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# ‘THE MISSING LINK’

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The European Parliament and the Council are currently working on a basic aviation safety regulation (COM (2015) 316). This regulation will make the integration of drones in European airspace possible. Simultaneously, EASA is working with Member States and industry on the implementation of this regulation. EASA aims to produce effective EU-wide safety rules that are proportionate to the risk of the operation of drones. Based on the basic aviation safety regulation, EASA will also be empowered to adopt the necessary acts for the design, production, maintenance and operation of drones for the well-known CE (“Conformité Européenne”) marking.

On 11 October 2017 a conference was held on this issue, focussing on the need for legislation on the testing of drones. This article sets out the key discussion points and conclusions of the conference. The organisers are working on a manifest, which contains their call to harmonise the legislation on drones within the EU. The manifest will be presented to the European Commission in the upcoming months.

## Drone Conference 2017

“We are the last generation that looks into a clear sky”, concluded mayor of Enschede Onno van Veldhuizen at the Drone Conference on 11 October in Brussels. Expecting a regulatory framework from EASA, the European Aviation Safety Agency, at the beginning of 2018, the international drone community came together to discuss the ‘missing link’ between the forthcoming proposal and the actual testing of drones in the Member States.

The Dutch municipality of Enschede, the Dutch province of Overijssel and Nokia organised the conference. All key players, the European Parliament, the European Commission, EASA, and important stakeholders were represented and shared their thoughts. The central issue is the lack of a level playing field for drone testing between all European countries. As Ronald van Roeden, Deputy Permanent Representative to the EU stated: “New technologies offer a wide range of new opportunities, for citizens, business and governments, but they ask for new legal frameworks as well. Too often we tend to overlook this and when we don’t, we are inclined to regulate new technologies at home, and forget about an European regulatory framework.”

In addition, Eddy van Hijum, member of the Executive council of the province of Overijssel, stated: “If regulation for the testing and using of unmanned systems are harmonised throughout the EU, Europe can become the biggest market for drones.”

EU-rules for test centres and for a platform on which industry can share its data are necessary to create this level playing field. Such rules are currently not included in EASA’s expected implementing measure and are therefore referred to as ‘the missing link’.

**Date:** 11 October 2017,  
**Location:** Permanent Representation of the Netherlands to the EU, Brussels  
**Organised by:** the Dutch municipality of Enschede, the Dutch province of Overijssel and NOKIA  
**With:** Ronald van Roeden, Eddy van Hijum, Stefano Stramigioli, Michiel Heldeweg, Yves Mortier, Volker Ziegler, Matthijs van Miltenburg, Joshua Salsby, Nico Nijenhuis, Vincent Richir, Ron van de Leijgraaf and Frances Robinson.  
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## Co-development

To bridge the gap of this missing link regulation should be created on test centres. This will allow for the testing of drones to take off. The test results, in turn, can support the development of Regulation. Regulation and technology need to co-develop.

A great example of the importance of test centres was given by keynote speaker Stefano Stramigioli. As a professor of Robotics at the University of Twente he works on drones that are used for the inspection of windmills. He and his team are the world leaders in drones that can actually touch other objects while staying in balance in the air. These drones are now mainly tested indoors, but it is clear that they need to go outside to actually test them near windmills. As moderator Frances Robinson wittingly pointed out, we should use these ‘touch’-drones to poke EASA and the legislative institutions to bridge the regulatory gap.

## Freedom for industry

“For the purpose of legislation we need data. Data can support arguments on what exactly we should regulate. Otherwise, our discussions would have a religious character, based on ungrounded fears and dreams” stated Ron van der Leijgraaf, policy advisor at the Dutch Ministry of Infrastructure and the Environment. He made this clear by explaining a misconception. He

refers to the fear among air safety specialists of so-called ‘fly aways’, in which drones suddenly fly away uncontrollably. However, a large study shows that this rarely happens, and when it happens, instead of flying away, they simply drop to the ground as soon as the remote control system loses connection.

**“Legislation  
needs to be  
future-proof.”**

- MEP MATTHIJS VAN MILTENBURG

The freedom for the industry therefore mainly focusses on the testing of drones. This also includes to be free from excessive bureaucratic measures. Europe, as a continent, can offer a wide variety of test centres. Within these centres the industry should be free to test without needing a separate approval of a public

authority for every test. To solve this issue Michiel Heldeweg, professor at the University of Twente, proposes a European safety certificate. This will lessen the burden in terms of licenses and certification and will unify the rules in the EU. With this certificate the testing would be easier, which will contribute to a growing amount of data.

During the panel, Vincent Richir, European policy manager at DJI Global, stressed how important harmonisation is stating that “harmonisation will foster innovation”. “Test conditions need to be harmonised. If this is not the case, allowing test conditions to vary among member states, test results might not be recognised throughout the EU.”

Yves Mortier, explains that EASA's proposal aims to provide a framework to safely operate drones while allowing this industry to remain agile, to innovate and continue to grow. The risk posed to people on the ground and to other aircraft as well as privacy, security and data protection issues created by such drones are also taken into account.

*Before we can state that drones might fly away, they have to take off. Industry needs this freedom to actually make mistakes. When people trust the industry, it can develop the data necessary for regulatory standards.*

## Categorisation of the legislation

Professor Heldeweg also introduced another issue to the conference, namely the categorisation of the regulation of drones. The regulation of drones was almost immediately made a subcategory of the policy area of aviation. This might not be the best practise. Aviation and unmanned systems play by different rules. He therefore questioned whether all matters related to drones should be categorised in one regulatory category.

This issue was further discussed during the panel. Nico Nijenhuis, CEO of Clear Flight Solutions, which develops bird-like drones, gave the example of Japan. In Japan drones that are used for farming fall under the agricultural framework. The panel concluded that we might need to change our way of thinking and stop pigeonholing the birds from Clear Flight Solutions. Should we think of drones as a legislative category on itself, or do we sub-categorise drones into different policy areas according to their purpose?

## Wrap-up

The organisers of the conference are working on a manifest on the issue of the missing link. After all, we don't need the poking drone because the issues and discussions addressed during the conference will be included. As soon as the manifest is finalised it will be presented to the European Commission.

Matthew Baldwin, Deputy Director-general for Mobility and Transport of the European Commission, and Onno van Veldhuizen concluded the conference on a positive note. Looking at the future, Baldwin argues that the best way to deal with the fast changing and diverse technology is to adopt permissive legislation. Onno Van Veldhuizen was grateful for the presence of so many stakeholders from different countries and EU-institutions. He looks forward to a follow up conference. He took it even a step further by concluding that: "Essentially it is about public space. To me, the public approval of drones is the true missing link. If you don't test in cities, in real life, people won't accept drones."



*Unmanned aircraft (most people call them 'drones') is a sector of aviation that is developing very fast and has a great potential for producing new jobs and growth.*