

Pursuant to Article 10 (3), Article 138 (2) and Article 239 of the Air Transport Law (RS Official Gazette No 73/10, 57/11, 93/12, 45/15 and 66/15 - other law), the Director of the Civil Aviation Directorate of the Republic of Serbia hereby adopts

REGULATION
on unmanned aircraft

Article 1
Scope

This Regulation lays down the conditions for the safe use of unmanned aircraft, their classification, record-keeping, maintenance, as well as the requirements to be met by persons intending to use the unmanned aircraft.

This Regulation shall not be applicable to:

- 1) unmanned aircraft with maximum take-off mass of less than 0.25 *kg*, if their maximum speed does not exceed 19 *m/s* while not reaching maximum kinetic energy of 80 J;
- 2) unmanned aircraft with maximum take-off mass over 150 kg;
- 3) unmanned aircraft operated for operational purposes of the authorities responsible for defense, interior and customs services;
- 4) unmanned indoor aircraft.

Article 2
Definitions

Particular definitions used in the Regulation shall have the following meanings:

- 1) *allocated airspace* means a portion of airspace temporarily segregated or reserved by an airspace management unit in accordance with the user`s requirements;
- 2) *unmanned aircraft* means an aircraft whose crew is not onboard, controlled remotely or whose flight is autonomous;
- 3) *occurrence* means any safety-related event that threatens or which, if not remedied or if neglected, could endanger aircraft, its occupants or any other person, particularly including an accident or a serious accident;
- 4) *airspace management unit* means a unit responsible for the day-to-day management of airspace under the responsibility of one or more States;
- 5) *unmanned aircraft operator* means an operator on the ground, or a natural person directly controlling the unmanned aircraft system, its flight, programming the control system and responsible for the same flight;
- 6) *unmanned aircraft flight region* is portion of an airspace in which the unmanned aircraft is flying, which is located above:
 - (1) undeveloped and uninhabited area where there are no other persons other than the person operating the unmanned aircraft (region I);

- (2) constructed, or uninhabited area where there are buildings not intended for human habitation, with a possibility of retaining people for a short period of time (region II);
- (3) residential area, where there are buildings designed for permanent and longer residing of people (region III);
- (4) densely populated area, urban or a city center, as well as any area where a large number of population may gather (region IV);
- 7) *aerodrome reference point* means a particular geographical position of the aerodrome, expressed in degrees, minutes and seconds of latitude and longitude, having as a reference geodetic system the World Geodetic System - 1984 (*WGS-84*);
- 8) *unmanned aircraft system* means a group of elements enabling the flight of an unmanned aircraft, comprising the unmanned aircraft, the elements necessary for the control or programming of the flight and the elements necessary to operate the unmanned aircraft;
- 9) *foreign unmanned aircraft* means
- (1) unmanned aircraft registered onto the register or any other appropriate records of a foreign state;
 - (2) unmanned aircraft whose owner or unmanned aircraft operator is a national of a foreign state while the aircraft is not entered onto the aircraft records;
- 10) *restricted area* means a portion of airspace where flight is restricted for a defined period of time and is operated under the previously specified conditions.

Article 3

Categories of aircraft

According to the maximum take-off mass, unmanned aircraft are classified as:

- 1) Category 1 - includes unmanned aircraft with the maximum take-off mass of less than 0.9 kg;
- 2) Category 2 - Includes unmanned aircraft with the maximum take-off mass from 0.9 kg to 4 kg (excluding 4 kg);
- 3) Category 3 - includes unmanned aircraft with the maximum take-off mass from 4 kg to 25 kg (excluding 25 kg);
- 4) Category 4 - includes unmanned aircraft with the maximum take-off mass from 25 kg to 150 kg.

Article 4

Unmanned aircraft registration

The following aircraft shall be entered onto the aircraft register maintained by the Civil Aviation Directorate of the Republic of Serbia (Directorate):

- 1) unmanned aircraft belonging to categories 3 and 4;
- 2) unmanned aircraft belonging to category 1 or 2 used for:
 - (1) flying at altitudes above 100 m;

- (2) flying near aerodromes;
- (3) flying at a horizontal distance greater than 500 m from a unmanned aircraft operator;
- (4) flying over persons;
- (5) flying in the vicinity of persons;
- (6) flying within the restricted area;
- (7) night flying;
- (8) releasing fluid or objects or carrying external cargo that is not an element of the structure of an unmanned aircraft.

