



The Government's Response to the House of Lords European Union Committee's Seventh Report of Session 2014/15: Civilian Use of Drones in the EU

Presented to Parliament
by the Secretary of State for Transport
by Command of Her Majesty

March 2015



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House of Lords European Union Committee: Civilian Use of Drones in the EU Seventh Report of Session 2014/15

Government Response

The Government welcomes this opportunity to respond to the European Union Committee's recommendations on the Civilian Use of Drones in the EU.

The Government recognises the importance to the aerospace sector of Remotely Piloted Aircraft Systems (RPAS), small drones and their associated technologies. Development of key technologies such as Detect and Avoid and improvements to the security and integrity of communication links will not only enable the integration of remotely piloted systems, but may also lift the already high safety standards in other more traditional commercial aviation sectors. For example, systems which can be used to visually spot other aircraft could, in time, greatly assist all pilots, in the same way that aircraft transponders have contributed to safety across the sector.

We note from the report the strong endorsement by the Committee of the European Commission's aim to create an internal market for the commercial use of RPAS and small drones. The Committee also recognises the important role of EASA and JARUS in developing the appropriate safety rules for the integration of RPAS. We welcome and endorse the Committee's view that the safety rules for RPAS and small drones should be developed in proportion to the risks they pose to other stakeholders and the general public.

The overall objective of the Government, as is also the case for the European Commission, is to enable the full and safe integration of RPAS and small drones into the total aviation system, sharing the same airspace as their manned counterparts. As a result, the UK is actively contributing to the development of harmonised, international RPAS regulations and will continue to do so.

In order for the RPAS and small drone industry to be successful, more work will have to be done to reassure the general public about the non-safety issues such as security, privacy and data-protection. In our view, we already have an adequate legal and regulatory framework to deal with these issues and we agree with the Committee that education through a range of media portals will help the industry and operators, both commercial and leisure, understand their responsibilities in these areas.

Reviewing the Regulatory Framework

EU Committee Report – para 74 “stakeholders had legitimate concerns about the transparency and capability of JARUS. We welcome JARUS intention to involve industry more in its work. To increase the organisation’s transparency and improve its reputation, we recommend that JARUS be organised on a more formal basis, and that it receive more resources from national aviation authorities”

The Government agrees that JARUS is has an important role to play in the development of harmonised rules for the safe integration of RPAS into UK and EU airspace and in the development of proportionate safety rules. We agree with the Committee that to achieve this JARUS must find a way to make the RPAS industry more included in its work. Industry has pushed for this, but successful participation will depend on industry’s willingness to provide sufficient resource into JARUS and the EUROCAE working groups. The Government is in discussion with EASA and the Chairman of JARUS to establish and provide effective governance over JARUS to ensure that it meets and delivers against its objectives.

Proportionate Safety Regulations for RPAS

EU Committee Report – para 96 “We support the Commission’s move towards adopting a risk-based approach to safety regulations for RPAS”.

The Government agrees that we should move to a risk based approach to safety regulation for RPAS. We recognise that the Commission has done some further thinking in this area and support the intention behind the recent ‘Riga Declaration’. There is recognition that we must avoid a situation where the full weight of regulation is applied to the lighter end of the industry, killing it off or stifling growth before it has a chance to be properly established.

Enabling Technologies

EU Committee Report – para 134 “As the second phase of the ASTRAEA programme is now complete, we recommend that the Government publish a plan setting out how it proposes to build on the programme outputs”.

The Government recognises and supports the development of RPAS technology. Over the past 9 years the Government has supported ASTRAEA (a £60M Industry and Government collaborative programme) and other related projects thorough direct grant or indirectly through Innovate UK competitions in RPAS and autonomous vehicle technology. We continue to be open to projects in this emerging technology and are actively assessing some potential future projects with industry. An example of this is the current Aerospace Technology Institute (ATI) competition for up to £50m support towards collaborative projects. The scope of this competition includes unmanned vehicles and in particular:

- *specific system technologies for unmanned aircraft*
- *novel propulsion solutions for unmanned aircraft*
- *detect and avoid and other safety-related systems*
- *secure and robust communications systems*

Decisions on future projects will of course be subject to the normal tests of value for money, economic benefit and affordability.

EU Committee Report – para 144 “In light of the evidence we received, and the example set by ASTRAEA, we recommend the Commission, the Government and the RPAS industry should work together to explore the creation of an online database through which commercial small RPAS pilots can provide details of their flights (below 500ft) to inform other airspace users. In order to keep the UK and Europe at the forefront of RPAS developments, we recommend that all parties seek to engage with NASA in the USA, which is currently researching the development of such a system”.

The Government believes that industry should come together to identify a solution that works for the small RPAS community without creating additional burdens that will increase costs for their operations. The Government can confirm that we are in discussions with NASA Aeronautics about a range of RPAS related topics, including what they are doing to track operations at below 500ft.

