



Position Paper

Brussels, 13 December 2018

Draft legal acts on drones

Reference:

- Draft COMMISSION IMPLEMENTING REGULATION (EU) on the rules and procedures for the operation of unmanned aircraft (Ares(2018)5119803 and Annex)
- Draft COMMISSION DELEGATED REGULATION (EU) on unmanned aircraft intended for use in the 'open' category, and on third-country operators of unmanned aircraft systems (Ares(2018)5119839 and Annex)

The Community of European Railway and Infrastructure Companies (CER) acknowledges the intense work done to prepare drone regulations but expresses expectation for simplified regime supporting drone operations (e.g. facilitate rail infrastructure inspection) and concerns that railway environment will get appropriate protection (i.e. drones should not pose a safety hazard to anyone on the railway).

▪ **Legal acts should enable drone service for rail but also protect railway.**

CER notes that the regulatory package is compatible with drones' applications for railway but does not yet simplify the use of drone for railway purpose:

- Drone operator safety management requires thorough knowledge about technical specifications - such as crash impact energy or possible technical modifications. Requirements for EC marking should explicitly address the need to provide sufficient information allowing safe use of the drone vehicle by an operator.
- Generic railway operation scenarios and harmonized principles for Light Unmanned Aircraft Operator Certificate (LUC) could be appropriate tools but should now be developed in order to simplify mission authorisations. As foreseen by the draft regulation package, CER would expect EASA to build with national authorities and stakeholders a sufficient frame facilitating drone mission for railway inspections.
- Fully automated, pilot-less Unmanned Aircraft System (UAS) should be recognized by the act. As we understand, a human pilot or operator is required.
- Authorities' responsibility to prevent and sanction breach of no-drone-zones remains to be clarified as well as related reporting channels.
- It should be possible for a drone operator competent for railway inspection to operate through the whole EU territory without undue delays or administrative burden. CER recommends that the number of authorities for drones will be minimized with the target to achieve an harmonised European frame and regime for drone operation in EU.

The draft legal acts do not define specific protection of the railway system. There are still some specific risks when flying next to railway infrastructures. When drones are not used for railway application, open category could be open for missions above railway infrastructure only if they comply with a minimum safety distance to railway tracks. When drones are used for application, it should be possible to use drones in the open category under the minimum safety if the operator runs appropriate safety assessment.

The regulation should remain technological-agnostic. Some requirements should be reviewed to keep technical flexibilities (e.g. the wingspan criterion in UAS.SPEC.020 seem to impose unreasonable disadvantages on fixed-wing UAS; conformity with the kinetic impact energy threshold through technical modifications such as parachutes should be possible, specific frequency requirement for Vehicle to Vehicle communication might impose).

▪ **Step to be taken**

A workshop on the use of drone within or next to railway infrastructures would help to agree on remaining tuning to be done in regulations and challenges to be fixed by normative documents. It is now essential to find common understanding on the relevant work streams and actors to be involved for an efficient frame at the interface of drone and rail.

About CER

The Community of European Railway and Infrastructure Companies (CER) brings together more than 70 railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 73% of the rail network length, 77% of the rail freight business and about 93% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policymakers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit www.cer.be or follow us on Twitter @CER_railways.

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