind, rain, temperature, visibility, day/night)
- The unmanned aircraft has to comply with the Permissible Noise Levels Order (see appendix N)

##### 4.3.3.2 *Operational Requirements*

- The operator has to hold a valid insurance according to § 164 AON and needs to submit a copy of the insurance certificate to the competent authority.
- The operator has to comply with the incident and accident reporting system in regard to § 136 AON.
- The operator has to keep records of at least the date, the time, the duration, the name of the pilot, the venue of the flight including the categorisation of the area of operation (I-IV) and the number of takeoffs/ landings in the operational records. When appropriate the record also has to include specifics, deviations to the usual operation and disruptions in the operation. The records have to be preserved for at least two years and must be presented to the competent authority upon request.

##### 4.3.3.3 *Requirements in Regard to the Pilot*

- The minimum age of the pilot is 16 years.
- The pilot has to obey the operating instructions presented in appendix E.
- The/ Every pilot has to declare her or his qualification in regard to being able to control the unmanned aircraft as well as her or his physical fitness. This written declaration has to be



submitted during the course of filing the application.

#### 4.3.3.4 Documents to be Submitted

- Application for an Operating Approval
- Insurance Certificate
- Declaration of operational safety
- Declaration of aviation knowledge of the pilot(s)
- Confirmation respectively declaration of compliance with the building code (test documents, permissible noise measurement report)
- Photograph of the unmanned aircraft (three-view picture)
- Description of the control system including the type of the system

Unless otherwise stated, the listed documents can be submitted digitally or as a photocopy.

#### 4.3.4 Unmanned Aircraft- Category C

In the following the operational and initial airworthiness requirements as well requirements in regard to the pilot and continuing airworthiness of unmanned aircraft of the category C are defined.

##### 4.3.4.1 Airworthiness Requirements

- The technical requirements in regard to category C unmanned aircraft will be defined according to the design and configuration on a case-by-case basis by the competent authority. The certification specification (CS) that can be found in appendix C will serve as a guideline for applicable airworthiness requirements.
- A detailed Failure Mode and Effect Analysis (FMEA) pursuant to appendix F has to be provided
- Maintenance and servicing (continuing airworthiness) of category C unmanned aircraft has to be performed according to a maintenance check-list that contains all required maintenance tasks including a pre-flight check that has to be conducted by the operator and/or the pilot prior the flight in order to ensure a flawless condition of the aircraft. The maintenance check-lists have to be archived for at least 3 years.
- A complex control with stabilization and navigation is essential. The control has to be state of the art and needs to fulfil all technical requirements (approved frequency band, maximum transmitting power, ...) in place.
- The unmanned aircraft needs to be unmistakably identifiable and assignable. In order to comply with this requirement a data placard (for a sample see appendix D) has to be attached to the aircraft.
- The unmanned aircraft has to comply with the Permissible Noise Levels Order (see appendix N)

##### 4.3.4.2 Operational Requirements

- The operational requirements in regard to category C unmanned aircraft will be defined according to the type design and configuration on a case-by-case basis by the competent authority.
- The operator has to hold a valid insurance according to § 164 AON and needs to submit a copy of the insurance certificate to the competent authority.
- The operator has to comply with the incident and accident reporting system in regard to §

136 AON.

- The operator has to keep records of at least the date, the time, the duration, the name of the pilot, the venue of the flight including the categorisation of the area of operation (I-IV) and the number of takeoffs/ landings in the operational records. When appropriate the record also has to include specifics, deviations to the usual operation and disruptions in the operation. The records have to be preserved for at least two years and must be presented to the competent authority upon request.

#### 4.3.4.3 *Requirements in Regard to the Pilot*

- The minimum age of the pilot is 16 years.
- The pilot has to obey the operating instructions presented in appendix E.
- An obligatory knowledge in regard to air law has to be shown either through by holding an Austrian pilot license (except for parachute, hang- or paragliding license) or by a successfully passed ACG examination (selected questions of the subject air law) on the structure of the airspace.
- A medical certificate stating the fitness to fly (Medical Class I or II) or fitness to drive cars (Führerscheintauglichkeitsuntersuchung) that is not older than 5 years has to be submitted.
- The skills of the pilot to control the unmanned aircraft has to be substantiated regarding to the intended use of the aircraft.

#### 4.3.4.4 *Documents to be Submitted*

- Application for an Operating Approval
- Insurance Certificate
- Technical description of the unmanned aircraft and its components
- Intended use and scope of operation
- Permissible noise measurement report
- Proof of aviation law knowledge and medical fitness of the appointed pilots

Unless otherwise stated, the listed documents can be submitted digitally or as a photocopy.

#### 4.3.5 Unmanned Aircraft- Category D

In the following the operational and initial airworthiness requirements as well requirements in regard to the pilot and continuing airworthiness of unmanned aircraft of the category D are defined.

##### 4.3.5.1 *Airworthiness Requirements*

- The technical requirements in regard to category D unmanned aircraft will be defined according to the design and configuration on a case-by-case basis by the competent authority. The certification specification (CS) that is provided in appendix C will serve as a guideline for applicable airworthiness requirements.
- A detailed Failure Mode and Effect Analysis (FMEA) pursuant to appendix F has to be provided
- Maintenance and servicing (continuing airworthiness) of category D unmanned aircraft has to be done according to a maintenance check-list that contains all necessary maintenance tasks including a pre-flight check that has to be conducted by the operator and/or the pilot prior to the flight in order to ensure a flawless condition of the aircraft. The

maintenance check-lists have to be archived for at least 3 years.