Data Protection and Privacy

EU Committee Report – para 172. We do not believe that there should be technology-specific data protection legislation for RPAS. The proposed General Data Protection Regulation is the appropriate vehicle to meet the challenges of increased commercial use of RPAS. At the same time, pilots should be made aware of their obligations, create and share specific data protection guidance for commercial RPAS pilots obligations under existing data protection legislation as well as the draft Regulation. We recommend that the Commission, through Member States’ data protection.

The Government takes both the protection of personal data and the right to privacy extremely seriously. All organisations that collect personal data in the UK, including operators of RPAS, must comply with the Data Protection Act 1998 (DPA) unless a relevant exemption applies.

We welcome the Committee’s conclusion that there should not be technology-specific data protection legislation for RPAS, and consider that this conclusion is also applicable to other legislation which relates to the regulation of surveillance cameras such as Surveillance Camera Code of Practice issued as guidance by the Home Secretary under the Protection of Freedoms Act 2012. Both the Information Commissioner and Surveillance Camera Commissioner will have valuable contributions to make in ensuring that RPAS operators are aware of their responsibilities when using RPAS for surveillance and in encouraging transparency over such use.”

EU Committee Report – para 179 “While we agree with the principle of encouraging RPAS pilots to carry out Privacy Impact Assessments, care must be taken not to overburden regulators and emerging RPAS businesses. Once the EU General Data Protection Regulation is agreed, we recommend that the Government explain the extent to which it specifically addresses the use of RPAS”.

The Government agrees with the Committee that operators of RPAS and small drones, both commercial and leisure need to be informed about their responsibilities in relation to privacy and data-protection if there is to be broad public acceptance of their use in the UK.

The Information Commissioner's Office has some broad guidance on its website aimed specifically at RPAS and small drone operators. Government Departments will continue to work with the CAA and the Information Commissioner's Office to ensure that operators are fully aware of their responsibilities under the new EU General Data Protection Regulation when it comes into force.

State and Journalistic use of RPAS

EU Committee Report – para 189 “It is beyond the scope of this inquiry, which focuses on commercial operations, to draw conclusions regarding state use of RPAS for surveillance but the acceptability of state use of RPAS should be subject to urgent public debate”.

The Government acknowledges that there are many potential applications of RPAS and small drones that would be of benefit to the State, including for example Police and Surveillance, Search and Rescue, Environmental Monitoring. The Government is committed to having public dialogue on the use of this technology in the UK later this year.

Leisure Users and Public Consultation

EU Committee Report – para 226 “Given the difficulty engaging with leisure users through formal representative bodies, we support the Government and Metropolitan Police Service in seeking to make use of websites and social media platforms to inform the public about how to fly RPAS safely”.

The Government agrees with the Committee that we have to make use of all modern social media platforms to ensure that the public is well informed about its responsibilities when flying RPAS and small drones. The Civil Aviation Authority has produced a small flyer ‘You have Control – Be Safe! Be Legal!’ which is being used to promote this very important issue.

EU Committee Report – para 230. We commend the work of the UK Civil Aviation Authority in creating a safety message to include in the packaging of RPAS. While the Commission is only proposing regulations for the safe operation of commercial RPAS, we believe it could support Member States by co-ordinating the dissemination of guidance for the leisure use of RPAS, including information on safety and data protection.

EU Committee Report – Para 231 “In addition to raising awareness, existing technology could also be employed to limit where RPAS are able to fly. Geo-fencing uses geographical information stored on a GPS-equipped RPAS to prevent it from flying in areas selected by the manufacturer. This could be used to limit flights near airports, or above certain altitudes. When an RPAS encounters a bounded area, it can be programmed to fly downward to the ground. BALPA said that a commonly sold RPAS now included this technology, and that consideration should be given to making it mandatory on all but the very lightest of small RPAS”.

EU Committee Report – para 232 “Geo-fencing could be a useful tool for preventing hazardous RPAS flights in sensitive areas, but it is not yet universally available. Over the next year, we recommend that Government, along with the Commission, should approach industry to assess how this technology could be more widely applied”.

The Government agrees with the Committee that use of geo-fencing as a tool to prevent RPAS and small drones from flying around airports and other sensitive areas could be an adequate means of addressing some security and safety concerns. A Cross Government Working Group is in discussion with various RPAS and small drone manufacturers and operators about the potential use of geo-fencing in the UK.

EU Committee Report – para 236 “We endorse the Government’s plans to consult the general public on acceptable future uses for RPAS”.

The Government welcomes the Committee’s support for our planned public dialogue on the acceptable future use of RPAS and small drones and other aspects of their operation in the UK. This is likely to take the form of a series of drop-in events around the UK later in the year.

EU Committee Report – para 244 “Due to the increasing scope for RPAS-related offences and the limited resources of the UK Civil Aviation Authority, we support greater police involvement in enforcing existing laws with regard to the misuse of RPAS. We welcome plans to produce guidance for police officers on how to apply RPAS safety legislation in the UK”.

We note the Committee’s support for greater police involvement in enforcing existing laws in regard to the misuse of RPAS. Government departments are in discussion with both the Police Service and CAA to better understand the allocation of responsibilities between different agencies. Any changes to the current arrangements would require careful consideration and consultation with the police, Police and Crime Commissioners, the regulators and other interested parties.

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