The registration onto aircraft register shall be made at the request of the owner of unmanned aircraft or the unmanned aircraft user subject to the authorization by the owner.

Article 5

Documentation needed for registration

The following documentation shall accompany the application for the registration onto the unmanned aircraft register:

- 1) proof of customs duties payed if the aircraft was manufactured in a foreign state, or a certified written statement of the owner if the aircraft was manufactured in the Republic of Serbia;
- 2) manufacturer's instruction manual for the use of the unmanned aircraft, in Serbian or English language;
- 3) liability insurance contract for damage to third parties ensuing from the operation of the unmanned aircraft, in accordance with the law governing compulsory insurance in transportation.

Notwithstanding paragraph 1 item 1) of this Article:

- 1) if proof the customs duties paid is unavailable, the applicant may submit a document proving the right of ownership;
- 2) in the event of an amateur-built unmanned aircraft, an endorsed written statement of the person who built such aircraft shall be submitted, as well as a document proving ownership if the person who built such aircraft is not the owner of that aircraft.

In the event of unmanned aircraft of category 4, the applicant shall be required to submit to the Directorate the relevant technical documentation as a basis to determine the aircraft's ability to fly safely, and the applicant shall ensure demonstration flight to be conducted in the presence of an authorized official of the Directorate.

On the basis of the application for unmanned aircraft registration and the documentation referred to in paragraph 1 of this Article, the Directorate issues a certificate on the unmanned aircraft being registered in accordance with the regulation governing the classification of aircraft, aircraft nationality and registration marks, and the mandatory aircraft inscriptions.

Article 6
Maintenance

The owner or user of the unmanned aircraft shall ensure that the unmanned aircraft is maintained in accordance with the manufacturer's instructions.

Article 7
Maximum permitted flight altitude

Maximum permitted flight altitude for unmanned aircraft shall be 100 *m* above ground, unless the Directorate approves that the flight may be operated at higher altitudes and if allocation of airspace have been performed.

The permission as referred to in the paragraph 1 of Article above shall be granted by the Directorate as the case may be, taking into careful consideration the area above which the unmanned aircraft is to be flown, including its category, technical capabilities and equipment.

Article 8
Flying at aerodromes and their vicinity

Unmanned aircraft flying within the boundaries of aerodromes or helidromes shall be allowed upon prior approval obtained from the aerodrome or helidrome operator.

Unmanned aircraft flying shall be prohibited in the vicinity of aerodromes or helidromes, unless a prior approval from the Directorate and airspace allocation have been obtained.

Proximity to an aerodrome means an area outside aerodrome boundaries within the radius of:

- 1) 5 km from the aerodrome reference point referred to in the Annex, which is printed with this Regulation and constitutes integral part thereof;
- 2) 1.5 km from the aerodrome reference point, in case of other aerodromes.

The proximity of a helidrome means an area outside the boundary of a helidrome, within the radius of 1.5 km from the helidrome reference.

With respect to unmanned aircraft flying at and in the vicinity of military aerodromes, the provisions of the regulation governing airspace management shall be applicable.

Article 9
Airspace allocation

Unmanned aircraft may only be flown if the airspace that has been previously allocated, in the following cases:

- 1) for flying at altitudes more than 100 m above the ground;
- 2) for flying in the vicinity of aerodromes, regardless of the altitude at which the flight takes place.

The owner or operator of unmanned aircraft shall submit an application for the allocation of airspace to the airspace management unit within the Serbia and Montenegro Air Traffic Services Agency (SMATSA) LLC, Belgrade.

The application for airspace allocation shall be made not later than two business days prior to the intended unmanned aircraft flight, by fax, e-mail or by using the appropriate application or internet platform, if available.

