



Republic of the Philippines
Department of Transportation and Communications
CIVIL AVIATION AUTHORITY OF THE PHILIPPINES
Office of the Director General

MEMORANDUM CIRCULAR NO.: ~~29-15~~ Series of 2015

ALL : ALL CONCERNED
FROM : THE DIRECTOR GENERAL
SUBJECT : AMENDMENTS TO THE PHILIPPINE CIVIL AVIATION REGULATIONS (PCAR) PARTS 2, 4 AND 11

REFERENCES:

1. Philippine Civil Aviation Regulations Parts 2, 4 and 11
2. Board Resolution No.: 2011-025 dated 11 April 2011
3. Regulations Amendment Procedures with Board Resolution No.: 2011-054 dated 28 September 2012

AMENDED REGULATIONS:

PCAR PART 2

2.13 RPA CONTROLLER CERTIFICATE

2.13.1 APPLICABILITY

- (a) *This Subsection applies to all persons conducting Remotely Piloted Aircraft System for commercial operations.*
- (b) *This likewise applies to all persons conducting Remotely Piloted Aircraft System for non-commercial operations using Large RPAs or operating within the controlled or prohibited airspace in relation to PCAR Part 11.11.3 (c).*

2.13.2 APPLICATION FOR RPA CONTROLLER CERTIFICATE

- (a) *The application for RPA Controller's Certificate shall be made in writing, signed and sworn to by the applicant. The application shall also state the following:*
 - (1) *The date and place of filing;*
 - (2) *The name of applicant;*
 - (3) *The address of the applicant;*
 - (4) *The intended RPA to be controlled;*
 - (5) *Details of any flight crew license, air traffic control license or operations officer license that the applicant holds (include details of ratings, endorsements and qualifications);*

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- (6) *Details of applicant's experience in operating RPAs.*
- (7) *Evidence of the completion of any training course in RPA operation that the applicant has undertaken.*
- (b) *The Authority may refuse to consider, or cease considering, the application until the applicant gives the information or a copy of it.*

2.13.3 ELIGIBILITY FOR RPA CONTROLLER CERTIFICATE

- (a) *No person is eligible for the issuance of an RPA Controller Certificate unless he or she:*
 - (1) *Has completed an RPAs training course as conducted by the RPA manufacturer in the operation of the type of RPA that he or she proposes to operate; and*
 - (2) *Has at least five (5) hours experience in operating RPAs outside controlled airspace.*
 - (3) *Has Passed RPAS Exam.*
 - (4) *Has passed the demonstration flight conducted by the authorized personnel of the Authority.*

2.13.4 CONDITIONS AS RPA CONTROLLER CERTIFICATE

- (a) *The Authority may impose a condition on the authorization of a person as a RPA controller in the interest of air navigation safety.*
- (b) *Without limiting the generality of paragraph (a), the following conditions may be imposed:*
 - (1) *Allow the person to control RPAs of only specified kinds; or*
 - (2) *Limit the areas where he or she may control RPAs; or*
 - (3) *Allow him or her to control RPAs only in VMC.*

2.13.5 RPA CONTROLLER CERTIFICATE: CONTENTS

- (a) *The RPA Controller Certificate shall contain the following information:*
 - (1) *Name of the person;*
 - (2) *Address;*
 - (3) *RPA Controller PEL Number;*
 - (4) *Conditions and Limitations;*
 - (5) *Type rating; and*
 - (6) *Period of validity.*

**2.13.6 VALIDITY OF RPA CONTROLLER
CERTIFICATE**

- (a) *An RPA Controller Certificate issued by the Authority is effective for a period of five (5) years from date of issuance and remains valid until:*
- (1) *The Authority amends, suspends, revokes or otherwise terminates the certificate;*
 - (2) *The RPA Controller surrenders it to the Authority.*

**2.13.7 SHOW CAUSE NOTICE TO RPA CONTROLLER
CERTIFICATE HOLDER**

- (a) *The Authority may give a show cause notice to an RPA Controller Certificate Holder if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the certification under PCAR Part 2 Subpart 2.13.8*
- (b) *A show cause notice shall include the following:*
- (1) *tell the controller of the facts and circumstances that, in Authority's opinion, would justify the cancellation of the RPA Controller Certificate under PCAR Part 2 Subpart 2.13.8; and*
 - (2) *invite the controller to show in writing, within a reasonable time stated in the notice, why the RPA Controller Certificate should not be cancelled.*
- (c) *A show cause notice may state that the RPA Controller Certificate is suspended if the Authority reasonably considers that there may be a serious risk to air navigation safety if the certification were not to be suspended.*
- (d) *If a show cause notice states that the RPA Controller Certificate is suspended, the certification is suspended from when the notice is given to the holder.*
- (e) *The Authority may at any time revoke the suspension.*
- (f) *If the approval is suspended and the Authority has not dealt with it under PCAR Part 2 Subpart 2.13.8 within 90 days after the day it is suspended, the suspension lapses at the end of that period.*

