



# Guide to Conducting Cross-Border Operations

### (Article 13 of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019)



REGISTER OF EDITIONS				
EDITION Date of REASON FOR PUBLISHING THE DOCUMENT				
Ed 01	14/09/2023	First edition of the document		
Ed 02	Date publication	Adaptation to Royal Decree 517/2024		

FORMAT			
FORMAT CODE	TITLE		
UAS-OPR-P01-DT12-F01	Appendix IV - updated procedures for compliance with local conditions and updated mitigating measures		

REFERENCES				
CODE TITLE				
UAS-OPR-P01-DT11	UAS-OPR-P01-DT11 Guía para la realización de operaciones transfronterizas			
UAS.OPR-P01-GU12	Guía de identificación, autentificación y firma electrónica para Personas Físicas Extranjeras con e4F			

LIST OF ACCRONYMS				
ABBREVIATION	ABBREVIATION DESCRIPTION			
AESA	AGENCIA ESTATAL DE SEGURIDAD AÉREA (SPANISH AVIATION SAFETY AND SECURITY AGENCY)			
ATS	AIR TRAFFIC SERVICES			
BVLOS	BEYOND VISUAL LINE OF SIGHT			
CL@VE	SPANISH IDENTIFICATION AND ELECTRONIC SIGNATURE SYSTEM			
DNIE	DOCUMENTO NACIONAL DE IDENTIDAD ELECTRÓNICO (SPANISH ELECTRONIC NATIONAL IDENTITY DOCUMENT)			
EASA	EUROPEAN AVIATION SAFETY AGENCY			
ME	MEMBER STATE			
ERP	EMERGENCY RESPONSE PLAN			
E4F	ELECTRONIC SIGNATURE FOR FOREIGNERS			
FIZ	FLIGHT INFORMATION ZONE			
FNMT	FÁBRICA NACIONAL DE MONEDA Y TIMBRE (SPANISH NATIONAL MINT AND STAMP FACTORY)			
LUC	LIGHT UAS OPERATOR CERTIFICATE			
OM	OPERATIONAL MANUAL			
мтом	MAXIMUM TAKE-OFF MASS			
NOTAM	NOTICE TO AIRMEN			
SDRS	SPECIAL DRAWING RIGHTS			
STS	STANDARD SCENARIOS			

STS-ES	SPANISH NATIONAL STANDARD SCENARIOS
EU	EUROPEAN UNION
VAT	VALUE ADDED TAX

PUBLIC INFORMATION

MINISTRY OF TRANSPORT AND SUSTAINABLE MOBILITY SPANISH AVIATION SAFETY AND SECURITY AGENCY

#### CONTENTS

1.	INTRODUCTION						
2.	PURPC	PURPOSE OF SCOPE					
3.	<b>'OPEN</b>	'OPEN' CATEGORY OPERATIONS					
	3.1.	Registration7					
	3.2.	Training7					
	3.3.	UAS Geographical Zones					
	3.4.	Insurance					
4.	<b>'SPECI</b>	'SPECIFIC' CATEGORY OPERATIONS					
	4.1.	Operational Declaration					
	4.1.1. 4.1.2.	National Standard Scenarios (STS-ES-01 and STS-ES-02)					
	4.2.	Operational Authorization					
	4.2.1.	Procedure for ObtainingConfirmation of Acceptability of an Operational Authorization 12					
	4.3.	Light UAS Operator Certificate (LUC)16					
	4.3.1.	Application Procedure for Cross-Border Operations for a LUC with Privileges for Assessing Local Conditions					
	4.3.2.	Application Procedure for Cross-Border Operations for a LUC without Privileges for Assessing Local Conditions					
5.	OPERA	TIONS BY THIRD-COUNTRY OPERATORS IN SPAIN23					
6.		APPENDIX I – COMPLETION OF ONLINE PROCEDURES BY THE PERSON LEGALLY RESPONSIBLE FOR A FOREIGN UAS OPERATOR24					
	6.1.	Case 1. The Person Legally Responsible for the UAS Operator is a Natural Person without Residence in Spain (Using Passport)25					
	6.2.	Case 2. The Person Legally Responsible for the UAS Operator is a Spanish Natural Person 25					
	6.3.	Case 3. The Person Legally Responsible for the UAS Operator is a Foreign Natural Person with Residence in Spain					
7.		DIX II – COMPLETION OF ONLINE PROCEDURES BY A FOREIGN UAS OPERATOR JGH AN AUTHORIZED REPRESENTATIVE27					
	7.1.	Case 4. The Authorized Representative is a Foreign Natural Person without Residence in Spain					
	7.2.	Case 5. The Authorized Representative is a Spanish Natural Person					
	7.3.	Case 6. The Authorized Representative is a Spanish Legal Person					
	7.4.	Case 7. The Authorized Representative is a Foreign Natural Person with Residence in Spain					

9.	APPENDIX IV – TEMPLATE DOCUMENT ON LOCAL CONDITIONS AND UPDATED OM
	PROCEDURES FOR COMPLIANCE WITH LOCAL CONDITIONS AND APPLICATION OF
	MITIGATION MEASURES

Página 5 de 35

PUBLIC INFORMATION

MINISTRY OF TRANSPORT AND SUSTAINABLE MOBILITY SPANISH AVIATION SAFETY AND SECURITY AGENCY

#### 1. INTRODUCTION

When a UAS operator intends to conduct an operation entirely or partially in the airspace of a Member State other than the Member State of registration, the UAS operator must comply with a number of requirements and follow a number of different procedures depending on whether said operation falls within:

- a) the 'open' category,
- b) the 'specific' category, under declaration, authorization, or possession of a light UAS operator certificate (LUC), pursuant to Article 13 of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019.

The **Member State of registration** of the UAS operator is that in which they reside, in the case of natural persons, or that in which they have their principal place of business, in the case of legal persons. A UAS operator may not be registered in more than one Member State at a time.

Please click on the <u>following link</u> for a full list of EASA Member States.

In addition, UAS operators who have their principal place of business, are established, or reside in a third country must comply with the requirements of Commission Implementing Regulation (EU) 2019/947 when conducting UAS operations in the airspace of the Single European Sky. For further information regarding third-country operators, please see <u>section 4</u>.

This document sets forth the procedures to be followed by operators of different kinds when conducting cross-border operations (outside of the State of registration), as well as the procedures to be followed by third-country operators.

#### 2. PURPOSE OF SCOPE

The purpose of this guide is to establish the requirements and procedures applicable to the operation of UAS in Spain, including open, specific and third country operators. It defines the processes of registration, training, insurance, operational authorisations, operational declarations and certifications (LUC), as well as the administrative procedures for foreign operators. In addition, it includes annexes with specific models and requirements for applications for formalities, local conditions, and digital certificates.

Its scope covers both national and international operators wishing to carry out UAS operations within Spanish territory in compliance with Implementing Regulation (EU) 2019/947 and Royal Decree 517/2024.

#### 3. 'OPEN' CATEGORY OPERATIONS

For operations falling within the 'open' category, as defined in Article 4 of Commission Implementing Regulation (EU) 2019/947, the UAS operator must:

- Be registered in their Member State of residence or the State in which they conduct their economic activity and label their aircraft with their operator ID number.
- Guarantee that the remote pilots who are going to conduct the UAS operations are properly trained for the corresponding subcategory.
- Verify the specific requirements for the place of operation and the type of activity to be conducted.
- Take out a third-party civil liability insurance policy, excluding operations in the 'open' category under subcategory A1 and subcategory A3, as long as they involve aircraft with an MTOM below 20 kg.

'Open' category operations do not require an operational authorization from the Spanish National Aviation Safety Agency (hereinafter, AESA) nor the submission of a signed declaration before the flight. Nor is it necessary to inform AESA of the undertaking of operations.

You can consult the minimum age requirements for the open category in the <u>following section of</u> the website.