With the application for the allocation of airspace, the owner or unmanned aircraft operator shall submit the approval of the Directorate referred to in Article 7, paragraph 1, or Article 8, paragraph 2 of this Regulation.

Application for the allocation of airspace shall be submitted in the form specified in the regulation governing airspace management.

The decision on the allocation of airspace shall be taken, published and, where necessary, repealed by the airspace management unit in accordance with the regulation governing airspace management.

Unmanned aircraft may not be flown in airspace previously allocated for the purposes of another user.

Article 10

Maximum horizontal distance from the unmanned aircraft operator

Maximum horizontal distance of the unmanned aircraft from the unmanned aircraft operator shall be 500 m, unless the Directorate has previously approved the flight to be operated at a longer horizontal distance and if the appropriate risk assessment has been provided by the applicant.

Article 11

Flying above persons

Unmanned aircraft flying above persons shall be prohibited.

Notwithstanding paragraph 1 of this Article, the Directorate may authorize flying above persons in the event of category 1 unmanned aircraft with maximum speed of 19 m/s, and less, i.e., that cannot gain kinetic energy greater than 80 J.

Article 12

Flying in the vicinity of persons

Unmanned aircraft operator shall ensure that the unmanned aircraft's horizontal distance from other persons is not less than 30 m.

By way of derogation from paragraph 1 of this Article, the Directorate may authorize the flight of an unmanned aircraft in the vicinity of persons, i.e. at a distance of less than 30 m but not less than 5 m, in the following cases:

- 1) in case of category 1 unmanned aircraft;
- 2) in case of category 2 unmanned aircraft possessing and using the technical capabilities to fly at speeds less than 3 m / s (e.g. "low speed mode" function).

Article 13

Distance from infrastructure and other important facilities

The use of unmanned aircraft is prohibited at a horizontal distance of less than 500 m from the premises of the National Assembly, the Government, the General Secretariat of the President

of the Republic, republic and provincial state administrations and local self-government bodies, Armed Forces of Serbia, courts, public prosecutor's offices, foreign diplomatic missions and important diplomatic missions, infrastructure facilities in the fields of energy, transport, telecommunications and water supply infrastructure, unless the owner or operator of the unmanned aircraft has obtained the permission from the facility owner or its user.

Article 14

Flying in regions

If all other requirements laid down in this Regulation are met, unmanned aircraft of category 1 or 2 may be operated in all regions, while unmanned aircraft of category 3 may be operated in regions I and II.

Unmanned aircraft of category 3 may only be operated in regions III and IV subject to prior approval by the Directorate.

The Directorate shall grant the approval referred to in paragraph 2 of this Article, on a case-by-case basis, taking into particular account the technical capabilities and equipment of the unmanned aircraft, as well as the particularities of the space within which the flight is intended to be operated.

If other requirements laid down in this Regulation are fulfilled, unmanned aircraft belonging to category 4 may only be used in regions I and II.

Article 15

Flying within restricted area

Flying of unmanned aircraft within the restricted area shall only be permitted subject to prior approval by the Directorate.

The Directorate shall grant the approval as referred to in paragraph 1 of this Article if the ministry responsible for defense and the ministry of interior give their respective positive opinions regarding the intended flight and if other requirements under this Regulation are met.

Article 16

Visibility conditions

Unmanned aircraft may be flown only during day and at night time in such visibility conditions that allow the aircraft to be operated by the unmanned aircraft operator within his/her visual line of sight. Night flying shall be subject to prior approval by the Directorate.

An unmanned aircraft is considered to be in the line of sight if the operator of the unmanned aircraft maintains continuous visual contact with the unmanned aircraft without the use of any external optical or electronic aids, whereby vision correction aids (such as glasses or contact lenses) shall not be considered as external visual aids.

The Directorate shall grant the approval as referred to in paragraph 1 of this Article, on a case-by-case basis, taking into particular account the technical capabilities and equipment of the

unmanned aircraft, as well as the particularities of the space within which the flight is intended to be operated.

Article 17

Transportation of persons, dangerous goods and animals

Transportation of persons, dangerous goods and animals by unmanned aircraft shall not be permitted.

