



Notification Number: 2016/73/E

Draft Royal Decree regulating the public use of remotely piloted aircraft and amending Royal Decree 552/2014 of 27 June 2014 implementing the Air Regulation and common operating provisions for air navigation services and procedures and amending Royal Decree 57/2002 of 18 January 2002 approving the Air Traffic Regulation

Date received : 05/02/2016
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Issue of comments by : Commission, France

Message

Message 002

Communication from the Commission - TRIS/(2016) 00441
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2016/0073/E

No abre el plazo - Nezhajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201600441.EN)

1. Structured Information Line

MSG 002 IND 2016 0073 E EN 05-02-2016 E NOTIF

2. Member State

E

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Coordinación de Políticas Comunes y de Asuntos Generales de la Unión Europea.
Secretaría de Estado para la Unión Europea.



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3. Originating Department

Ministerio de Fomento.
Secretaría General Técnica.

4. Notification Number

2016/0073/E - T10T

5. Title

Draft Royal Decree regulating the public use of remotely piloted aircraft and amending Royal Decree 552/2014 of 27 June 2014 implementing the Air Regulation and common operating provisions for air navigation services and procedures and amending Royal Decree 57/2002 of 18 January 2002 approving the Air Traffic Regulation

6. Products Concerned

This Royal Decree regulates the general legal framework for registration and air navigability and the conditions of operation of such aircraft, but not transport operations.

7. Notification Under Another Act

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8. Main Content

This Royal Decree lays down the legal framework applicable to the public use of remotely piloted aircraft (RPA) of a maximum take-off weight of less than 150 kg and those with a higher maximum take-off weight intended for customs, police, search and rescue, fire-fighting, coast guard or similar operations, given that all others are subject to European Union regulations.

This document governs the general framework for registration and air navigability, excluding from the fulfilment of such requirements remotely piloted aircraft (RPA) with a maximum take-off weight of up to 25 kg, which, however, are subject to specific piloting conditions.

It also establishes the conditions of operation for such aircraft. In light of the current state of technology, industry needs and the experience of our neighbouring countries, the use of remotely piloted aircraft (RPA) is to be reserved exclusively, and upon authorisation, for technical or scientific works – 'specialist operations', within the terms of the European Union regulations – and test flights for production and maintenance, demonstration, research and development of new products or to demonstrate the safety of specific operations as part of technical or scientific works.

This Royal Decree does not envisage the authorisation of other operations, especially transportation, using civil remotely piloted aircraft.



9. Brief Statement of Grounds

The main aim is to guarantee air safety, such that the flight of these unmanned aircraft in flight regions open to civil aircraft use is governed in such a way as to avoid any form of danger.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Royal Decree 552/2014 of 27 June 2014 implementing the Air Regulation and common operating provisions for air navigation services and procedures.

Royal Decree 57/2002 of 18 January 2002 approving the Air Traffic Regulation.

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

In accordance with Article 8(4) of Royal Decree 1337/1999 which incorporated Directive 98/48, Member States may invoke urgent reasons related to safety or public order which justify an urgent drafting of technical regulations for immediate adoption and application without being subject to consultation. This reason could avoid the 3-month postponement envisaged by Article 8, or for the periods provided in Article 8(2).

Law 18/2014 approved a temporary 'ex lege' regime for substitution by means of an implementing regulation according to the current state of technology. This regime established minimum operating requirements for these types of aircraft, but did not cover the entire range of activities having appeared within the industry over these months, in which a need has arisen to operate in cities or towns, or even in controlled airspace, to carry out activities such as filming, cinema and television advertisements, media reports on social, cultural, sporting, political or other events, or on news or other current affairs, building technical inspections and energy efficiency inspections, urban woodland inspections, data collection on contamination, and much more.

It is urgent that such types of activities of significant social demand are regulated, given that, in the absence of regulation, there have been reports of intrusion, i.e. carrying out activities, such as filming in cities or over crowds of people, which are not currently permitted and which therefore violate the air safety regulations, and have been subject to penalty procedures.

Furthermore, this Royal Decree contains measures to guarantee public safety which were not previously regulated, such as limitations on overflying, identification marks, registration of buyers at the time of sale or registration of drone operators. Given the proliferation of professional and recreational uses of such aircraft, it is urgent to lay down public safety measures which allow for their adequate control.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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