

Title:	Opinion and Instruction Document Unmanned Aircraft - Registration and Remote Pilot Competency Requirements for Control Line Model Aeroplane Flights
Package Number	0004
Headline Purpose:	Remove the requirement for registration for Control Line Model Aircraft with a MTOM less than 7.5Kg.
Proposed action:	To amend Regulation (EU) No. 2019/947 as retained (and amended in domestic law) under the European Union (Withdrawal) Act 2018 (" UK Reg (EU) No. 2019/947 ") to remove the registration requirement for operators of control line model aircraft with a maximum take-off mass of less than 7.5kg, as this regulatory requirement does not enhance safety and is not necessary to achieve the objective of the regulation scheme.

Objective

To remove the need for operators of Control Line Model Aircraft with a maximum take-off mass ("MTOM") of less than 7.5kg ("Control Line Model Aircraft") to be registered, as is currently required by Article 14(5) of [UK Reg \(EU\) No. 2019/947](#).

Background

Control Line Model Aircraft are attached to their operators by a cable. Prior to the coming into force of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 ("[CIR \(EU\) 2019/947](#)") (which was subsequently retained as [UK Reg \(EU\) No. 2019/947](#)), UK law imposed a requirement for registration in relation to model aircraft similar to that contained within [UK Reg \(EU\) No. 2019/947](#), but the UK CAA had exempted operators of Control Line Model Aircraft from that registration requirement. This was because:

- (a) it was considered disproportionate to impose such a requirement on operators given the very low risk of this 'niche' activity; and
- (b) the intent of the registration requirement was to enable the identification of operators of Remotely Piloted Aerial Systems (referred to as 'Unmanned Aerial Systems' / "UAS" in [UK Reg \(EU\) No. 2019/947](#)) ("RPAS"). In the case of Control Line Model Aircraft, the aircraft is attached to the operator by a cable and their identity is therefore clear.

Article 14(5) of [UK Reg \(EU\) No. 2019/947](#) includes the registration requirement imposed by CIR (EU) 2019/947, but it remains the CAA's opinion that this requirement is disproportionate and unnecessary.

The exemption power in Article 71 of Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2019 ("[the UK Basic Regulation](#)") does not enable the CAA to exempt such operators from Article 14. Accordingly, it is the CAA's opinion that the UK should remove this class of Control Line Model Aircraft from the registration requirements under Article 14.

What legal powers are being used to achieve the change?

Article 57 of [the UK Basic Regulation](#).

Consequence of not making these legislative changes

Operators of Control Line Model Aircraft would remain required to register as RPAS operators and pay the annual registration fee to do this. This is considered to be disproportionate given the very low risk of this 'niche' activity and the fact, detailed above, that operators are physically attached to the Control Line Model Aircraft and their identity is therefore clear.

Affected Law (and, if Applicable, UK AMC)

What is the existing UK legal framework which is relevant here?	UK Reg (EU) No. 2019/947
Identify the law that the CAA proposes be changed	Article 14 of UK Reg (EU) No. 2019/947
Are any consequential amendments needed to other pieces of law?	No
If the change proposed is to retained EU Implementing Rules made under the UK Basic Regulation, is there any UK Acceptable Means of Compliance (“AMC”), Guidance Material (“GM”) or Certification Specification (“CS”) that will be changed / newly adopted as a consequence ?	No
Is this proposal related to changes the EU have made that are not retained EU law (e.g. EU law that was published but not in force and so did not come across under the terms of the Withdrawal Act), or EU law changes since End of Transition?	No
Is there an EU Notice of Proposed Amendment considering the same issue?	<p>A Notice of Proposed Amendment (“NPA”) was issued by EASA prior to the introduction of CIR (EU) 2019/947.</p> <p>Throughout the process which resulted in the NPA and the introduction of CIR (EU) 2019/947, the CAA’s opinion was and remains that the registration requirement for operators of Control Line Model Aircraft was disproportionate and unnecessary to achieve the objective of the requirement. It is CAA’s view that there has been no material change in circumstances since the issue of the NPA.</p>
Does this proposal relate to an international treaty obligation (e.g. an ICAO SARP)?	No
Is a consultation required?	<p>The registration requirement contained within the Regulation was developed by EASA and was consulted upon at the time. That consultation meets the requirement for consultation under Article 115 of the UK Basic Regulation. The CAA does not consider that there has been any material change in circumstances since the date of the EASA consultation.</p> <p>However, UK CAA policy differed from EASA’s position for the reasons already set out. It is therefore the CAA’s opinion that this class of operators should now be exempted from the scope of Article 14.</p>
Is an Impact Assessment under the Better Regulation Framework necessary?	No. The threshold for an Impact Assessment under the Better Regulation Framework is not met.
When is it intended that these provisions should be brought into force?	On the earliest possible date after the SI is made.
Has an SI “slot” been agreed with the Department for Transport?	October 2021

Will there be any criminal offences?	No. The proposed amendments do not impose any new obligations for which the creation of criminal offences may be appropriate. Rather, the proposed amendments simply remove an existing regulatory burden.
If so, is a Justice Impact Test required?	No
What is the intended extent of the provision?	The UK
Are there any devolved issues?	No
Are any transitional provisions needed?	No

Suggested Changes to existing wording of Law

As set out above, the substance of the amendments detailed below have already been the subject of consultation. These proposals are therefore published for information purposes only. It should be noted that the amendments set out in this section constitute the CAA's initial opinion on possible amendments to the relevant legislation. While it is anticipated that any amendments ultimately enacted will broadly reflect the CAA's proposals, all amendments to legislation are subject to an iterative legislation drafting process by Government lawyers. The proposals set out below may therefore not be the final wording in the UK law.

Article 14(5)(a) of [UK Reg \(EU\) No. 2019/947](#) should be amended to exclude Control Line Model Aircraft from its scope as follows in underline:

“UAS operators shall register themselves

- (a) “when operating within the ‘open’ category any of the following unmanned aircraft, excluding a control line model aircraft:*
- i. with a MTOM of 250 g or more, or, which in the case of an impact can transfer to a human kinetic energy above 80 Joules;*
 - ii. that is equipped with a sensor able to capture personal data, unless it complies with [the Toys (Safety) Regulations 2011]⁵.”*

It is proposed that a definition should be added as follows:

“control line model aircraft’ means an unmanned fixed-wing aircraft with a MTOM of less than 7.5kg that remains securely tethered via a physical link such as a flexible wire or cable of no longer than 25 metres to a person, the ground or an object at all times while it is flying.”