#### 3.1. Registration

With the entry into application of Commission Implementing Regulation (EU) 2019/947, registration has become a mandatory requirement for all UAS operators wishing to operate unmanned aircraft of the following characteristics in the 'open' category:

- a) Aircraft with a maximum take-off mass (MTOM) of 250 g or more, or which, in the event of collision, could transfer to a human being kinetic energy of more than 80 joules.
- b) Aircraft equipped with a sensor capable of capturing personal data, unless it complies with Directive 2009/48/EC (the "Toy Directive")

Operators must register in the Member State in which they reside (in the case of natural persons) or in which they have their principal place of business (in the case of legal persons). However, if your activities are limited to cross-border operations within the open category, you do not need to create an e-Bureau account at AESA's Electronic Office.

#### 3.2. Training

Remote pilots who are going to conduct UAS operations in the 'open' category in a Member State of operation other than their Member State of registration must be properly trained for the corresponding subcategory.

If a remote pilot has not received the necessary training to operate in the 'open' category in accordance with Commission Implementing Regulation (EU) 2019/947, they may obtain it through the competent aeronautical authority of any Member State. **Certificates issued by one Member State are valid for conducting operations in the 'open' category in other EU Member States**.

Remote pilots may conduct 'open' category operations provided that the pilots meet the following training prerequisites:

- Subcategory A1:
  - If the UAS is marked as class CO, or if the UAS is not class marked but has a maximum take-off mass of less than 250 g (as per Article 20 of Implementing Regulation (EU) 2019/947) or if the UAS is privately constructed with an MTOM under 250 g, the required training for the remote pilot will consist of becoming familiar with the manufacturer's user manual.
  - If the UAS is marked as class C1, the required training for the remote pilot will consist of becoming familiar with the manufacturer's user manual and must have certificate confirming the successful completion of the A1/A3 online training.
- <u>Subcategory A2:</u> If the UAS is marked as class C2, the remote pilot must hold a certificate of remote pilot competency.
- <u>Subcategory A3:</u> If the UAS is marked as C3, C4, or if the UAS is not class marked but has a maximum take-off mass of less than 25 kg (according to Article 20 of Implementing Regulation (EU) 2019/947) or if it is a privately constructed UAS with an MTOM under 25 kg, the remote pilot is required to be familiar with the manufacturer's user manual and must hold a certificate attesting the successful completion of the A1/A3 online training.

Finally, to conduct operations **in controlled airspace** or in a flight information zone (FIZ), where the ATS provider requires the use of air band radio, the remote pilot must complete the following additional training:

- <u>Radio operator certificate</u>. Further information can be found in the '<u>UAS Radio Operator</u> <u>Training</u>' section of the AESA website.
- <u>Provide evidence of adequate knowledge of the language or languages</u> to be used in communications with air traffic services.

#### 3.3. UAS Geographical Zones

In addition to the general rules for the operation of UAS depending on the category and place of operation, and the type of activity to be conducted, operators may also be subject to other requirements, as well as to flight restrictions and prohibitions.

Detailed guidance on national requirements and limitations for conducting UAS operations depending on intended location of operation, called "*Guide to UAS flight requirements and limitations depending on the place of operation (UAS geographical zones)*" is available in <u>this section</u> of AESA's website.

The ENAIRE Drones app can be used to consult the airspace areas in which drones are subject to flight prohibitions or restrictions, as well as hazardous zones and other warnings:

ENAIRE Drones app

#### 3.4. Insurance

According to Article 8 of Royal Decree 517/2024, UAS operators must take out third-party civil liability insurance to cover any damage caused during or as a result of every flight undertaken. More specifically:

- UAS Operators with unmanned aircraft with an MTOM of 20 kilograms must be insured according to Regulation 785/2004, and;
- UAS Operators with unmanned aircraft with an MTOM of less than 20 kilograms are required to comply with the provisions of Royal Decree 37/2001 of 19 January 2001, which updates the amount of compensation for damage under the Air Navigation Act. The following operations are exempt from the insurance obligations set forth in Law 48/1960 of 21 July:
  - In the 'open' category, within subcategory A1, and
  - In the 'open' category, within subcategory A3, as long as provided that the aircraft has an MTOM under 20 kilograms.

Regulation 785/2004 establishes a minimum required coverage for third parties' liability on the ground of 750,000 SDRs (for drones weighing up to 500kg) whereas Royal Decree 37/2001 establishes a minimum amount of 220,000 SDRs. UAS operators are required to obtain insurance coverage for each individual flight but are not obligated to maintain permanent insurance policies.

#### 4. 'SPECIFIC' CATEGORY OPERATIONS



With the implementation of the Royal Decree on UAS, it has become mandatory to interact with the Aviation Safety State Agency electronically as established in Article 63.1 of Royal Decree 517/2024 of 4 June 2024. UAS operators can access the platform and check ongoing procedures, using the following authentication methods: Digital Certificate, DNIe, Cl@vePIN, Cl@veMóvil, Cl@vePermanente and e4F. Submiting new procedures requires a valid electronic signature, either via a local certificate using AutoFirma or a cloud certificate with Cl@veFirma).

Furthermore, to complete different procedures for specific categories, such as submitting operational declarations applying for authorisations/LUCs or submitting authorisation/LUC acknowledgement applications, UAS operators must first register their aircraft in the 'Aircraft' tab of their electronic site.

In order to include the aircraft/s in the electronic site, they must first be registered in the UAS model database, so they appear in the 'Aircraft' tab drop-down menu. If you do not find the desired aircraft/s listed, you must send an email to <u>drones.aesa@seguridadaerea.es</u> requesting the inclusion of the required aircraft model. To carry out this process correctly, please check the the following <u>section</u> of the AESA website.

#### 4.1. Operational Declaration

A standard scenario is a type of UAS operation in the 'specific' category for which a precise list of mitigating measures has been defined.

#### 4.1.1. National Standard Scenarios (STS-ES-01 and STS-ES-02)

Until 30 August 2024, UAS operators registered in any EASA Member State could submit declarations of compliance with the national standard scenarios (STS-ES) published by AESA:

- STS-ES-01: VLOS over a controlled ground area in a populated environment.
- STS-ES-02: BVLOS with Airspace Observers over a controlled ground area in a sparsely populated environment.

**Said declarations shall only be valid for operations within Spanish airspace** and UAS may only be operated in accordance with what has been declared, until 31 December 2025.

#### 4.1.2. European Standard Scenarios (STS-01 and STS-02)

From 01 January 2024, UAS operators can submit an operational statement in the Member State where they are registered in accordance with the European standard scenarios (STS-ES) defined by EASA:

- STS-01: VLOS operations over a controlled ground area in a populated environment (using UAS marked as class C5).
- STS-02: BVLOS operations with airspace observers over a controlled ground area in a sparsely populated environment (using UAS marked as class C6).

Such declarations shall be valid for operations in any Member State and remain valid for up to 2 years from the date of submission. UAS operators intending to operate on the basis of an

operational declaration under the European standard scenarios (STS-01 and STS-02) submitted in another Member State, must request the 'recognition of operational declarations under the European standard scenarios' through the AESA Electronic Office. The process requires the following steps:

1. Create your account (user registration) at the AESA Electronic Office via the following link.

Before registration as a user, it is essential for UAS operators, whether acting as individuals or legal entities, to establish in advance who will be responsible for managing the procedures within the UAS application.

This applies to both individual UAS operators and legal entities:

- If the procedures in the UAS application will be handled by the legal representative of the UAS operator, consult the <u>Annex I</u> of this document for the specific guidelines regarding their nationality and place of residence.
- If the procedures in the UAS application will be handled by an authorised representative of the UAS operator, consult the <u>Annex II</u> of this document for detailed information based on the nationality and residence of the authorised representative
- 2. Submit the acknowledgement of operational declarations in the standard European scenarios.

After registering your account as a user, log in to the AESA Electronic Office and request the 'acknowledgement of operational declarations in European standard scenarios' using the procedure available on the <u>AESA Electronic Office.</u>

The declared operations may start once the UAS operator has the confirmation of receipt of the declaration issued by AESA.

