1. ------IND- 2018 0169 F-- EN- ------ 20180420 --- --- PROJET

|  |
| --- |
| FRENCH REPUBLIC |
|  |  |  |
| Ministry of the Economy and Finance |
|  |  |  |
|  |  |  |

Decree No laying down the objectives for signalling/warning devices on unmanned aircraft and the conditions stipulated in Article L34-9-2 of the Postal and Electronic Communications Code

NOR: […]

*Groups concerned: pilots of unmanned aircraft that exceed the weight threshold set by law and/or by manufacturers of unmanned aircraft*

*Subject: this text sets objectives for the electronic signalling and optical warning devices that must be fitted on unmanned aircraft that exceed the weight threshold defined by law, as well as the conditions for exemption from these obligations and the associated penalties.*

*Entry into force: The text shall enter into force on the day after its publication date, except for the provisions of Articles R20-25-1 and R20-25-2 of the Postal and Electronic Communications Code [Code des postes et des communications électroniques], which shall enter into force on 1 January 2019.*

*Notice: Pursuant to Article L34-9-2 of the Postal and Electronic Communications Code amended by Law No 2016-1428 of 24 October 2016 on improving safety measures when using civilian drones, unmanned aircraft (other than government aircraft), the weight of which exceeds the threshold set by law, must be fitted with an electronic or digital signalling device and an optical warning device. This decree sets out the objectives for these devices and the conditions for exemption from these obligations.*

*References: this decree was issued to implement point I of Article 4 of Law No 2016-1428 of 24 October 2016 on improving safety measures when using civilian drones. The articles of the Postal and Electronic Communications Code amended by this decree may be consulted, in the version resulting from this amendment, on the Légifrance website (http://www.legifrance.gouv.fr).*

The Prime Minister,

On the basis of the report of the Minister for the Economy and Finance,

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), and in particular Notification No Year/XXX/F;

Having regard to the Civil Aviation Code [Code de l’aviation civile], in particular Article D510-3 thereof;

Having regard to the Postal and Electronic Communications Code, in particular Article L34-9-2 thereof;

Having regard to the Internal Security Code [Code de la sécurité intérieure], in particular Book VIII, Title V;

Having regard to the Transport Code [Code des transports], in particular Articles L6100-1 and L6111-1 thereof;

Having regard to the opinion of the Electronic Communications and Postal Regulatory Authority [ARCEP] dated XXX;

Having heard the Council of State (section ...),

Hereby decrees:

Chapter I: Provisions on the objectives of the signalling/warning devices

Article 1

The following Article R20-24-2 is added to Section 5(6) of Chapter II, Title I, Book II of the regulatory part (decrees in the Council of State) of the Postal and Electronic Communications Code:

‘*Article R20-24-2.-* I. The electronic or digital signalling device mentioned in the first paragraph of Article L34-9-2 is intended to allow security, national defence, rescue and customs services to identify and locate – while in flight – unmanned aircraft that exceed a threshold set by decree.

To this end, the device shall transmit the following information electronically:

1. the ID number of the electronic or digital signalling device;

2. the coordinates of the geographic position of the aircraft and its altitude;

3. the time and date of this geographic position;

4. the coordinates of the geographic position of the aircraft take-off point;

5. aircraft route and speed.

Where applicable, and on a need-to-know basis, this information may be used for criminal, administrative or intelligence investigations or for statistical purposes, by persons authorised for such.

II. The optical warning device mentioned in the first paragraph of Article L34-9-2 is intended to make it easier for security, national defence, rescue and customs services to detect – while in flight– unmanned aircraft that exceed a threshold set by decree and to distinguish them from other aircraft.

III. An order of the Minister for the Interior, the minister responsible for transport and the minister responsible for electronic communications shall set out the technical characteristics of the electronic or digital signalling device and the format of the information transmitted, as well as the technical characteristics of the optical warning device.’