- A complex control with stabilization, navigation and automation is essential. The control has to be state of the art and needs to fulfil all technical requirements (approved frequency band, maximum transmitting power, ...) in place.
- The unmanned aircraft needs to be unmistakably identifiable and assignable. In order to comply with this requirement a data placard (for a sample see appendix D) has to be attached to the aircraft.
- The unmanned aircraft has to comply with the Permissible Noise Levels Order (see appendix N)

#### 4.3.5.2 *Operational Requirements*

- The operational requirements in regard to category D unmanned aircraft will be defined according to the type design and configuration on a case-by-case basis by the competent authority.
- The operator has to hold a valid insurance according to § 164 AON and needs to submit a copy of the insurance certificate to the competent authority.
- The operator has to comply with the incident and accident reporting system in regard to § 136 AON.
- The operator has to keep records of at least the date, the time, the duration, the name of the pilot, the venue of the flight including the categorisation of the area of operation (I-IV) and the number of takeoffs/ landings in the operational records. When appropriate the record also has to include specifics, deviations to the usual operation and disruptions in the operation. The records have to be preserved for at least two years and must be presented to the competent authority upon request.

#### 4.3.5.3 *Requirements in Regard to the Pilot*

- The minimum age of the pilot is 16 years.
- The pilot has to obey the operating instructions presented in appendix E.
- An obligatory knowledge in regard to air law has to be shown either by holding an Austrian pilot license (except for parachute, hang- or paragliding license) or by a successfully passed ACG examination (selected questions of the subject air law) of the structure of the airspace.
- A medical certificate stating the fitness to fly (Medical Class I or II) or fitness to drive cars (Führerscheintauglichkeitsuntersuchung) that is not older than 5 years has to be submitted.
- The skills of the pilot to control the unmanned aircraft has to be substantiated regarding to the intended use of the aircraft.

#### 4.3.5.4 *Documents to be Submitted*

- Application for an Operating Approval
- Insurance Certificate
- Technical description of the unmanned aircraft and its components
- Intended use and scope of operation
- Permissible noise measurement report
- Proof of aviation law knowledge and medical fitness of the appointed pilots

Unless otherwise stated, the listed documents can be submitted digitally or as a photocopy.

#### 4.3.6 Approval Process for Class 1 Unmanned Aircraft

A class 1 unmanned aircraft is only allowed to be operated with a valid operating approval issued by ACG.

##### 4.3.6.1 Filing of Application

The filing of the available application form at the department LSA of Austro Control has to be done by the operator of the unmanned aircraft. The field of application as well as the date have to be stated in the application that can be submitted electronically to [uLFZ.Mailbox@austrocontrol.at](mailto:uLFZ.Mailbox@austrocontrol.at). Depending on the category and type design of the unmanned aircraft all required documents that are highlighted in the corresponding chapter of this document, have to be enclosed to the application.

##### 4.3.6.2 Authorisation

The scope of the approval process will be set according to the desired category of the unmanned aircraft. The operating approval will be issued in regard to § 24f paragraph 3 AAA conditionally, terminable and with constraints as appropriate as it is in the interest of aviation safety.

##### 4.3.6.3 Repeal

The operating approval has to be repealed regarding to § 24f paragraph 3 AAA when one or more of the prerequisites are not longer fulfilled or statutory requirements are not longer adhered to.

#### **4.4 Unmanned Aircraft Class 2**

For class 2 unmanned aircraft all regulations and edicts of the federal law for civil aircraft and their operation have to be applied accordingly. The Federal Minister of Transport, Innovation and Technology can appoint special provisions for class 2 unmanned aircraft by edict, when the public interest of aviation interest is not jeopardized.

### **5 Miscellaneous**

#### **5.1 Fees of the Approval Procedure**

The fee of the approval procedure will be subject to Austro Control Fees Regulation- Austro Control Gebührenverordnung, BGBl. 2/1994 as amended.

#### **5.2 Further Authorisations and Ascertainment**

The described operating approval is solely the authorisation of operation by the aviation authority in regard to the Austrian Aviation Act. Other legal provisions (e.g.: telecommunication law, permission for the operation in obstacle clearance areas, permission of the landowner, trade law regulations, data-, nature-, environmental protection act) might be applicable.

In particular § 24l AAA has to be adhered to:

The permission respectively the operational approval of a model plane or class 1 and class 2 unmanned aircraft in regard to §§ 24c to 24k does not release the operator and/or pilot from their obligation of preservation of interest in the observance of secrecy of persons involved in

regard to §§ 7 ff in combination with § 6 and §§ 50a ff of the Data Protection Act 2000 – DSG 2000, BGBl. I Nr. 165/1999.

## **6 Appendices**

**Appendix B: Airworthiness Requirements for Category B Unmanned Aircraft**

**Appendix C: Airworthiness Requirements for Category C and D Unmanned Aircraft**

**Appendix D: Data Placard**

**Appendix E: Operating Instructions**

**Appendix F: Failure Mode and Effects Analysis**

**Appendix N: Permissible Noise Levels Order**