**2.13.8 CANCELLATION OF RPA CONTROLLER
CERTIFICATE**

- (a) *The Authority may cancel an RPA Controller certificate by written notice to the controller, if:*
- (1) *The Authority has given to the controller a show cause notice under PCAR Part 2 Subpart 2.13.7 in relation to it;*
 - (2) *The Authority has taken into account any representation made, within the period stated in the notice, by or on behalf of the controller; and*
 - (3) *there are reasonable grounds for believing that the controller:*
 - (i) *has operated an RPA in contravention of these Subpart or of a condition of the certification; or*

(iii) *pass the demonstration flight conducted by the authorized personnel of the Authority.*

PCAR PART 4

4.3.1.12 REGISTRATION FOR RPA

- (a) *Consistent with R.A. 9497 and PCAR Part 4, all large RPA and other RPA required to be registered shall bear the registration markings "RP-U" followed by the assigned number 001 to 999, followed by a letter from A to Z.*
- (b) *Required registration marks must be located on the visible side of the Electronic Control Module (ECM). All RPAs where the ECM can be installed must comply with the registration marking requirements of the Authority on the fuselage and/or wing area.*
- (c) *Size of registration marks must be proportionate to the RPA or ECM.*
- (d) *Registration marks must be made of waterproof, weather resistant inks, paints or sticker (decal).*

PCAR PART 11

11.1.1.2 DEFINITIONS

***Beyond Visual Line Of Sight (BVLOS)** an operation in which the remote pilot or RPA observer maintains contact with the RPA other than using VLOS.*

***Controlled Airspace** an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification.*

***Controller of an RPA** means a person who manipulates the flight controls of a Remotely Piloted Aircraft.*

***Detect and Avoid** the capability to see, sense or detect conflicting traffic or other hazards and take the appropriate action.*

***Large RPA** means RPA with a gross weight of 7kgs and above.*

***Prohibited Airspace** an airspace of defined dimensions identified by an area on the surface of the earth in which flight of aircraft is prohibited. Such areas are established for security or other reasons associated with the national welfare.*

***Remotely Piloted Aircraft (RPA)** an unmanned aircraft which is piloted from a remote pilot station.*

***Remotely Piloted Aircraft System (RPAS)** a remotely piloted aircraft, its associated remote pilot stations, the required command and control links and any other components as specified in the type design.*

***Small RPA** means RPA with a gross weight of below 7kgs.*

***Visual Line Of Sight (VLOS)** an operation in which the remote pilot or RPA observer maintains direct unaided visual contact with the remotely piloted aircraft.*

11.11 REMOTELY PILOTED AIRCRAFT SYSTEM

11.11.1 APPLICABILITY

- (a) *This Subpart applies to both commercial and non-commercial operations of a Remotely Piloted Aircraft.*

11.11.2 GENERAL RPA OPERATIONS

- (a) *A person must not operate a RPA over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.*
- (b) *Subject to sub-regulations (c) and (d), a person operating a powered RPA must ensure that, while the RPA is in flight, or is landing or taking off, it stays at least 30 meters away from anyone not directly associated with the operation of the RPA.*
- (c) *Sub-regulation (b) is not contravened if a person stands behind the RPA while it is taking off.*
- (d) *Sub-regulation (b) is also not contravened if, as part of a RPA flying competition, a RPA is flown within 30 meters of a person who is judging a RPA flying competition.*

11.11.3 RPA RESTRICTED AREAS OF OPERATION

- (a) No person may operate RPA within the following envelope unless prior approval has been granted by the Authority:
- (1) 400ft Above Ground Level (AGL);
 - (2) 10 km radius from the Aerodrome Reference Point (ARP);
- (b) The RPA shall stay clear of populated area unless prior approval has been granted by the Authority.
- (1) *In considering whether to give an approval under this paragraph (b), the Authority may take into account:*
 - (i) *the degree of redundancy in the RPAs critical systems;*
 - (ii) *any fail-safe design characteristics of the RPA; and*
 - (iii) *the security of its communications and navigation systems.*
 - (2) *Before giving an approval under paragraph (b), the Authority must be satisfied that the person who intends to operate the RPA will take proper precautions to prevent the proposed flight from being dangerous to people and property.*
- (c) No person may operate an RPA in a controlled or prohibited airspace unless authorized by the Authority.