**Chapter II: Provisions on conditions for exemption from the signalling/warning obligation**

Article 2

The following Article R20-24-3 is added to Section 5(6) of Chapter II, Title I, Book II of the regulatory part (decrees in the Council of State) of the Postal and Electronic Communications Code:

‘*Article R20-24-3.-* I. Unmanned aircraft shall be exempt from the obligation to be fitted with an electronic or digital signalling device if:

1. They are used for recreational purposes, including competitions, and flown within the sight of remote pilot who is a member of an association affiliated to nationally recognised aeromodelling federation referred to in Article D510-3 of the Civil Aviation Code, or by a multi-sport federation certified by the minister responsible for sport and providing opportunities to practice aeromodelling, at an activity location published by way of aeronautical information duly identified as qualifying for this exemption;

2. They are used in enclosed and covered spaces;

3. They fall under the aircraft categories indicated in the second paragraph of Article L6100-1 of the Transport Code without prejudice to the provisions applicable to military and government aircraft and to aircraft used by customs or public safety and civil security services;

4. They do not fall under the aircraft categories indicated in the second paragraph of Article L6100-1 of the Transport Code, but are used in customs, police or civil security missions or in application of a technique as per Title V, Book VIII of the Internal Security Code.’

‘II. Unmanned aircraft shall be exempt from the obligation to be fitted with a functioning optical warning device if:

1. They are used for recreational purposes, including competitions, and flown within the sight of remote pilot who is a member of an association affiliated to nationally recognised aeromodelling federation referred to in Article D510-3 of the Civil Aviation Code, or by a multi-sport federation certified by the minister responsible for sport and providing opportunities to practice aeromodelling, at an activity location published by way of aeronautical information duly identified as qualifying for this exemption;

2. They are used in enclosed and covered spaces;

3. They are conducting experimental flights for the purposes of testing or inspection under the conditions defined by the minister responsible for civil aviation;

4. They fall under the aircraft categories indicated in the second paragraph of Article L6100-1 of the Transport Code without prejudice to the provisions applicable to military and government aircraft and to aircraft used by customs or public safety and civil security services;

5. They do not fall under the aircraft categories indicated in the second paragraph of Article L6100-1 of the Transport Code, but are used in customs, police or civil security missions or in application of a technique as per Title V, Book VIII of the Internal Security Code.’

**Chapter III: Penalties**

Article 4

The following Articles R20-25-1 and R20-25-2 are inserted into Section 5(7) of Chapter II, Title I, Book II of the regulatory part (decrees in the Council of State) of the Postal and Electronic Communications Code:

‘*Article R. 20-25-1* The following shall be penalised with the fine indicated for class 4 infringements:

1. the owner of an unmanned aircraft flies it without an electronic or digital signalling device, as referred to in the first paragraph of Article L34-9-2 and in point I of Article R20-24-2, or without a functioning electronic or digital signalling device;

2. the owner of an unmanned aircraft flies it without an optical warning device, as referred to in the first paragraph of Article L34-9-2 and in point II of Article R20-24-2, or without a functioning optical warning device.’

‘*Article R. 20-25-2* The following shall incur the fine indicated for class 5 infringements:

Voluntary emission of an electronic or digital signal, as referred to in the first paragraph of Article L34-9-2, that does not correspond to an actual flight in progress at the time of its emission and emitted from an unmanned aircraft registered in the database referred to in Article XXX of the Transport Code.’

Article 5

The phrase ‘and Articles R20-25-1 and R20-25-2 of the Postal and Electronic Communications Code’ is inserted after ‘of the Civil Aviation Code’ in Article R48-1(12) of the Code of Criminal Procedure [Code de procédure pénale].

**Chapter IV: Final provisions**

Article 6

The provisions of this decree shall apply in French Polynesia, Wallis and Futuna and the French Southern and Antarctic Lands.

Article 7

This decree shall enter into force on the day after its publication date, except for the provisions of Articles R20-25-1 and R20-25-2 of the Postal and Electronic Communications Code, which shall enter into force on 1 January 2019.

Article 8

The Minister of State, the Minister for the Interior, the Minister for the Ecological and Inclusive Transition, the Keeper of the Seals, the Minister for Justice, the Minister for Economy and Finance, the Minister for Overseas France and the Minister for Transport attached to the Minister for the Ecological and Inclusive Transition shall be responsible, insofar as it falls within their remit, for the implementation of this decree, which shall be published in the *Official Journal* of the French Republic.

Done on [date]

By the Prime Minister:

The Minister of State for the Interior,

Gérard Collomb

The Minister of State for the Ecological and Inclusive Transition,

Nicolas Hulot

The Keeper of the Seals, Minister for Justice

Nicole Belloubet

The Minister for Economy and Finance,

Bruno Lemaire

The Minister for Overseas France,

Annick Girardin

The Minister for Transport attached to the Minister for the Ecological and Inclusive Transition

Élisabeth Borne