



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Civil Liberties, Justice and Home Affairs

2014/2243(INI)

3.9.2015

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Transport and Tourism

on safe use of remotely piloted aircraft systems (RPAS), commonly known as unmanned aerial vehicles (UAVs), in the field of civil aviation (2014/2243(INI))

Rapporteur: Soraya Post

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas Remotely Piloted Aircraft Systems (RPAS) can be used for a range of civil (non-military) purposes, e.g. relating to critical infrastructure and civil protection, disaster management and search and rescue, environmental protection, agricultural and industrial production, law enforcement surveillance, intelligence, journalism, commercial activities and leisure;
 - B. whereas notwithstanding their potential and benefits, the use of RPAS poses significant risks, specifically because RPAS enhance other technologies which may lead to surveillance and tracking of people and objects; whereas RPAS are by definition a form of dual-use technology requiring very strict and rigorous rules; whereas specific challenges are also entailed when RPAS involve the processing of personal data, as this interferes with fundamental rights, namely the right to privacy and the right to data protection, and when they involve public security, as they can, intentionally or unintentionally, be used to cause damage to people and infrastructures;
 - C. whereas fragmented national legislation on civil use of RPAS would hamper the development of an EU market in RPAS, impede the establishment of high common guarantees, and pose serious risks to EU citizens' fundamental rights, especially the right to privacy, the right to data protection, the rights to security and safety, and freedom of assembly;
 - D. whereas a clear and complete regulatory framework, addressing the entire RPAS chain with the aim of guaranteeing safety, security, privacy and data protection, environmental protection, responsibility and liability, law enforcement action, insurance, identification and transparency, can guarantee legal certainty and the safe integration of RPAS into the civil aviation system, and could lead to the EU playing a decisive role in setting international standards;
 - E. whereas greater access to RPAS by consumers will also have enormous societal effects, leading to deep changes in our commercial and private interactions;
 - F. whereas a distinction must be made between RPAS used for recreational purposes and RPAS used for professional purposes; whereas some particularly intrusive technologies must be prohibited in recreational use; whereas the high-powered technology with which some RPAS intended for professional use are equipped must comply with the principles of proportionality and necessity;
 - G. whereas RPAS and the uses thereof can be particularly intrusive in the area of privacy and personal data protection; whereas the absence of a direct link between device and user engenders a sense of exoneration from responsibility for the device's operation;
1. Supports the Commission proposal to swiftly modify Regulation (EC) No 216/2008 on

common rules in the field of civil aviation by reconsidering its lack of competence for regulating RPAS under 150 kg, so as to ensure that the EU can properly regulate the integration of RPAS into the civil aviation system by addressing the safety, security, privacy and data protection preconditions for the civil use of RPAS;

2. Reiterates that when personal data are processed by RPAS operated in the EU, whether for law enforcement purposes or by a natural person in the course of a purely personal or household activity, the right to the protection of private life enshrined in Article 7 CFR and the right to the protection of personal data enshrined in Article 8 CFR and Article 16 TFEU apply and the EU legal framework for data protection must be fully complied with;
3. Calls on the Commission to ensure that in the development of any EU policy on RPAS, privacy and data protection guarantees are embedded by making, as a minimum requirement, impact assessments and privacy by design and by default compulsory;
4. Recalls the economic importance of this sector, and underlines the need for suitable policies to protect privacy and ensure data protection, safety and security, which are proportionate to their aim while not imposing an unnecessary burden on SMEs;
5. Calls on the Commission and the Member States to ensure that, in the development of any EU policy on RPAS, privacy and data protection guarantees are embedded in line with the principles of necessity and proportionality, inter alia by making, as a general rule, impact assessments and privacy by design and by default compulsory for all RPAS used in the EU, and by developing the necessary guidelines (taking account of the expertise of the European Data Protection Supervisor and of the national data protection authorities within the Article 29 Working Party), so as to ensure the coordinated implementation of the regulatory framework governing RPAS; also calls on the Commission to keep Parliament fully informed of any action – including impact assessment studies – that it wishes to implement in the field of RPAS;
6. Underlines the need for a clear legal framework based on relevant criteria regarding the use of cameras and sensors, especially by commercial and private RPAS, that will ensure the effective protection of the right to privacy and data protection as well as safeguarding the security of citizens, taking into account the ever-decreasing size of RPAS components, leading to more portable and undetectable devices;
7. Underlines that the use of RPAS by law enforcement and intelligence services must respect the fundamental rights to privacy, data protection, freedom of movement and freedom of expression, and that the potential risks connected to such use of RPAS, regarding both surveillance of individuals and groups and the monitoring of public spaces such as borders, need to be addressed;
8. Considers that rules at EU and national level should clearly set and indicate the provisions applicable to RPAS in relation to the internal market and international commerce (their production, sale and purchase, trade in them and use of them), safety and security (pilot licences, flight authorisation, identification of owners, traceability of real-time positioning and monitoring of RPAS and of RPAS flights, including in no-fly zones such as airports and other critical infrastructure, third-party liability insurance for RPAS operators, and rules to be followed when operating a drone, e.g. on visual contact), privacy and data