11.11.4 RPA CONTROLLER CERTIFICATE

- (a) *No person may use an RPA in commercial operation unless he or she has obtained an RPA Controller Certificate as prescribed in PCAR Part 2; 2.13.*

- (b) *No person may use Large RPAs in non-commercial operation unless he or she has obtained an RPA Controller Certificate as prescribed in PCAR Part 2; 2.13.*

11.11.5 REQUIREMENT FOR CERTIFICATE OF REGISTRATION AND SPECIAL CERTIFICATE OF AIRWORTHINESS

- (a) *All RPAs used for commercial operations are required to be registered with the Authority regardless of weight.*
- (b) *Non-commercial Large RPA shall be duly registered with the Authority.*
- (c) *RPAs with a gross weight of 150kgs and above are required to obtain a Special Certificate of Airworthiness (SCA) or an Experimental Certificate (EC) in accordance with PCAR Part 5.*

11.11.6 REMOTELY PILOTED AIRCRAFT FOR COMMERCIAL OPERATION

11.11.6.1 APPLICABILITY

This Subpart applies to the commercial operation of a Remotely Piloted Aircraft.

11.11.6.2 RPAS OPERATOR CERTIFICATE

11.11.6.3 PRE-APPLICATION REQUIREMENTS

- (a) *An applicant for an RPAS Operator Certificate shall submit the following documents with the Authority:*
- (1) *A Letter of Intent.*
 - (2) *Duly accomplished Pre-application Statement of Intent (PASI) Form for RPA operator certificate which shall include:*
 - (i) *details of:*
 - (A) *the applicant's structure and organization;*
 - (B) *its staff and their qualifications and experiences (including, in particular, the names, qualifications, experiences, duties and functions of the persons who are to be the applicant's chief RPA controller and maintenance controller);*
 - (C) *its facilities and equipment;*
 - (D) *its practices and procedures; and*
 - (ii) *a general description of the proposed operations, including the type or types of RPA to be used.*
 - (3) *The application shall be accompanied by a copy of each of the applicant's manuals relevant to the operation of RPAs.*

- (4) If the Authority reasonably needs more information about the applicant, or a document, to arrive at a decision whether to certify the applicant as a RPA operator, it may ask the applicant in writing for the information or a copy of the document.
- (b) *The Authority may refuse to consider, or cease considering, the application until the applicant furnishes the information or copy of the document.*

11.11.6.4 APPLICATION REQUIREMENTS

- (a) *No person may operate an RPA for commercial operations unless the person holds an RPAS Operator Certificate.*
- (b) *The applicant for RPAS Operator Certificate must hold the following documents:*
 - (1) *User's Manual issued by the Manufacturer;*
 - (2) *RPA Insurance/Third Party Liability (TPL);*
 - (3) *Special Certificate of Airworthiness (if applicable); and*
 - (4) *RPA Certificate of Registration issued by the Authority.*

11.11.6.5 ELIGIBILITY FOR ISSUANCE OF AN RPAS OPERATOR CERTIFICATE

- (a) No person is eligible to be a *RPA Operator Certificate Holder* unless:
 - (1) the person has an organization and structure that is appropriate for safe operation of *RPAs*;
 - (2) the person has enough qualified and experienced personnel to undertake the proposed operations safely;
 - (3) the person has facilities and equipment appropriate to carry out the proposed operations using *RPAs* of the type to be used;
 - (4) the person has suitable practices and procedures to conduct operation; and
 - (5) the person has nominated suitable persons as chief *RPA* controller and maintenance controller.
- (b) Two or more persons cannot be certified jointly as a *RPA* operator.

11.11.6.6 CONDITIONS ON RPAS OPERATOR CERTIFICATE

- (a) It is a condition of the certification of a person as a *RPA* operator that he/she:
 - (1) maintains within its organization a position of chief *RPA* controller having at least the functions and duties of a chief controller.
 - (2) employs as its chief *RPA* controller a person who is certified as a *RPA* controller and who is competent to carry out those duties and perform those functions; or

(b) *The RPAS Operator Certificate shall be accompanied by an Operations Specifications containing the following:*

- (1) *Name of operator*
- (2) *Operator contact information*
- (3) *RPA model*
- (4) *RPA registry number*
- (5) *Type of operation*
- (6) *Area of operation*
- (7) *Special authorization*

11.11.6.9 VALIDITY OF RPAS OPERATOR CERTIFICATE

(a) *An RPAS Operator Certificate issued by the Authority is effective for a period of three (3) years from date of issuance and remains valid until:*

- (1) *The Authority amends, suspends, revokes or otherwise terminates the certificate;*
- (2) *The operator surrenders it to the Authority.*

11.11.6.10 RPAS OPERATOR CERTIFICATE NOT TRANSFERABLE

(a) *RPAS Operator Certificate is not transferable.*

11.11.6.11 SHOW CAUSE NOTICE TO RPAS OPERATOR CERTIFICATE HOLDER

(a) *The Authority may give a show cause notice to an RPA Operator Certificate Holder if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the approval under Subpart 11.11.6.12.*