For detailed information on national requirements and restrictions based on the operation location refer to the '*Guide to UAS flight requirements and limitations depending on the place of operation (UAS geographical zones)*' available in this section of the AESA website.

Before starting this procedure, the aircraft/s details must be registered in the 'Aircraft' tab of the UAS application, so the aircraft can be selected, and the process can be completed successfully. Additional information is available on our website.

#### 4.2. Operational Authorization

Pursuant to Article 13.1 of Commission Implementing Regulation (EU) 2019/947, when a UAS operator registered in a Member State other than Spain intends to conduct an operation in the 'specific' category in Spain for which an operational authorization is required, **they must first obtain** an operational authorization from their State of registration for the operations they intend to conduct.

The UAS operator must submit to AESA an application to conduct cross-border operations, as well as the corresponding documentation, and obtain confirmation of acceptability of the cross-border operation—following the procedure described below—before commencing operations.

## 4.2.1. Procedure for ObtainingConfirmation of Acceptability of an Operational Authorization

UAS operators wishing to submit an application for a cross-border UAS operation must do so online through the AESA website. This process entails the following steps:

#### 1. Creating an account (registering as a user) on the AESA website through the <u>following link</u>.

Irrespective of whether the UAS operator is a natural or legal person, before **creating an account** (registering as a user) they must first decide who is going to complete the procedures in the UAS app.

For all UAS operators, including both natural and legal persons:

- If the procedures in the UAS app are to be completed by the person that is legally responsible for the UAS operator, please consult <u>Appendix I</u> of this document for details of the different possible scenarios depending on the nationality and place of residence of said person.
- If the procedures in the UAS app are to be completed by an authorized representative of the UAS operator, please consult <u>Appendix II</u> of this document for details of the different possible scenarios depending on the nationality and place of residence of said authorized representative.

#### 2. Submitting an application for a cross-border operation and the corresponding documentation

As a prior step, the UAS operator must identify the local conditions applicable in the intended area of operation and, where necessary, adapt their operating procedures.

Detailed guidance on national requirements and limitations for conducting UAS operations depending on intended location of operation, called "*Guide to UAS flight requirements and limitations depending on the place of operation (UAS geographical zones)*" is available in <u>this section</u> of AESA's website.

Remember that before beginning this procedure, UAS operators must first enter the aircraft data in the "Aircraft" tab of the UAS app so that they can select it during the procedure and the procedure can be completed correctly. You can find more information about this procedure <u>on our website</u>.

The **application for a cross-border operation** must then be submitted to AESA through the **procedure on the website**, attaching the following documents:

- a. A copy of the operational authorization issued by the competent authority in the Member State of registration.
- b. An appendix including the chapters or sections of the Operations Manual providing all the necessary information on:
  - the **location** at which the operation is to be conducted.
  - the operating procedures for complying with local conditions and for applying mitigating measures in the new intended location or locations. Examples of the procedures to be included or updated, <u>as applicable</u>, are:
    - Procedures for coordinating with airports/aerodromes.

- Procedures for operating in controlled airspace and details of the necessary equipment.
- The procedure for airspace segregation or for the publication of NOTAMs.
- The procedure for consulting and interpreting updated aeronautical information on the area of operations.
- The procedure for coordinating with the Ministry of the Interior.
- An updated Emergency Response Plan (ERP).

(UAS operators are advised to create a separate document by filling out the form included in <u>Appendix IV</u>. They must then attach said document to their application for a cross-border operation in the "Appendix to the OM containing updated procedures" field.)

c. **Evidence of compliance** with local conditions and application of mitigating measures, if applicable. (*The UAS operator must attach said evidence to the application for a cross-border operation in the "Compliance evidence" field.*)

#### d. Mandatory civil liability insurance

Applications for cross-border operations must be submitted by accessing the app using option 2. *Login to the application*. This option allows for all the necessary data to be provided and signed digitally and for applications to be submitted automatically to AESA. On completing the process, the UAS operator will receive a PDF document containing the information submitted and confirming their online registration with AESA.

Once the application has been received, AESA will verify, within a reasonable time frame, whether the documentation provided by the UAS operator together with the application contains all the necessary data and meets the requirements relating to local conditions and the updated mitigating measures applicable to the intended location or locations of operation.

#### 4.2.1.1. Decision Regarding the Applicatin. Confirmation of Acceptability

Within a maximum period of three months, AESA will issue a Decision including a confirmation of acceptability determining that the updated mitigating measures and procedures are sufficient and appropriate for the intended location or locations, or, if this not the case, a Decision dismissing the intended UAS operation. If the UAS operator receives a Decision including a confirmation of acceptability, they may begin operating the UAS as soon as they have received said confirmation, even if the locations permitted by the competent authority of their State of registration have not been updated.

Pursuant to Additional Provision Nineteen of Act 21/2003 of 7 July, on Aviation Safety, if **no express Decision** is issued on an application to conduct UAS operations and activities within the **maximum notification period**, the **application must be understood**, on the grounds of **administrative silence**, to have **been declined**.

4.2.1.2.	Flowchart of the	Process for	Conducting	Operations in	Spain
----------	------------------	-------------	------------	---------------	-------

MEMBER	TATE OF REGISTRATION	UAS OPERATOR	AESA
	APPLIES FOR OPERATIONAL		
	S THE APPLICATION FOR <b>2</b>		
	ISSUES THE OPERATIC	NALAUTHORIZATION 3	
		<ul> <li>CREATES AN ACCOUNT (REGISTERS AS A USER) IN THE UAS APP OF THE MEMBER STATE OF OPERATION</li> <li>IDENTIFIES THE LOCAL CONDITIONS IN THE AREA OF OPERATION</li> <li>ADOPTS OPERATING PROCEDURES TO COMPLY WITH LOCAL CONDITIONS AND APPLY THE NEW MITIGATING AEASURES</li> </ul>	
		SUBMITS AN APPLICATION F OPERATION TOGETHER WITH DOCUMENTATION	
			EVALUATES THE INFORMATION SUBMITTED AND VERIFIES COMPLIANCE WITH LOCAL CONDITIONS AND APPLICATION OF THE MITIGATING MEASURES AND PROCEDURES ADOPTED BY THE UAS OPERATOR
			ISSUES A <b>7</b> CISION INCLUDING <b>7</b> ATION OF ACCEPTABILITY
		JES A DECISION INCLUDING CONFIRMATIO	N OF ACCEPTABILITY
	M	D REVISION OF THE AUTHORIZATION	
		IES AESA OF THE UPDATED REVISION O THE OPERATIONAL AUTHORIZATION	F

- 1. The UAS OPERATOR APPLIES to the competent aeronautical authority of its MEMBER STATE OF REGISTRATION for AN OPERATIONAL AUTHORIZATION.
- 2. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION evaluates THE APPLICATION FOR OPERATIONAL AUTHORIZATION.
- 3. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION issues THE OPERATIONAL AUTHORIZATION to the UAS OPERATOR.
- 4. The UAS OPERATOR creates an account (registers as a user) in the AESA UAS app, identifies THE LOCAL CONDITIONS IN THE AREA OF OPERATION and adopts OPERATING PROCEDURES TO COMPLY WITH THE LOCAL CONDITIONS AND APPLY THE NEW MITIGATING MEASURES.
- 5. THE UAS OPERATOR submits to AESA an APPLICATION FOR A CROSS-BORDER OPERATION TOGETHER WITH THE CORRESPONDING DOCUMENTATION.
- 6. AESA evaluates THE INFORMATION SUBMITTED and verifies COMPLIANCE WITH THE LOCAL CONDITIONS AND APPLICATION OF THE MITIGATING MEASURES AND PROCEDURES ADOPTED BY THE UAS OPERATOR.
- 7. AESA issues A DECISION INCLUDING CONFIRMATION OF ACCEPTABILITY to the UAS OPERATOR and the UAS OPERATOR CAN BEGIN OPERATING THE UAS.
- 8. AESA issues A DECISION INCLUDING CONFIRMATION OF ACCEPTABILITY to the competent aeronautical authority of the MEMBER STATE OF REGISTRATION.
- 9. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION issues AN UPDATED REVISION OF THE OPERATIONAL AUTHORIZATION to the UAS OPERATOR.
- 10. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION NOTIFIES AESA OF THE UPDATED REVISION OF THE OPERATIONAL AUTHORIZATION.

