

Issue



UAVs and C-UAVs are not always specifically designed for military purposes, yet **many achieve performance levels comparable to defence-grade systems**. This creates significant complexity in their legal classification, as regulatory control depends on **technical characteristics and potential use rather than operational categories** (open/specific/certified) or **design classifications** (CO-C4) established for aviation safety.

Target Audience

- UAV & C-UAVs manufacturer & distributors
- Manufacturers / distributors of components for UAV & C-UAVs
- Research centers

Key Takeaways

Non-exhaustive examples

1. Classification of UAVs

- **ML10** : MILITARY : **unmanned aerial vehicles (UAVs)** : *any aircraft capable of initiating flight and sustaining controlled flight and navigation without any human presence on board* ; **remotely piloted air vehicles (RPVs)** ; **autonomous programmable vehicles** ; **unmanned lighter-than-air vehicles**
- **9A012 & 9A112** : DUAL-USE : unmanned aerial vehicles (UAVs) : criteria to assess : controlled flight **out of the direct natural vision** of the operator, max. **endurance** (> 30 min.), designed to take-off and have **stable controlled flight in wind gusts** (> 46,3 km/h), **range** (300km), incorporation of **aerosol dispensing** system (capacity > 20L) etc.

2. Classification of UAVs' payload and/or C-UAVs

- MILITARY : **ML5** : fire control, surveillance and warning equipment, test and alignment and countermeasure equipment ; **ML11** : electronic equipment ; **ML15** : imaging or countermeasure equipment etc.
- DUAL-USE : **5A001** : telecommunication systems (radio equipment operating 1,5-87,5 MHz band; radio equipment employing spread spectrum techniques; optical fibres; jamming equipment; passive coherent location systems etc.) ; **6A002** : optical sensors etc.

3. Each component & related equipment must be assessed individually.

- MILITARY: specially designed components : equipment designed for command or control, propulsion aero-engines; airborne refuelling equipment etc. ; forgings and castings etc.
- DUAL-USE: components/equipment specially designed to convert a manned vehicle to an unmanned one; air breathing reciprocating or rotary internal combustion type engines etc.

4. Do not forget materials, software and technology.

- **ML13** : armoured plate ; **ML17** : fittings, coatings and treatments for signature suppression ; **1C101** : structural materials and coatings for reduced radar reflectivity ; **ML21** : software ; **ML22 & 9E101** : technology etc.

5. Be aware of national (and extraterritorial) controls

- **U.S.** : ITAR (military) and EAR (dual-use) : extra-territorial control : USML VIII ; CCL 9A012 ; CCL 9A120 etc.

Recent update (14.08.26): EAR: 9A012: no more wind gust tolerance criteria, endurance raised to 3 hours etc.

To Do



- **Product mapping** : inventory of all UAV/C-UAV in your portfolio and their components (incl. performance specifications, BoM etc.)
- **Classification analysis** (e.g. Common Military List; Dual-Use List ; U.S. ITAR/EAR)
- **Licenses & Authorisations** : gap analysis (prior federal authorisation ? general licence available ?) and compliance check
- **Internal Compliance Program** (ICP) : risk assessment, remediation action plan etc.

Support



Non-exhaustive examples

- **D-Wise Strategy**: "ITAR-free" assessment
- **D-Wise Consult**: is my UAV military or dual-use controlled ? do I need a licence to import its main component ? can I benefit from a U.S. license exemption ?
- **D-Wise Implementation**: support to develop your ICP ; decision tree for classification of your portfolio ; Supplier Onboarding Due Diligence Form
- **D-Wise Academy**: tailored on-site training