



Council of the
European Union

Brussels, 15 September 2014
(OR. en)

13235/14

AVIATION 183
TRANS 424
RECH 368
DATAPROTECT 121

REPORT

From: General Secretariat
To: Coreper/Council

No. prev. doc.: 12826/14 AVIATION 174 TRANS 408 RECH 356 DATAPROTECT 116
No. Cion doc.: 8777/14 AVIATION 102 TRANS 214 RECH 157 DATAPROTECT 57

Subject: ***Preparation of the Council meeting (Transport, Telecommunications and Energy) on 8 October 2014***
COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL A new era for aviation Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner
- Policy debate

I. INTRODUCTION

On 8 April 2014, the Commission presented the Communication entitled "A new era for aviation - Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner". The Communication serves as a scene setter for assessing the consequences of the maturing technology of unmanned aircraft systems on European civil aviation.

According to the Communication, so far unconventional aircraft categories, such as remotely piloted or fully automated aircraft will be operational in the global aviation network by 2050. Therefore, preparing the European market for such aircraft systems is essential to face future market challenges and create more growth and jobs in Europe by seizing the market potential of this emerging sector.

In its Communication, the Commission describes how to address remotely piloted aircraft system (RPAS) operations in a European level policy framework, enabling the progressive development of the commercial RPAS market while safeguarding the public interest. In order to develop the full potential of RPAS, the Commission proposes a range of actions to address regulatory preconditions, focus on concerted research and development efforts, and raises liability, security and data protection issues.

II. WORK WITHIN THE COUNCIL

The Communication was presented to the Working Party on Aviation on 15 July 2014. Delegations welcomed the Commission's timely initiative, and shared the Commission's views on the political and economic importance of remotely piloted aircraft systems. They agreed that the time is right to launch an overall discussion on the future role RPAS could play in the European aviation market. They expressed their overall support for exploiting the competitive advantage such new systems may offer in the future for the European manufacturing and services industry.

At the same time, in their initial reactions delegations warned for caution, and underlined the need to carefully assess the associated risks in the areas of safety, security and privacy, and find appropriate answers to citizens' concerns. Delegations also stressed that speed is key in providing the appropriate regulatory framework for the rapidly shaping RPAS markets, and thereby enable European industries and citizens to be on the frontline of RPAS developments. In delegations' views RPAS should benefit from the existing European research and development framework, but the need for harmonisation at Union level must be assessed strictly in view of their potential enabling effects.

Following the discussion, the Presidency proposed to hold a policy debate at ministerial level and tabled a set of questions to streamline it. The objective of the policy debate is to collect the views of Member States and give overall guidance to the Commission on the most important areas RPAS technology may affect. As regards the regulatory framework, it should be discussed how Union level and national rules could be best adapted and combined to reap the full benefits of the emerging phenomenon of unmanned aircraft, without affecting the achievements of the Union *acquis* in the transport and other related policy fields. In particular, the questions prepared by the Presidency are centred around safety, subsidiarity and privacy in the context of RPAS systems.

The Working Party on Aviation welcomed the Presidency's ambition for a policy debate and examined the questions at its meeting on 8 September 2014. Delegations supported the general direction of the questions, which, following minor modifications were then endorsed by all delegations.

III. QUESTIONS FOR THE ORIENTATION DEBATE

During the ministerial policy debate on 8 October 2014, Ministers will be invited to consider the following questions suggested by the Presidency:

1. *The overall objective of European research and development effort and regulatory initiatives is to accommodate the new technologies of RPAS, and allow for the development of this sector without compromising safety. Ultimately, RPAS could fly as 'normal' air traffic, and be integrated among 'normally piloted' aircraft, in a non-segregated airspace open to general air traffic.*
 - *Do you agree with these overall objectives?*

2. *Whilst RPAS activities are a global market, in specific segments they may retain a local character. A strong European market is the best instrument to make European companies cope with global competitors, hence the need for harmonising European rules. A good balance of rules should be found in order to avoid hampering local developments and heavy regulatory burden.*
 - *How could a solid partnership between EASA and the national authorities best be organised and how could the regulatory burden for both administrations and industry be kept as light as possible?*

3. *RPAS operations should not affect the fundamental freedoms of European citizens, who might feel concerned about privacy or security.*

- *While the main focus of the future regulatory framework might be on safety, should specific rules on data protection or security be developed? Alternatively, should safety legislation merely facilitate the implementation of the existing framework on data and privacy protection or security?*
- *While the main focus of the future regulatory framework might be on safety, should specific rules on data protection or security be developed? Alternatively, should safety legislation merely facilitate the implementation of the existing framework on data and privacy protection or security?*

IV. CONCLUSION

The Permanent Representatives Committee is invited to endorse the questions under section III and to invite Ministers to focus their interventions during the TTE Council on 8 October 2014 on these two questions.