#### 4.3. Light UAS Operator Certificate (LUC)

In accordance with Article 13 of Commission Implementing Regulation (EU) 2019/947, when a UAS operator holding a light UAS operator certificate (LUC) with the appropriate privileges, in accordance with point UAS.LUC.060 of Part C of the Annex to said Regulation, issued by a Member State other than Spain, intends to conduct an operation in the 'specific' category in Spain, they must submit an application for a cross-border operation to AESA.

The documentation to be submitted together with the application, and the Confirmation of Acceptability/Decision process will vary depending on whether the UAS operator holds a **LUC WITH or WITHOUT the privileges** necessary to be able to assess the local conditions applying to any area of operation.

### 4.3.1. Application Procedure for Cross-Border Operations for a LUC with Privileges for Assessing Local Conditions

Any foreign UAS operator holding a LUC WITH privileges for assessing local conditions in their Member State of registration that wishes to conduct UAS operations in Spain making use of said privileges must submit an application for cross-border UAS operations through the AESA website. This process entails the following steps:

#### 1. Creating an account (registering as a user) on the AESA website through the <u>following link</u>.

Before undertaking online identification and authentication and digital signature procedures for a foreign UAS operator, it is first essential to decide **who is going to carry out the procedures in the UAS app**. The procedures can be completed by the person that is legally responsible for the legal person, or by an authorized representative (who can be a natural or legal person). This decision will also depend on the nationality and/or place of residence of the person that is legally responsible for the UAS operator/the authorized representative.

- If the procedures in the UAS app are to be completed by the person that is legally responsible for the UAS operator, please consult <u>Appendix I</u> of this document for details of the different possible scenarios depending on the nationality and place of residence of said person.
- If the procedures in the UAS app are to be completed by an authorized representative of the UAS operator, please consult <u>Appendix II</u> of this document for details of the different possible scenarios depending on the nationality and place of residence of said authorized representative.

#### 2. Submitting an application for a cross-border operation and the corresponding documentation

Remember that before beginning this procedure, UAS operators must first enter the aircraft data in the "Aircraft" tab of the UAS app so that they can select it during the procedure and the procedure can be completed correctly. More information about this procedure available on <u>our website</u>.

Having created an account (having registered as a user), UAS operators must then submit an **application for a cross-border operation** to AESA using the **procedure on the website**, attaching the following documents/specifying the following:

a. A copy of the terms of approval of the LUC holder pursuant to point UAS.LUC.050 of the Annex to Commission Implementing Regulation (EU) 2019/947, and

b. The place or places in which the intended operation is to be conducted (UAS operators are advised to create a separate document setting forth the details of the proposed flight area)

Applications for cross-border operations must be submitted by accessing the app using option 2) Access to your account. This option allows for all the necessary data to be provided and signed digitally and for applications to be submitted automatically to AESA. On completing the process, the UAS operator will receive a PDF document containing the information submitted and confirming their online registration with AESA.

Detailed guidance on national requirements and limitations for conducting UAS operations depending on intended location of operation, called "*Guide to UAS flight requirements and limitations depending on the place of operation (UAS geographical zones)*" is available in <u>this section</u> of AESA's website.

4.3.1.1. Decision Regarding the Application. Confirmation of Receipt of Application

The UAS operator can begin to operate when they have received **confirmation of receipt of their application for a cross-border operation, under a LUC**, pursuant to Article 13 of Commission Implementing Regulation (EU) 2019/947.

4312	Flowchart o	f the Process	for Conducting	Operations in S	Snain with a LU(	C with Privileges
7.5.1.2.	TIOWCHUIL O	<i>j</i> the <i>i</i> i occos	joi conducting	operations in a	<i>pun with a Loc</i>	, with i nineges

MEMBER STATE OF REGISTRATION	UAS OPERATOR	AESA
APPLIES	FOR A LUC 1	
EVALUATES THE APPLICATION 2		
ISSUES A LUC V	/ITH PRIVILEGES 3	
	CREATES AN ACCOUNT (REGISTERS AS A USER) IN THE 4 AESA UAS APP	
	SUBMITS AN APPLICATION FOR THAT INCLUDES: A COPY OF THE TERMS O THE PLACE OR PLACES IN OPERATION IS TO BE CO	DF APPROVAL RECEIVED
	CAN BEGIN TO OPERATE	s CONFIRMATION OF OF THE APPLICATION A CROSS-BORDER 6 ION MAKING USE OF JC PRIVILEGES

- 1. The UAS OPERATOR APPLIES to the competent aeronautical authority of the MEMBER STATE OF REGISTRATION FOR A LUC.
- 2. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION evaluates THE APPLICATION FOR A LUC.
- 3. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION issues A LUC **WITH PRIVILEGES** to the UAS OPERATOR.
- 4. The UAS OPERATOR creates an account (registers as a user) in the AESA UAS app.
- 5. The UAS OPERATOR submits to AESA an APPLICATION FOR A CROSS-BORDER OPERATION THAT INCLUDES:
  - a. A copy of the terms of approval received.
  - b. The place or places in which the intended operation is to be conducted.
- 6. AESA provides CONFIRMATION OF RECEIPT OF THE APPLICATION FOR A CROSS-BORDER OPERATION UNDER A LUC to the UAS OPERATOR and the UAS OPERATOR CAN BEGIN TO OPERATE.

#### 4.3.2. Application Procedure for Cross-Border Operations for a LUC without Privileges for Assessing Local Conditions

Any foreign UAS operator holding a LUC WITHOUT privileges for assessing local conditions in their Member State of registration that wishes to conduct UAS operations in Spain making use of said privileges must submit an application for a cross-border UAS operation through the AESA website. This process entails the following steps:

#### 1. Creating an account (registering as a user) on the AESA website through the <u>following link</u>.

Before undertaking online identification and authentication and digital signature procedures for a foreign UAS operator, it is first essential to decide **who is going to carry out the procedures in the UAS app**. The procedures can be completed by the person that is legally responsible for the legal person, or by an authorized representative (who can be a natural or legal person). This decision will also depend on the nationality and/or place of residence of the person that is legally responsible for the UAS operator/the authorized representative.

- If the procedures in the UAS app are to be completed by the person that is legally responsible for the UAS operator, please consult <u>Appendix I</u> of this document for details of the different possible scenarios depending on the nationality and place of residence of said person.
- If the procedures in the UAS app are to be completed by an authorized representative of the UAS operator, please consult <u>Appendix II</u> of this document for details of the different possible scenarios depending on the nationality and place of residence of said authorized representative.

#### 2. Submitting an application for a cross-border operation and the corresponding documentation

Having created an account (having registered as a user), UAS operators can then submit their application. However, as a prior step, they must first identify the applicable local conditions in the intended area of operation and, where necessary, adapt their operating procedures.

Detailed guidance on national requirements and limitations for conducting UAS operations depending on intended location of operation, called "*Guide to UAS flight requirements and limitations depending on the place of operation (UAS geographical zones)*" is available in <u>this section</u> of AESA's website.

Remember that before beginning this procedure, UAS operators must first enter the aircraft data in the "Aircraft" tab of the UAS app so that they can select it during the procedure and the procedure can be completed correctly. More information about this procedure available <u>on our website</u>.