It shall not be permitted to operate an unmanned aircraft with or from any moving objects, or to operate multiple unmanned aircraft simultaneously.

The release or dropping of liquids and objects from an unmanned aircraft, as well as the carriage of external cargo that is not an element of the structure and equipment of such unmanned aircraft shall not be permitted and shall be subject to prior approval by the Directorate.

The Directorate grants the approval referred to in paragraph 3 of this Article if it has established that the flight will not endanger the safety of air traffic, persons and objects on the ground, taking into account the particularities of the space within which the flight is intended to be operated, the category of aircraft, its technical capabilities and equipment.

Article 18

Application forms, submission time frame and decision-making

Applications to obtain the approval from the Directorate under the provisions of this Regulation shall as a rule be submitted not later than 15 days prior to the date of the flight, using the application forms designed by the Directorate specifically for such purposes.

The subject of the applications referred to in paragraph 1 of this Article may be one or a series of flights operated for a maximum time period of 30 days, starting from the day when the first flight is intended to be operated.

In addition to the application as referred to in paragraph 1 of this Article, the applicant shall provide a copy of the valid liability insurance contract against damages to third parties that might ensue from operating unmanned aircraft.

The Directorate may on a case-by-case basis make a decision to approve a particular flight of an unmanned aircraft by imposing additional requirements to be met by the applicant if it establishes on factual reasonable grounds that the fulfillment of such additional requirements is necessary for the safe operation of the unmanned aircraft.

Article 19

Duties of the unmanned aircraft operator

The unmanned aircraft operator shall:

- 1) ensure that the flight of an unmanned aircraft is operated in such a manner so as not to endanger lives, well-being and property of persons and that it does not disturb public order;
- 2) operate unmanned aircraft in such a manner so as to ensure compliance with the rules as laid down in this Regulation;

- 3) ensure, if the airspace is allocated, operating such flight within the limits of that particular allocated air space, and be available to the responsible air traffic control unit for any possible flight termination;
- 4) ensure, prior to the flight, that the unmanned aircraft system is functioning properly, as well as ensure that sufficient fuel is present, or battery status;
- 5) ensure that the unmanned aircraft, including objects and external cargo are properly fastened;
- 6) collect all necessary information for the safe conduct of the intended flight, ensure that the meteorological and other conditions within the flight area are such so as to provide safe flight, and in the event that he/she did not request the allocation of airspace, check that the airspace is not previously allocated for the purposes of other users, whether there are operational restrictions for the intended flight;
- 7) ensure that the unmanned aircraft is at a safe distance from any obstacles;
- 8) not be under the influence of alcohol or any psychoactive substances, nor be in such mental and physical state which prevents safe operation of an unmanned aircraft.

Article 20

Requirements for operating unmanned aircraft

The unmanned aircraft operator shall be an adult who is medically fit and has passed the proficiency tests necessary to operate the unmanned aircraft safely.

Notwithstanding paragraph 1 of this Article, an operator of a category 1 unmanned aircraft in a manner which does not require the allocation of airspace or the approval by the Directorate:

1) is not obliged to take a knowledge test, or fulfill the medical fitness requirements as stipulated in this Regulation;

2) may be a minor above the age of 15, or under the age of 15 may operate an unmanned aircraft if under direct supervision of an adult person.

Conditions in paragraph paragraphs 1 and 2 of this Article shall also apply to foreign nationals operating an unmanned aircraft.

Article 21

Medical fitness

Mental and physical fitness of unmanned aircraft operators shall be demonstrated by producing:

- 1) valid Class 1 or 2 medical certificate issued under the regulation governing flight crew licensing, medical fitness and training centers;
- 2) valid Class 3 medical certificate issued under the regulation governing licenses of flight controllers, training centers and aero-medical centers;
- 3) valid driver's license; or
- 4) medical certificate, not older than five years, issued under the law governing road safety.

Article 22

Knowledge assessment

The applicant submits a written application to the Directorate for the knowledge assessment necessary for the safe use of unmanned aircraft.

Within 30 days from the day of receipt of the application referred to in paragraph 1 of this Article, the Directorate issues a decision approving knowledge assessment.

