

# Look Up: Drone use in Ukraine —current regulation and future prospects

January 25, 2022

By 2050, unmanned aerial vehicles (UAVs) are expected to have flown around 250 million hours in densely populated areas of the European Union, and in 10 years, the UAV segment will account for 10 percent of the total aviation market, representing more than €15 billion a year.

This information has been included in the Opinion of the Committee on Ukraine's Integration into the European Union, which is related to the Draft Law on the Introduction of Amendments into the Air Code of Ukraine to Improve Legislative Regulation in the Field of Unmanned Aerial Vehicles No. 3716, dated June 22, 2020 (Draft Law). The Draft Law is intended to improve regulation of UAVs and to implement the European approach into national law.

Indeed, the rapid growth of UAVs in Ukraine necessitates the creation of adequate and clear rules for their operation, in compliance with the best world and European practices. Currently, the domestic approach to the regulation of UAVs is rather flexible and unclear.

Accordingly, UAV operators have questions regarding flight regulations and UAV operation rules. We have researched this matter in order to provide you with answers to some of these questions.

## **What permits are required to import drones into Ukraine?**

Ukrainian law does not require permits to import UAVs into Ukrainian territory.

At the same time, in order to be used in Ukraine, drones and related radio equipment must be entered into the Register of Radio-Electronic Equipment and Radiating Devices. Additionally, one must issue a declaration of compliance with the requirements of the Technical Regulation of Radio Equipment.

## **Do UAVs need to be registered in the State Register of Civil Aircraft?**

Registration is not required for UAVs that are used for entertainment and sporting activities and have a maximum takeoff weight of 20 kg. UAVs that do not meet these criteria must be registered in the State Register of Civil Aircraft.

## **What certificates are required to operate drones?**

For UAVs that are subject to entry into the State Register of Civil Aircraft, there is a requirement to obtain a number of certificates, including the following:

- Certificate related to type [of UAV]
- Airworthiness certificate
- Operator's certificate.

Thus, if a UAV is not subject to registration, none of the above certificates are necessary.

## **Should a drone operator have any special qualifications?**

Ukrainian law provides for certain qualification requirements for pilots and aircraft operators, but these requirements do not apply to UAV operators, provided they do not need to be registered in the State Register of Civil Aircraft.

## **Does a UAV operator need to obtain a permit for flying the UAV?**

An airspace management permit is not required for drones weighing less than 20 kg, provided that the following conditions are met:

1. Flights do not cross the national border of Ukraine.
2. Flights take place outside areas where there are established prohibitions and restrictions.
3. Flights do not come closer than five kilometers from the outer boundaries of runways of aerodromes, or no more than three kilometers from the outer boundaries of runways/heliports, except for instances when such flight has been approved by the operator of the aerodrome/heliport.
4. Flights are no closer than 500 meters from manned aircraft.
5. Flights do not take place over:
  - Crowds of people in the open, or over densely populated areas
  - Areas (zones) where protection/state protection has been established, except for instances when such flights are performed with the permission of authorized bodies.
6. Flights are performed within the operator's visual line-of-sight.
7. The maximum flight altitude is 50 meters or 120 meters, depending on the flight zone.
8. The flight speed is not more than 160 km/h.

## **Expected changes to UAV legislation**

The Draft Law provides for introducing amendments into the current Air Code of Ukraine, whereby, specifically:

- The obligation to obtain a UAV operator's certificate will be determined according to the Aviation Regulations of Ukraine.
- UAVs with a maximum takeoff weight of 20 kilograms that are used in education—for extracurricular education, scientific or sporting activities—are not subject to registration in the State Register of Civil Aircraft. Instead, these UAVs will be subject to registration with the authorized civil aviation body.
- The Aviation Regulations of Ukraine will set requirements for the competencies of a remote pilot, what training/retraining is required, confirmations/renewals, and for how pilots can maintain their competence.

Based on these amendments, legislators expect to implement in Ukraine the principles of UAV operating rules contained in Commission Implementing Regulation (EU) 2019/947, dated May 24, 2019 (Regulation). The Regulation provides for a risk-oriented approach to the classification of UAV types. Depending on the degree of risk, UAVs are classified into three categories—open, special and certified.

UAVs that fall into the open category do not require permits, licenses or certificates. At the same time, certain restrictions may be imposed on such UAVs, in particular regarding the maximum flight altitude.

The special category includes those UAVs that exceed the limits of the open category and correspond to a medium

degree of risk. For example, UAVs over 25 kilograms or UAVs that are operated outside the scope of visual observation may fall into the special category. Accordingly, the operation of such UAVs will require permission from the national aviation authority.

The **certified** category includes those UAVs that have a high degree of risk. The same rules as those applied to manned aircraft will also apply to UAVs with this classification:

- The UAV must have a certificate of airworthiness.
- Pilots of such UAVs must be licensed (in this case a remote-control operator's license).

It is clear that adoption of the Draft Law (which is currently being prepared for its second reading) will contribute to the introduction in Ukraine of modern rules for operating UAVs that correspond to market realities. In particular, the statutory classification of UAV types according to the degree of risk, which is currently absent from Ukrainian law, will help operators understand the authorization and operation procedures for UAVs, depending on the type of UAV they intend to operate. This is currently a major gap in the legislation, which creates uncertainty and unpredictability in the rules of the game for many market participants.

## Your Key Contacts



**Maksym Sysoiev**

Partner, Kyiv

D +380 44 494 4774

[maksym.sysoiev@dentons.com](mailto:maksym.sysoiev@dentons.com)