(b) *A show cause notice must:*

- (1) *tell the holder of the facts and circumstances that, in the Authority's opinion, would justify the cancellation of the RPAS Operator Certificate under Subpart 11.11.6.12; and*
- (2) *invite the operator to show in writing, within a reasonable time stated in the notice, why the RPAS Operator Certificate should not be cancelled.*

(c) *A show cause notice may state that the RPAS Operator Certificate is suspended if the Authority reasonably considers that there may be a serious risk to the safety of air navigation if the approval were not suspended.*

(d) *If a show cause notice states that the RPAS Operator Certificate is suspended, the certification is suspended from when the notice is given to the holder.*

(e) *The Authority may at any time revoke the suspension.*

- (f) If the approval is suspended and the Authority has not dealt with it under Subpart *11.11.6.12* within 90 days after the day it is suspended, the suspension lapses at the end of that period.

11.11.6.12 CANCELLATION OF RPAS OPERATOR CERTIFICATE

- (a) The Authority may cancel *RPAS* operator certificate by written notice to the operator, if:
- (1) The Authority has given to the operator a show cause notice under Subpart *11.11.6.11* in relation to it; and
 - (2) The Authority has taken into account any representations made, within the period stated in the notice, by or on behalf of the operator; and
 - (3) there are reasonable grounds for believing that:
 - (i) the operator has operated a *RPA* in contravention of these Regulations or of a condition of the authorization; or
 - (ii) an employee of the operator has operated a *RPA* negligently or carelessly; or
 - (iii) an employee of the operator, in operating a *RPA*, has recklessly endangered human life or property.
- (b) If the Authority has given a show cause notice under PCAR Part 11, Subpart *11.11.6.11* to *RPAS* Operator Certificate Holder, and it decides not to cancel the approval, the Authority shall:
- (1) inform the operator in writing of the decision; and
 - (2) revoke the suspension, if the *RPAS* Operator Certificate is suspended.

11.11.6.13 CANCELLATION AT REQUEST OF HOLDER

- (a) The Authority may cancel *RPAS* Operator Certificate if asked to do so in writing by the operator.
- (b) The cancellation takes effect upon issuance by the Authority of such order cancelling the *RPAS* Operator Certificate.

11.11.7 REMOTELY PILOTED AIRCRAFT FOR NON-COMMERCIAL OPERATIONS

11.11.7.1 APPLICABILITY

- (a) *This Subpart applies to the Remotely Piloted Aircrafts operated for sport and recreational purposes.*

11.11.7.2 VISIBILITY FOR OPERATION OF RPA

- (a) *An RPA Controller doing non-commercial operations may operate an RPA only within VLOS.*

11.11.7.3 OPERATING AN RPA AT NIGHT

(a) *All RPA Controllers doing non-commercial operations are prohibited to operate an RPA at night unless authorized by the Authority.*

11.11.7.4 RPAs FLYING DISPLAY/AIR SHOW

(a) *No person or entity may conduct an RPA Flying Display or Air Show unless duly authorized by the Authority and complies with the following:*

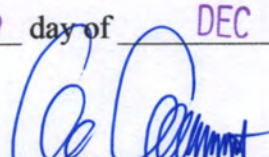
- (1) *Pre-approved area of operations*
- (2) *At least sixty (60) calendar days before the display somebody is nominated as the organizer of the display;*
- (3) *At least sixty (60) calendar days before the display the organizer shall provide the Authority with the following information:*
 - (i) *his name, address and telephone number;*
 - (ii) *the proposed program of flying*
 - (iii) *where the display will be held, and how big the intended flying field is;*
 - (iv) *how many spectators are expected, and where they will be*
- (4) *that said organizer ensures:*
 - (i) *having regards to the events making up the display, proper precautions are taken for the safety of the participants and spectators; and*
 - (ii) *the RPA controllers participating in the display are competent to carry out each manoeuver safely.*

(b) *CAAP may impose conditions on the conduct of RPA flying display or air show if in the circumstances the condition is reasonably necessary in the interest of aviation safety.*

EFFECTIVITY CLAUSE:

Fifteen (15) days after compliance with the requisite single newspaper publication and a copy filed with the U.P. Law Center – Office of the National Administrative Register, these amendments shall be added to the Philippine CAR Parts 2, 4 and 11, series of 2015 and shall take effect immediately and supersede any other memoranda, advisory circulars, regulations and directives in conflict with these regulations.

Signed this 08 day of DEC 2015, CAAP, Pasay City.


LT GEN WILLIAM K HOTCHKISS III AFP (RET)
Director General