The **application for a cross-border operation** must then be submitted to AESA through the **procedure on the website**, attaching the following documents:

- a. A copy of the terms of approval of the LUC holder pursuant to point UAS.LUC.050 of the Annex to Commission Implementing Regulation (EU) 2019/947, and
- b. An appendix including the chapters or sections of the Operations Manual providing all the necessary information on:
  - the **location** at which the operation is to be conducted.
  - the operating procedures for complying with local conditions and for applying mitigating measures in the new intended location or locations. Examples of the procedures to be included or updated, <u>as applicable</u>, are:
    - Procedures for coordinating with airports/aerodromes.
    - Procedures for operating in controlled airspace and details of the necessary equipment.
    - The procedure for airspace segregation or for the publication of NOTAMs.
    - The procedure for consulting and interpreting updated aeronautical information on the area of operations.
    - The procedure for coordinating with the Ministry of the Interior.
    - An updated Emergency Response Plan (ERP).

(UAS operators are advised to create a separate document by filling out the form included in <u>Appendix IV</u>. They must then attach said document to their application for a cross-border operation in the "Appendix to the OM containing updated procedures" field.)

- c. **Evidence of compliance with** local conditions and application of mitigating measures. (*The UAS operator must attach said evidence to the application for a cross-border operation in the "Compliance evidence" field*).
- d. Mandatory civil liability insurance.

Applications for cross-border operations must be submitted by accessing the app using option 2. Access to your account. This option allows for all the necessary data to be provided and signed digitally and for applications to be submitted automatically to AESA. On completing the process, the UAS operator will receive a PDF document containing the information submitted and confirming their online registration with AESA.

Once the application has been received, AESA will verify, within a reasonable time frame, whether the documentation provided by the UAS operator together with the application contains all the necessary data and meets the requirements relating to local conditions and the updated mitigating measures applicable to the intended location or locations of the operation.

#### 4.3.2.1. Decision Regarding the Application. Confirmation of Acceptability

Within a maximum period of three months, AESA will issue a Decision including a confirmation of acceptability determining that the updated mitigating measures and procedures are sufficient and appropriate for the intended location or locations, or, if this not the case, a Decision disallowing the intended UAS operation. If the UAS operator receives a Decision including a confirmation of acceptability, they may begin operating the UAS as soon as they have received said confirmation, even if the locations permitted by the competent authority of their State of registration have not been updated.

The competent authority of the Member State of registration must issue a revision of the LUC granted listing the new additional locations and provide a copy of the revised certificate to the Member State of operation and to the UAS operator.

Pursuant to Additional Provision Nineteen of Act 21/2003 of 7 July, on Aviation Safety, if **no express Decision** is issued on an application to conduct UAS operations and activities within the **maximum notification period**, the **application must be understood**, on the grounds of **administrative silence**, **to have been declined**.

MEMBER STATE OF REGISTRATION	UAS OPERATOR	AESA	
APPLIES	FOR A LUC 1		
EVALUATES THE APPLICATION FOR A			
ISSUES A LUC WIT	THOUT PRIVILEGES 3		
	<ul> <li>CREATES AN ACCOUNT (REGISTERS AS A USER) IN THE UAS APP OF THE MEMBER STATE OF OPERATION</li> <li>IDENTIFIES THE LOCAL CONDITIONS IN THE AREA OF OPERATION</li> <li>ADOPTS OPERATING PROCEDURES TO COMPLY WITH LOCAL CONDITIONS AND APPLY THE NEW MITIGATING MEASURES</li> </ul>		
	SUBMITS AN APPLICATION OPERATION TOGETHER WI DOCUMEN	TH THE CORRESPONDING 5	
		EVALUATES THE INFORMATION SUBMITTED AND VERIFIES COMPLIANCE WITH LOCAL CONDITIONS AND APPLICATION OF THE MITIGATING MEASURES AND PROCEDURES ADOPTED BY THE UAS OPERATOR	
		A DECISION INCLUDING 7	

#### 4.3.2.2. Flowchart of the Process for Conducting Operations in Spain with a LUC without Privileges

- 1. The UAS OPERATOR APPLIES to the competent aeronautical authority of the MEMBER STATE OF REGISTRATION FOR A LUC.
- 2. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION evaluates THE APPLICATION FOR A LUC.
- 3. The competent aeronautical authority of the MEMBER STATE OF REGISTRATION issues A LUC **WITHOUT PRIVILEGES** to the UAS OPERATOR.
- 4. The UAS OPERATOR creates an account (registers as a user) in the AESA UAS app, identifies THE LOCAL CONDITIONS IN THE AREA OF OPERATION and adopts OPERATING PROCEDURES TO COMPLY WITH THE LOCAL CONDITIONS AND APPLY THE NEW MITIGATING MEASURES.
- 5. The UAS OPERATOR submits to AESA an APPLICATION FOR A CROSS-BORDER OPERATION TOGETHER WITH THE CORRESPONDING DOCUMENTATION.
- 6. AESA evaluates THE INFORMATION SUBMITTED and verifies COMPLIANCE WITH THE LOCAL CONDITIONS AND APPLICATION OF THE MITIGATING MEASURES AND PROCEDURES ADOPTED BY THE UAS OPERATOR.
- 7. AESA issues a DECISION including CONFIRMATION OF ACCEPTABILITY to the UAS OPERATOR and the UAS OPERATOR CAN BEGIN OPERATING THE UAS.

#### 5. OPERATIONS BY THIRD-COUNTRY OPERATORS IN SPAIN

Pursuant to Article 41 of Commission Delegated Regulation (EU) 2019/945, <u>UAS operators that have</u> their principal place of business, are established, or reside in a third country, shall comply with Implementing Regulation (EU) 2019/947 for the purpose of UAS operations within the single European sky airspace.

Therefore, any UAS operator from a third country that is not considered an <u>EASA Member State</u> must register as a UAS operator in the first Member State in which they intend to conduct operations.

- A. If Spain is the first Member State in which a UAS operator intends to conduct operations, said UAS operator must register as an operator with <u>AESA's electronic office</u> and will then be subject to the same procedures and requirements as a Spanish operator. <u>Consequently, this guide is not pertinent to such operators.</u>
- B. If a third-country UAS operator has registered in an EASA Member State other than Spain and wishes to begin to operate in Spain, they must follow the same procedures as any other UAS operator registered in an EASA Member State other than Spain.

Depending on the operational category in which you wish to conduct operations, please consult the corresponding section(s) of this guide:

- <u>Third-country UAS operators registered in other MS</u> wishing to conduct 'OPEN' <u>CATEGORY operations in Spain</u>
- <u>Third-country UAS operators</u> registered in other MS wishing to conduct 'SPECIFIC' <u>CATEGORY operations in Spain under an OPERATIONAL DECLARATION</u>
- <u>Third-country UAS operators</u> registered in other MS wishing to conduct 'SPECIFIC' <u>CATEGORY operations in Spain under an OPERATIONAL AUTHORIZATION</u>
- <u>Third-country UAS operators</u> registered in other MS that are already holders of a LUC <u>WITH privileges for assessing local conditions wishing to conduct 'SPECIFIC' CATEGORY</u> <u>operations in Spain</u>
- <u>Third-country UAS operators registered in other MS that are already holders of a LUC</u> <u>WITHOUT privileges for assessing local conditions wishing to conduct 'SPECIFIC'</u> <u>CATEGORY operations in Spain</u>

#### 6. APPENDIX I – COMPLETION OF ONLINE PROCEDURES BY THE PERSON LEGALLY RESPONSIBLE FOR A FOREIGN UAS OPERATOR

When online identification and authentication and digital signature procedures are to be undertaken on the UAS website **by the person that is legally responsible for a foreign UAS operator**, it is necessary to establish whether this natural person is a Spanish citizen, an EU foreign citizen or a non-EU foreign citizen to determine which method or methods of identification are available to them.

The following categories are considered:

- Foreign EU citizens: Individuals who belong to any EASA Member State. These citizens may identify themselves in the electronic office, by <u>using their National Identity Document or</u> <u>Passport in the e4F system</u> as specified in the upcoming section.
- NON-EU foreign citizens: Individuals who belong to third countries outside the EASA Member States. These citizens will be able to identify themselves in AESA's electronic office, by <u>using their Passport in the e4F system</u>, as specified in the upcoming section.