protection, and any other applicable field of law, such as criminal law, intellectual property law, aviation law or environmental law;

9. Invites Member States to ensure that when training is provided to professional users and owners of RPAS, it includes specific training on data protection and privacy, and that professional users of RPAS are subject to mutual recognition by Member States in order to eliminate any market restrictions;
10. Underlines the need to ensure that any person operating an RPAS should be made aware of the rules at EU and national level that are applicable to the use of RPAS, including those concerning privacy and data protection, security and safety, and that those rules should be specified, for example in a notice or a handbook, to anyone acquiring an RPAS;
11. Is concerned over potential illegal and unsafe uses of RPAS (e.g. RPAS transformed from a civilian tool into a weapon used for military or other purposes, or RPAS used to jam navigation or communication systems); calls on the Commission to support the development of the necessary technology to ensure safety, security and privacy in the operation of RPAS, including through Horizon 2020 funds directed primarily towards research and development into systems, technologies, etc that can be used to enhance privacy by design and default and support the development of technologies such as 'detect and avoid', geo-fencing or anti-jamming and anti-hijacking, as well as privacy by design and by default enabling the safe use of civilian RPAS; 12. Strongly recommends that the current discussions between EU and national policymakers and regulators, industry, SMEs and commercial operations should be opened up, and that a public debate should be launched with the participation of citizens and other relevant stakeholders, such as NGOs (including civil rights organisations) and law enforcement authorities, in order to take note of and address the concerns regarding the protection of fundamental rights and the responsibilities and challenges facing different actors in safeguarding these rights and protecting the security of citizens when RPAS are used;
13. Calls on the Commission to adopt a communication, including a thorough analysis with a detailed impact assessment, on the impacts and risks regarding safety, security, respect for fundamental rights (especially the rights to privacy and data protection), law enforcement and intelligence, that are associated with RPAS, in order to stimulate and inform the public debate, and to outline the initiatives planned in this field in a detailed action plan;
14. Calls on the TRAN and LIBE committees to arrange a joint hearing with representatives of industry, national privacy protection organisations, the European Data Protection Supervisor, the Commission, and NGOs working in the area of fundamental rights;
15. Calls on the Commission to consider a regular reporting mechanism that would take into account technical developments as well as policy developments and best practice at national level, and would also address RPAS incidents, and to present an overview and evaluation of the regulatory approaches at Member State level, so as to allow comparison and identify best practices.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	3.9.2015
Result of final vote	+: 50 -: 4 0: 0
Members present for the final vote	Gerard Batten, Heinz K. Becker, Malin Björk, Caterina Chinnici, Ignazio Corrao, Frank Engel, Cornelia Ernst, Laura Ferrara, Monika Flašíková Beňová, Mariya Gabriel, Kinga Gál, Nathalie Griesbeck, Sylvie Guillaume, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Eva Joly, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Vicky Maeijer, Louis Michel, Claude Moraes, József Nagy, Péter Niedermüller, Soraya Post, Birgit Sippel, Csaba Sógor, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský
Substitutes present for the final vote	Marina Albiol Guzmán, Hugues Bayet, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Teresa Jiménez-Becerril Barrio, Ska Keller, Miltiadis Kyrkos, Andrejs Mamikins, Elly Schlein, Barbara Spinelli, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski, Axel Voss
Substitutes under Rule 200(2) present for the final vote	Norbert Lins