The knowledge assessment shall be carried out not later than six months from the date of the submission of the application.

The Directorate publishes the knowledge assessment questionnaire on its official website.

The knowledge test consists of taking an objective type test with multiple choice answers and is conducted at the premises of the Directorate, in Serbian or English language, by preference.

The candidate shall pass the knowledge test if at least 75% of the questions is answered correctly.

If the candidate fails the knowledge test, he/she may apply for a re-take.

The candidate who has passed the knowledge test shall be granted the appropriate certificate with unlimited validity.

Article 23

Necessary documentation

When operating an unmanned aircraft, the unmanned aircraft operator shall have on his person:

- 1) certificate on having passed the knowledge test referred to in Article 22, paragraph 8 of this Regulation, if, according to the provisions of this Regulation, he is under obligation to take knowledge test;
- 2) approval of the Directorate referred to in Article 7, paragraph 1, Article 8, paragraph 2, Article 10, Article 11, paragraph 2, Article 12, paragraph 2, Article 14, paragraph 2, Article 15, paragraph 1, Article 16, paragraph 1, Article 17, paragraph 3, and Article 24, paragraph 1 of this Regulation, if, pursuant to the provisions of this regulation he/she must request such approval;
- 3) manufacturer's instruction manual for the particular unmanned aircraft, in paper or electronic form;
- 4) document proving medical fitness.

Article 24

Foreign unmanned aircraft

A foreign unmanned aircraft may fly within the airspace of the Republic of Serbia subject to the permit issued by the Directorate.

The Directorate shall issue the permit referred to in paragraph 1 of this Article after obtaining the consent of the ministry responsible for defense, in accordance with the law governing air transport.

In addition to the application for issuing the permit referred to in paragraph 1 of this Article, the owner or user of a foreign unmanned aircraft shall submit a valid liability insurance contract covering damages to third parties, which may ensue from operating unmanned aircraft, which covers the territory of the Republic of Serbia.

Within the approval process, the Directorate decides whether the flight of a foreign unmanned aircraft may endanger the safety of air traffic, persons or objects on the ground, taking into account the particularities of the intended space, aircraft category, its technical capabilities and equipment.

All provisions of this Regulation, with the exception of the entry onto the aircraft register, shall apply to the operation of foreign unmanned aircraft.

Article 25

Mandatory occurrence reporting

The owner or user of the unmanned aircraft shall report to the Directorate any occurrence taking place while operating unmanned aircraft, which might have or have effectively endangered the safety of air traffic, persons or property. The occurrence shall be reported by the owner or user immediately upon having such an occurrence coming into its attention, at the latest 72 hours after the occurrence.

Mandatory occurrence reporting referred to in paragraph 1 of this Article shall not relieve the owner or user of an unmanned aircraft of the obligation to report to another competent authority if such obligation is established by another regulation.

Article 26

Permissions from other competent authorities

The provisions of this Regulation shall be without prejudice to the owner or the unmanned aircraft operator as regards the obligation to obtain the permits of other competent authorities necessary for the activity he intends to pursue.

Article 27

Validity of prior approvals

Approvals issued under the regulation which was in force until the entry into force of this regulation shall remain valid by the expiration of the time limits specified therein.

Article 28

Repeals

The Regulation on Unmanned Aircraft (Official Gazette of the RS No. 108/15) shall cease to have effect on the date of the application of this Regulation.

Article 29

Entering into force

This Regulation shall enter into force on the eighth day after its publication in the Official Gazette of the Republic of Serbia and shall be applicable as of February 15, 2020.

No. 5/1-01-0027/2019-0001

Belgrade,

December 23, 2019

Director

Mirjana Cizmarov

Annex 1

The list of aerodromes referred to in Article 8, paragraph 3 (1) of this Regulation:

- Belgrade / Nikola Tesla / LYBE
- Nis / Konstantin Veliki / LYNI
- Uzice / Ponikve / LYUZ
- Belgrade / Batajnica - Colonel - pilot Milenko Pavlovic / LYBT
- Kraljevo / Morava / LYKV
- Vrsac / LYVR