

# **POLICY ADVICE EUKA: HOW DOES IT FARE AGAINST THE NEW EUROPEAN REGULATORY FRAMEWORK FOR DRONES?**

**EUKA, as a Belgian drone industry community, supported by the industry and by the Flemish Government, has made an overview of what industry end users would need of a new European regulatory system for drones.**

*The complete text of this policy advice can be found in Dutch and in French on the EUKA-website: <https://euka.org/drone-wetgeving/>.*

Basically, the suggested framework seems to address most of the needs of drone end users, if of course the national implementation and the role of the local NAA (in casu DGLV in Belgium) is clearly defined and if the different standard scenarios are well defined and enable the industry to operate in a safe but also flexible manner.

## **1. Main principles**

Overall, EUKA is quite satisfied with the main principles of this regulatory framework:

- Creating a large European market for drone services is beneficial especially for Belgian companies who will now be playing in a much larger field.
- This will enable a faster 'go-to-market' for all kinds of new operations
- It is a plus that all current and possible future unmanned aircrafts are included as well as multiple possible current and future operations.
- Room for a transition period is a plus as well as the validity of licences in the entire EU

There are, however, some minor issues that should be clarified or addressed:

- In Belgium much airspace will have specific limitations/requirements, making the promising regulatory framework less interesting. How will this affect the industry? Will the standard scenarios also be valid in so-called no-fly zones, etc...? Or can a LUC (Light UAS Operator Certificate) offer some flexibility in some common drone flight operations, even in otherwise restricted airspace? This is yet to be clarified.
- What will happen to current drone pilot license holders. The framework states a adaptation period of two years after which the national licences become European licenses. Will this be automatically? Will there be a new theoretical and practical exam? Or is an online validation through a questionnaire sufficient?
- Noise limits only apply on 'Open' category, will this also be enforced on other categories (such as standard scenario's like ion construction sites, where a drone would hardly be the noisiest tool)?

## **2. Categories of operation**

It is clear that a line has been drawn between the 'open' (more risk-free flights) and the more industry driven flights (specific and certified). EUKA thinks, however, that the professional market in Belgium, will have little to no use for the three subcategories defined in the 'open'

category of drone flights. However, we believe that it is a plus that registration of drone over 900 gr and a mandatory online training are a good step forward. Possibly this will enable some photography or media-driven end users to fulfil their jobs within the restrictions of the different UA classes (which are well defined).

Some of the changes that we strived for within our policy advice were already implemented in this part of the regulatory framework:

- EUKA asked 150 m flight altitude; 120 m is suggested which is good
- BVLOS is not possible in this category, but is possible within the 'specific' and 'certified' category which is also good
- The total weight of the drone including payload is also upgraded to 25 kg, which offers possibilities for some business cases.

EUKA is still worried about the restriction in regard to maintain safe distance of persons and buildings, because in some cases (event photography, real estate photography, etc...) this renders these relatively low risk operations much more administratively complicated because they are shifted to a high-risk operation, what often is not the case.

The most interesting category in relation to the EUKA policy advice is the 'specific' category. First off, EUKA has defined multiple 'standard scenario's' in four distinct industries: construction and inspection, security and surveillance, agriculture and logistics and transportation. These could very well serve as the standard scenario's mentioned in the regulatory framework. A simple declaration of flight would be sufficient, which would be a tremendous help for the development of drone operations in said industries. This could certainly be useful in the most common scenario's but located in different geographical locations (e.g. Inspections of infrastructure, construction sites, events, etc.).

EUKA is also happy to see the possibility of a Light UAS Operator Certificate or a LUC as it is called. We believe this is the ideal way of handling the 'usage of drones as a tool rather than an aircraft' recommendation in the policy advice. In very specific and relatively low risk situations a drone operator can indeed 'self' authorize in a way that is suggested in the regulatory framework.

EUKA believes that within these two possibilities mentioned above, that autonomous or more automated and BVLOS operations can be conducted in a safe manner. However, today it is unclear which are the standard scenario's that are going to be included. Also, EUKA believes that that obtaining a LUC could already be defined in some 'standard scenario's' as the two seem to be compatible. A construction site, security operations in an industry zone, a bird deterring drone in agriculture; these are cases that could vastly benefit of being able to operate under 'self' authorisation, after due diligence by the DGLV and assurance of necessary competence and safety measures.

EUKA has some fear that specifically in Belgium most operations will be defined as high risk due to multiple CTR, HTA and other restricted or no-fly zones. It should be clear that the standard scenario's and the LUC exceptions are also valid within these air spaces, in accordance to required safety measures (maybe also adjusted flight heights if necessary). But

we are confident that this must be possible with the proposed regulatory framework as the 'open' and 'specific' operation categories are conducted in low level flight corridors and thus not necessarily intervening with manned aircrafts (in fact, in most standard scenarios -called business cases in the policy advice- the risk of manned aircraft interference is second to none, thus making it relatively easy for DGLV to authorise specific operations and LUC's to these industries. Moreover, it has to be clarified if the standard scenarios of the LUC's can also be attributed to an organization or a company, making the system all the more flexible (e.g. not having to re-apply for authorization when another qualified pilot is flying, or when a different UAS is used of the same class but a different registration number -due to technical failure and such...- in these cases a simple declaration should be sufficient, to limit delays -which is paramount in the industry-). Of course, at all times, the agreed upon safety measure should always be in place.

### **3. Testing**

A last EUKA-concern is that of drone or UAS-testing. The testing of drones on a site like DronePort: it is not clear enough how flexible this will be. The very nature of developing new drones and testing them, requires a certain level of 'leniency' towards which aircrafts can lift off and which ones cannot. We believe that the current regulatory framework offers the possibility to create such a location if the operations and procedures manual of the airfield (in this case EBST) clearly define which zones and what the risk assessments are for certain test situations. This has then to be cleared by DGLV. However, it is sometimes impossible to comply with certain UAS-hardware/software requirements, due to the innovative/experimental nature of these flights. A question raised here is: will it be possible to 'self-regulate' authorizations for certain test flights within clearly marked zones for clearly risk assessed flights? Will this also be qualified under 'standard scenarios' or exemptions such as LUC? Since there are many such test facilities throughout Europe, it might be interesting to include them in a separate article in the regulation, thus granting them clear rules of engagement. Furthermore, will this also alleviate the need for 'random' testing and thus lower the need for applying for high risk flights with DGLV, since these test centres could become 'mandatory' throughout Europe for all drone flight experiments. Maybe a NAA (for Belgium: DGLV) certified test centre label should be considered.

### **4. Conclusion**

Overall EUKA is moderately optimistic about this regulatory framework. It is clear that the European bodies that have drafted this document have been listening to all the stakeholders and have come up with a framework that has the potential to give the EU Members States an edge over international competitors in the drone market.

However, a framework is only as good as the artwork you put inside it, so to speak. Therefore, it is important now to clearly address the standard scenario's that will advance drone industry in Belgium, and to make sure we anticipate the difficult nature of our Belgian airspace. Also, the specifics of a LUC should be considered in a form of standard situations, creating momentum for several industries as specified in our policy advice. Given enough time and thought, we will be able to create a win-win situation for manned and unmanned flight alike.

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