Regardless of their nationality/place of residence, the steps to be followed by persons that are legally responsible for a foreign UAS operator are as follows:

- Create an account (register as a user) selecting "option 1.b. Without digital certificate". This form must be filled in with the data requested of the foreign legal person and of the person legally responsible for it.
- Access their account selecting "option 2. Access to your account". The account must be accessed with the identification methods accepted in each case for a representative of a legal person in the name of the person legally responsible for said legal person, a digital certificate for a natural person held by the person legally responsible for the legal person, or through the e4F (eSignature for Foreigners) system, for the purpose of carrying out authentication and digital signature procedures on the website.

**NOTE 1:** When registering in the electronic office, the identification number previously used to register in the e4F system must be provided, if applicable.

Depending on the type of person that is legally responsible for the UAS operator, the documentation required, and the possible methods of identification are developed in the following sections.

**NOTE 2:** For foreign legal entities where the procedures are handled by the LEGAL RESPONSIBLE, it is recommended to follow the instructions in CASE 1, as this is the quickest method to register in the EASA electronic office and complete the appropriate procedure. You will only need the company's identification number and the passport number of the person legally responsible.

Any full or partial copy of this document shall be considered an uncontrolled copy, and must be verified against the current version on the website.

### 6.1. Case 1. The Person Legally Responsible for the UAS Operator is a Natural Person without Residence in Spain (Using Passport)

The documentation required to create the account (user registration) with the 'option 1.b. Without certificate' will be:

- Photocopy of the passport of the person legally responsible and photocopy of the National Identity Document of the person legally responsible whose number appears on the deeds, in the same document.
- Photocopy of the deeds stating the VAT number of the company (UAS operator) and the number of the National Identity Document of the person legally responsible.

In this case, the account (option 2) *Access to your account*) can be accessed:

a) With the e4F system in the name of the person legally responsible using their Passport number (NOTE: Foreign EU citizens may also use their National Identity Document).

The steps to register in the e4F system can be found in the Guide to Identification, Authentication and Electronic Signature for Foreign Individuals with e4F in the <u>following</u> <u>section</u> of the website AESA Drones.

**NOTE 1:** Foreign individuals who are legally responsible can also carry out the necessary procedures if they obtain valid Spanish identification (such as NIF M, NIF N, etc.). For details on how to obtain the NIF M and NIF N, see <u>here</u>.

In these cases, when registering, you must provide the documents proving this status and you must obtain a digital certificate that allows identification and electronic signature for all related procedures. For detailed instructions on how to obtain the representative certificate for a legal entity, please refer <u>Appendix III</u>.

### 6.2. Case 2. The Person Legally Responsible for the UAS Operator is a Spanish Natural Person

The documentation required to create an account (register as a user) when selecting "option 1.b. Without digital certificate" will be:

- A photocopy of their national ID card (DNI) (front and back) in a single document.
- A photocopy of the deeds containing the ID number of the company (VAT number) and the ID number of the person legally responsible for it.

In this case, the account (option 2. Access to your account) can be accessed:

a) With a digital certificate for a representative of a legal person in the name of the person legally responsible for said legal person.

Refer to <u>Appendix III</u> for the necessary procedures to obtain the certificate of representative of a legal person.

*b)* With a digital certificate for a natural person in the name of the person legally responsible for the UAS operator. In this case, the deeds must include the VAT number of the company in their country.

Please consult the <u>FNMT website</u> for information on how to obtain a digital certificate for a natural person (private individual).

### 6.3. Case 3. The Person Legally Responsible for the UAS Operator is a Foreign Natural Person with Residence in Spain

The documentation required to create an account (register as a user) when selecting "option 1.b. Without digital certificate" will be:

• A photocopy of their foreigner's ID card (NIE) (front and back) and a photocopy of the national identification document of the person legally responsible consolidated into in a single document (to be verified in the deeds).

Click <u>here</u> for information on how to obtain a foreigner's ID card (Spanish acronym: NIE).

• A photocopy of the deeds containing the ID number of the company (VAT number) and the ID number of the person legally responsible for it.

In this case, the account (option 2. Access to your account) can be accessed:

a) With a digital certificate for a representative of a legal person in the name of the person legally responsible for said legal person.

Refer to <u>Appendix III</u> for the necessary procedures to obtain the certificate of representative of a legal person.

b) With a digital certificate for a natural person in the name of the person legally responsible for the UAS operator associated with his NIE.

*Please consult the <u>FNMT website</u> for information on how to obtain a digital certificate for a natural person (private individual).* 

### 7. APPENDIX II – COMPLETION OF ONLINE PROCEDURES BY A FOREIGN UAS OPERATOR THROUGH AN AUTHORIZED REPRESENTATIVE

When online identification and authentication and digital signature procedures are to be undertaken on the UAS website **by an authorized representative of a foreign UAS operator**, it is necessary to establish whether this natural person is a Spanish citizen, an EU foreign citizen or a non-EU foreign citizen to determine which method or methods of identification are available to them.

The following categories are considered:

- Foreign EU citizens: Individuals who belong to any EASA Member State. These citizens may identify themselves in the electronic office, by <u>using their National Identity Document or</u> <u>Passport in the e4F system</u> as specified in the upcoming section.
- NON-EU foreign citizens: Individuals who belong to third countries outside the EASA Member States. These citizens will be able to identify themselves in AESA's electronic office, by <u>using their Passport in the e4F system</u>, as specified in the upcoming section.

Regardless of whether they are a natural or legal person, and whether they are Spanish or foreign, the steps to be followed by authorized representatives of a foreign UAS operator are as follows:

- Create an account (register as a user) selecting "option 1.b. Without digital certificate". This form must be filled in with the data requested of the foreign legal person, the person legally responsible for it, and the authorized representative.
- Access their account selecting "option 2. Access to your account". Access must be granted through the identification methods applicable in each case under the name of the authorised representative, for the purpose of carrying out authentication and digital signature procedures on the website.

**NOTE 1:** During the registration process in the electronic office, the identification number of the person legally responsible must be entered as it was used in the e4F system, if applicable.

Acting as a representative before the Public Administration is a situation that is regulated in Article 5 of Act 39/2015 (LPACAP). Consequently, in all cases, **it will be necessary to accredit the authorized representative's status as such during the account creation (user registration) process by one of the following means**:

a) Submitting a power of attorney document accrediting the authorized representative's status as such

The power of attorney document must explicitly authorize the agent to represent the principal before the Public Administrations and/or AESA. The only possible kind of document that can be accepted is one that constitutes a power of attorney document.

In the case of foreigners, the power of attorney document must be legalized with a Hague Apostille<sup>\*</sup> if the issuing country is party to the Hague Convention. If the issuing country is not party to the Hague Convention, the power of notary document must be legalized at the Embassy or Consulate of Spain in the country of origin. *\*Exception: If the issuing country is an EU Member State, the power of attorney document does not require legalization, but it must be valid and it must be translated into Spanish.* 

	902658244	(Con		STILLE aye du 5 octobre 1	961)
	Paga Independencia 4, ler	1. País: Country/Pays:	España		
9	Tet 90 E74 20 St Fax 91 AV 45 10 e-mail lawarea backeroff set Mission org	El presente docu This public document	mento público /Le présent acte public		
NÚMERO DOS MIL S	ETENTA Y NUEVE (2.079)	<ol> <li>ha sido firmado has been signed by a été signé par</li> </ol>	por	SUBDIRECCION GENERA ADMINISTRATIVOS DE A JUDICIAL	
CRITURA DE AUT Manresa, mi resi		<ol> <li>quien actúa en c acting in the capacity agissant en qualité du</li> </ol>	of	REGISTRO CENTRAL DE	PENADOS
	cia Lemarce, Noterio del Bustre Colegio de	<ol> <li>y está revestido bears the seal / stam est revêtu du sceau /</li> </ol>	p of	MINISTERIO DE JUSTICIA	
ÑA IOLAN-ERIKI	COMPARECE			rtificado rtified/Attesté	
218 2010	and a second	5. en at/a	VALENCIA	6. el día the/le	03/06/2016
tnebi eb otr	31, expedido en 19 da diciembre de 2006, idad rumano, <u>entres en contenta</u> y Nile	7. por by/par	GIMENEZ NOGUERA ADJUNTA AL GEREN		
	to nombre y derecho	8. bajo el número Nº/sous nº	61946/2036/202903		
n ( 111) n a NASTEI	con el meno domicilo que metro, con y con NIE namero presente escritura testimonio del En	9. Sello / timbre: Seal / stamp: Sceau / timbre:		<b>10. Firma:</b> Signature: Signature:	Firma válida

- b) Appearing in person before the civil servant handling the procedure and presenting a public deed accrediting their status as the person legally responsible for the legal person. (Please refer to <u>Appendix III</u> for the table of contact emails for Consulates and Embassies). Should said individual wish to authorize another person to act as their representative before the Public Administration, both parties must appear <u>in person</u>.
- c) Submitting a paper copy or pdf document of the inscription of the powers of attorney on the Public Administration's electronic register of powers of attorney, through @podera-<u>REA</u>. The body responsible for processing the procedure must include accreditation of the status of representative and of the powers of attorney granted to them in the administrative dossier. An electronic document recording the consultation to this effect of the electronic register of powers of attorney will suffice for this purpose.

**NOTE 2:** Simply filling in and submitting "Appendix I. Inscription of powers of attorney (General State Administration)" (see image below) is not enough. To guarantee the validity of this document, it will also be necessary to attach the document confirming the agent's acceptance of the powers of attorney.

	ANEXO I	
	Inscripción del l	Poder <sup>1</sup>
	(Administración Genera	al del Estado)
Presentado en la Ofic ante funcionario/a cor Comparece/n:		e Registros nº <sup>2</sup>  arado/a
1) Identificación de Persona física mayor	e la/las persona/s poderdant de edad:	te/s
DNI/NIE:		
Nombre:	1º apelido:	2º apellido:
Teléfono:	Correo electrónico:	
Domicilio:		
urídice, incluir los datos 2) La/las persona/ una de las dos ope Persona física m	identificativos anteriores de cada un s poderdante/s otorga/n pod ciones)	fisicas (poderdantes) a una person no de elos. der a favor del/la apoderado.
urídice, incluir /os detos 2) La/las persona/ una de las dos op Persona física m DNI/NIE:	identificativos anteriores de cada un s poderdante/s otorga/n pod ciones)	no de ellos.
jurídica, incluir /os datos 2) La/las persona/ una de las dos opi	i identificativos anteriores de cada un s poderdante/s otorga/n pod clones) ayor de edad:	no de ellos. der a favor del/la apoderado

Depending on the characteristics of the UAS operator's authorized representative, the following documentation and methods of identification are developed in the following sections.



**NOTE 3:** For foreign legal entities where the procedures are carried out by the AUTHORISED REPRESENTATIVE, it is recommended to follow the instructions in CASE 4, as this is the fastest way to register in the EASA electronic office and complete the corresponding procedure. The identification process will require the company's identification number, the national identification number of the person legally responsible, and the passport number of the authorised representative.

### 7.1. Case 4. The Authorized Representative is a Foreign Natural Person without Residence in Spain

The documentation required to create an account (register as a user) when selecting "option 1.b) Without digital certificate" will be:

- A power of attorney document verifying the status of the authorized representative.
- A photocopy of the National Identity Document of the person legally responsible, which must be verifiable in the deeds.)
- A photocopy of the deeds which should include the VAT number of the company (UAS operator) and the National Identity Card number of the person legally responsible.
- A photocopy of the **authorised representative's passport** (NOTE: Foreign EU citizens may also use their National Identity Card. In this case, they must attach a photocopy).

In this case, the account (option 2. Access to your account) can be accessed:

a) With the e4F system in the name of the person legally responsible using their Passport number (*NOTE: Foreign EU citizens may also use their National Identity Document*).

The steps to register in the e4F system can be found in the Guide to Identification, Authentication and Electronic Signature for Foreign Individuals with e4F in the <u>following</u> section of the website AESA Drones.

**NOTE 1:** Foreign individuals who are legally responsible can also carry out the necessary procedures if they obtain valid Spanish identification (such as NIF M, NIF N, etc.). For details on how to obtain the NIF M and NIF N, see <u>here</u>.

In these cases, when registering, you must provide the documents proving this status and you must obtain a digital certificate that allows identification and electronic signature for all related procedures. For detailed instructions on how to obtain the representative certificate for a legal entity, please refer <u>Appendix III</u>.

#### 7.2. Case 5. The Authorized Representative is a Spanish Natural Person

The documentation required to create an account (register as a user) when selecting "option 1.b. Without digital certificate" will be:

• A power of attorney document accrediting the authorized representative's status as such.

UAS-OPR-P01-DT12 Ed. 02

- Photocopy of the ID card [Spanish acronym: DNI] (front and back) of the **authorised representative** in a single document, ensuring proper cross-referencing with the powers of attorney.
- Photocopy of the identification document (front and back) of the **person legally responsible** in the same document, ensuring proper alignment with the information in the deeds.
- Photocopy of the **deeds** showing the VAT number of the company (UAS operator) and the identification number of the **person legally responsible**.

In this case, the account (option 2. Access to your account) can be accessed:

a) With a digital certificate for a natural person in the name of the authorized representative associated to his DNI.

*Please consult the <u>FNMT website</u> for information on how to obtain a digital certificate for a natural person.* 

#### 7.3. Case 6. The Authorized Representative is a Spanish Legal Person

The documentation required to create an account (register as a user) when selecting "option 1.b. Without digital certificate" will be:

- A power of attorney document accrediting the authorized representative's status as such.
- A photocopy of the ID card [Spanish acronym: DNI] (front and back) of the **person legally responsible for the authorised representative** in a single document, ensuring proper cross-referencing with the powers of attorney.
- A photocopy of the **deeds** of the **authorized representative** containing the Tax ID number (NIF) of the company and the ID number (DNI) of the person legally responsible for the **authorized representative**.
- A photocopy of the identification document (front and back) of the **person legally responsible** for the UAS operator in the same document, ensuring proper alignment with the information in the deeds.
- A photocopy of the **deeds** which should include the VAT number of the company (UAS operator) and the National Identity Card number of the **person legally responsible** for the UAS Operator.

In this case, the account (option 2. Access to your account) can be accessed:

a) With a digital certificate for a natural person in the name of the person that is legally responsible for the authorized representative associated to his DNI.

*Please consult the <u>FNMT website</u> for information on how to obtain a digital certificate for a natural person.* 

b) With a digital certificate for a representative of a legal person in the name of the person legally responsible for the authorized representative.

*Refer to* <u>*Appendix III*</u> *for the necessary procedures to obtain the certificate of representative of a legal person.* 

### 7.4. Case 7. The Authorized Representative is a Foreign Natural Person with Residence in Spain

The documentation required to create an account (register as a user) when selecting "option 1.b. Without digital certificate" will be:

- A power of attorney document accrediting the authorized representative's status as such.
- A photocopy of their foreigner's ID card [Spanish acronym: NIE] (front and back) in a single document, ensuring proper cross-referencing with the powers of attorney.

*Click <u>here</u> for information on how to obtain a NIE.* 

- A photocopy of the identification document (front and back) of the **person legally responsible** for the UAS operator in the same document, ensuring proper alignment with the information in the deeds.
- A photocopy of the **deeds** which should include the VAT number of the company (UAS operator) and the National Identity Card number of the **person legally responsible** for the UAS Operator.

In this case, the account (option 2. Access to your account) can be accessed:

a) With a digital certificate for a natural person in the name of the authorized representative associated to his NIE.

*Please consult the FNMT website for information on how to obtain a digital certificate for a natural person.* 

MINISTRY OF TRANSPORT AND SUSTAINABLE MOBILITY SPANISH AVIATION SAFETY AND SECURITY AGENCY

### 8. APPENDIX III – APPLYING FOR A DIGITAL CERTIFICATE FOR A REPRESENTATIVE OF A LEGAL PERSON OUTSIDE SPAIN

The Spanish National Mint (Spanish acronym: FNMT) issues three types of electronic certificates for representatives that are valid, under EU law, for the purposes of electronic identification and trust services for electronic transactions in the internal market:

- Certificate for a Sole or Joint Administrator
- Certificate for a Legal Person
- Certificate for an Entity without Legal Personality

Electronic certificates for representatives may be obtained by following the instructions on the <u>FNMT website</u>. If you have any queries or experience any difficulties in obtaining a certificate, you may consult the <u>Frequently Asked Questions section of the FNMT website</u>. If your queries or difficulties are not addressed in that section, you may contact the <u>user service of the FNMT website</u>.

For foreign UAS operators with residence outside Spain, the electronic certificate may also be obtained through the Consular Office, following the specific procedures of each Consular Office for accrediting the UAS operator's identity. Detailed information on how to carry out this procedure is available at Spanish Consular Offices (C) and Embassies (E) worldwide through <u>the website of the Ministry of Foreign Affairs, European Union and Cooperation</u>. The following outlines the steps to be taken:

1. Access the <u>Consular Services</u> section:

MINISTERIO DE ASUNTOS EXTERIO Y COOPERACIÓN	ores, unión europea					Castellano 🗸   Buscar 🔍
	Ministerio 🗸	Política Exterior 🗸	Comunicación 🗸	Embajadas y consulados	Servicios al ciudadano 🗸	Canal del informante 🗸
Bienvenido   Servicios	al ciudadano					
Países y territorios				Delegaciones		
Seleccionar país o territorio			~	- Seleccionar delegación -		~
Catagorías con isias			1	Servicios consulares		
Categorías servicios - Seleccionar categoría servicio				- Seleccionar servicio consular -		~
				Buscar		
Para ver un servicio	concular do un i	anís debe estableser	los critorios do bús	quada		_
		Jais, debe establecer	ios cinterios de busi	queua.	Más in	formación
					Albares iraquí la Medio	repasa con su homólogo a situación en Oriente

and must be verified against the current version on the website.

2. In the *Países o Territorios* box, choose the Country or Territory where you want to find the Embassy/Consulate

	Ministerio 🗸	Política Exterior 🗸	Comunicación 🗸	Embajadas y consulados	Servicios al ciudadano 🗸	Canal del informante 🗸
Bienvenido   Servi	cios al ciudadano					
Países y territorios Francia			~	Delegaciones - Seleccionar delegación -		~
Categorías servicios				Servicios consulares		
- Seleccionar categoría serv	ricio -		~	- Seleccionar servicio consular -		~

3. In the *Delegaciones* box, choose the appropriate Delegation

	Ministerio 🗸	Política Exterior 🗸	Comunicación 🗸	Embajadas y consulados	Servicios al ciudadano 🗸	Canal del informante
Bienvenido   Servi	cios al ciudadano					
Países y territorios				Delegaciones		
Francia			~	PARÍS (Consulado)		~
Categorías servicios			1	Servicios consulares		
- Seleccionar categoría serv	ricio -		~	- Seleccionar servicio consular -		~

4. In the Categorías servicios box, choose "CERTIFICADOS"

	Ministerio 🗸	Política Exterior $\checkmark$	Comunicación 🗸	Embajadas y consulados	Servicios al ciudadano 🗸	Canal del informante 🗸
Bienvenido   Servio Países y territorios	cios al ciudadano			Delegaciones		
Francia			~	PARÍS (Consulado)		~
Categorías servicios Certificados			~	Servicios consulares - Seleccionar servicio consular -		~

5. In the *Servicios consulares* box, choose "Certificado electrónico ciudadano" o "Certiicado electrónico de empresa", depending on the certificate you wish to acquire.

	Ministerio V	Política Exterior 🗸	Comunicación 🗸	Embajadas y consulados	Servicios al ciudadano 🗸	Canal del informante
Bienvenido   Servio	ios al ciudadano					
Países y territorios				Delegaciones		
Francia			~	PARÍS (Consulado)		~
Categorías servicios				Servicios consulares		
Certificados			~	Certificado electrónico de ciudadar	10	~

6. Click on the *BUSCAR* button and follow the instructions from each Consulate or Embassy to complete the procedure.

	ERIORES, UNIÓN EUROPEA					
	Ministerio 🗸	Política Exterior 🗸	Comunicación 🗸	Embajadas y consulados	Servicios al ciudadan	o 🗸 🛛 Canal del informante 🗸
	os al ciudadano					
aíses y territorios rancia				Delegaciones PARÍS (Consulado)		~
ategorías servicios ertificados				Servicios consulares Certificado electrónico de ciudadano	)	~
				Buscar		
	de ele		de eterde			
Certifica	ido elec	ctrónico	de ciuda	adano	M	ás información
El certificado electró	nico de ciudadano	o es una certificación	electrónica expedio	adano da por la Fábrica Nacional de prma segura y realizar trámit	es A	ás información Ibares repasa con su homólogo aquí la situación en Oriente Iedio
El certificado electró Moneda y Timbre (Fl	nico de ciudadano NMT) que permite	o es una certificación	electrónica expedio	da por la Fábrica Nacional de	es A	Ibares repasa con su homólogo aquí la situación en Oriente ledio iaie de Estado de SS.MM. los
El certificado electró Moneda y Timbre (Fl administrativos. ¿Quién puede sol Todos los españoles	nico de ciudadano NMT) que permite <b>icitarlo?</b> y los extranjeros	o es una certificación e a su titular acreditar mayores de edad o e	electrónica expedio se en internet de fo mancipados que te	da por la Fábrica Nacional de	es A ir V o una a	lbares repasa con su homólogo aquí la situación en Oriente ledio

#### <u>Click here to return to "CASE 1. THE PERSON LEGALLY RESPONSIBLE FOR THE UAS OPERATOR IS A</u> <u>NATURAL PERSON AND A SPANISH NATIONAL."</u>

<u>Click here to return to the section CASE 2. THE PERSON LEGALLY RESPONSIBLE FOR THE UAS</u> <u>OPERATOR IS A SPANISH NATURAL PERSON</u>

<u>Click here to return to the section "CASE 3. THE PERSON LEGALLY RESPONSIBLE FOR THE UAS</u> <u>OPERATOR IS A FOREIGN NATURAL PERSON WITHOUT RESIDENCE IN SPAIN."</u>

<u>Click here to return to the section "CASE 4. THE AUTHORIZED REPRESENTATIVE IS A FOREIGN</u> <u>NATURAL PERSON WITHOUT RESIDENCE IN SPAIN."</u>

<u>Click here to return to the section "CASE 6. THE AUTHORIZED REPRESENTATIVE IS A SPANISH LEGAL</u> <u>PERSON."</u>

#### 9. APPENDIX IV – TEMPLATE DOCUMENT ON LOCAL CONDITIONS AND UPDATED OM PROCEDURES FOR COMPLIANCE WITH LOCAL CONDITIONS AND APPLICATION OF MITIGATION MEASURES

This appendix is a template that may be used by operators applying to conduct a cross-border operation under an operational authorization or a LUC WITHOUT privileges to meet the requirement (stipulated in **section b.**) to submit **an appendix including the chapters or sections of the Operations Manual** providing certain necessary information.

This appendix can be downloaded in an editable text format (.docx) from our website

PUBLIC INFORMATION

MINISTRY OF TRANSPORT AND SUSTAINABLE MOBILITY SPANISH AVIATION SAFETY AND SECURITY AGENCY