**Decree No. 2019-1114 of 30 October 2019 implementing Article L. 34-9-2 of the Postal and Electronic Communications Code**

Target audience: remote pilots of unmanned aircraft weighing more than 800 grams, manufacturers of unmanned aircraft.
Subject: objectives of the electronic or digital signalling devices and lights with which unmanned aircraft must be equipped.
Entry into force: the Decree shall enter into force six months after its publication, with the exception of the provisions of Articles R. 20-29-7 and R. 20-29-8 of the Postal and Electronic Communications Code and of point 14 of Article R. 48-1 of the Criminal Code, on the one hand, and the provisions of the Decree concerning unmanned aircraft registered under Article L. 6111-1 of the Transport Code before that date, on the other hand, which enter into force 12 months after publication.
Notice: pursuant to Article L. 34-9-2 of the Postal and Electronic Communications Code as amended by Law No 2016-1428 of 24 October 2016 on strengthening the safety of the use of civil 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 signalling lights. The Decree lays down the objectives of these devices, as well as the conditions for exemption from reporting obligations and the applicable penalty regime. It sets the weight threshold beyond which aircraft become subject to these provisions at 800 grams.
References: the Decree is issued for the implementation of Article 4(I) of Law No 2016-1428 of 24 October 2016 on strengthening the safety of the use of civil drones. The Postal and Electronic Communications Code can be accessed, in its version resulting from this change, 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 (consolidated text), and in particular Notifications No 2018/169/F and No 2018/168/F;
Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91;
Having regard to Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems, in particular Article 5 thereof;
Having regard to the Civil Aviation Code, in particular Articles R. 124-2 and D. 510-3 thereof;
Having regard to the Penal Code, in particular Article R. 610-1 thereof;
Having regard to the Criminal Code, in particular Article R. 48-1 thereof;
Having regard to the Postal and Electronic Communications Code, in particular Article L. 34-9-2 thereof;
Having regard to the Internal Security Code, in particular Book VIII, Title V;
Having regard to the Sports Code, in particular Article L. 131-8 thereof;
Having regard to the Transport Code, in particular Articles L. 6100-1 and L. 6111-1 thereof;
Having heard the Council of State (Public Works Section),
Hereby decrees:

**Article 1**

Section 5 of Chapter II of Title I of Book II of the Regulatory Part (Decrees in Council of State) of the Postal and Electronic Communications Code is supplemented by a subsection 10 as follows:

‘Subsection 10
Provisions relating to unmanned aircraft

Article R. 20-29-1.-Without prejudice to the European Union regulations applicable to unmanned aircraft with regard to aviation safety, the provisions of this sub-section shall apply to such aircraft for public security purposes.

Article R. 20-29-2.-The purpose of the electronic or digital signalling device provided for in the first paragraph of Article L. 34-9-2 is to detect the flight of unmanned aircraft whose mass exceeds the threshold referred to in Article D. 103 and to enable the reading of their identification number.
For the sole purpose of preventing attacks on State security, defence or public security and of preventing, investigating, detecting or prosecuting criminal offences, the information transmitted by this device may be used, by the State services contributing to internal security and national defence, to enable the identification of the owners of unmanned aircraft and the users thereof.

Article R. 20-29-3.-The purpose of the light signalling device provided for in the first paragraph of Article L. 34-9-2 is to locate more easily, when in flight at night, unmanned aircraft with a mass exceeding the threshold referred to in Article D. 103 and to distinguish it from other aircraft.

Article R. 20-29-4.-A joint order of the Minister for the Interior and the Minister for Electronic Communications shall specify the technical characteristics of the electronic or digital signalling device, the nature and format of the information transmitted and the technical characteristics of the signalling device.

Article R. 20-29-5.-Unmanned aircraft shall be exempted from the requirement to be equipped with an electronic or digital signalling device:
1) When used for leisure purposes and remotely piloted by sight by a remote pilot who is a member of an association affiliated to the federation recognised at national level for aero-modelling referred to in Article D. 510-3 of the Civil Aviation Code, or to a multi-sport federation including aero-modelling approved by the Minister responsible for sports pursuant to Article L. 131-8 of the Sports Code in an activity area established by decree as giving the right to this exemption and published by the aeronautical information channel;
2) When used in enclosed and roofed spaces;
3) When they fall under the aircraft categories referred to in the second paragraph of Article L. 6100-1 of the Transport Code, without prejudice to the provisions applicable to military and government aircraft and to aircraft used by customs or public security and civil security services;
4) When they do not belong to the categories of aircraft referred to in the second paragraph of Article L. 6100-1 of the Transport Code but are used in the course of customs, police, or civil security missions or the implementation of a technique referred to in Title V of Book VIII of the Internal Security Code;
5) When they are carried or towed from the surface of the soil or water.

Article R. 20-29-6.-Unmanned aircraft shall be exempted from the requirement to be equipped with a light signalling device:
1) In the cases referred to in points 1 to 5 of Article R. 20-29-5;
2) When flying between sunrise and sunset;
3) When conducting experimental flights for the purposes of testing or inspection under the conditions defined by the Minister responsible for civil aviation.

Article R. 20-29-7.-The following shall be penalised with the fine indicated for class 4 infringements:
1) The operation of unmanned aircraft in the absence of an electronic or digital signalling device referred to in the first paragraph of Article L. 34-9-2 or in the absence of a functioning electronic or digital signalling device;
2) The operation of unmanned aircraft in the absence of a light signalling device referred to in the first paragraph of Article L. 34-9-2 or in the absence of a functioning light signalling device.
The owner of an unmanned aircraft shall be liable to pay the fine for the offences referred to in (1) and (2), unless they establish the existence of a flight or any other force majeure event or provide all the evidence to establish that they are not the true perpetrator of the offence.

Article R. 20-29-8.-The voluntary issuance of an electronic or digital signal referred to in the first paragraph of Article L. 34-9-2 shall be punishable by the fine provided for Class 5 contraventions, not originating from unmanned aircraft registered in the register referred to in Article R. 124-2 of the Civil Aviation Code or not corresponding to an actual flight, in progress at the time the electronic or digital signal is issued.

Article R. 20-29-9.-Any person guilty of the offences referred to in Articles R. 20-29-7 and R. 20-29-8 shall also be liable to the additional penalty of the confiscation of the object used to commit the offence.

Article R. 20-29-10.-Articles R. 20-29-1 to R. 20-29-9 shall apply in the Wallis and Futuna Islands, French Polynesia and the French Southern and Antarctic Lands.’

**Article 2**

Article R. 48-1 of the Criminal Code is supplemented by a paragraph which reads as follows:
‘14) Contraventions punishable under Article R. 20-29-7 of the Postal and Electronic Communications Code’.

**Article 3**

The following Section 6 is added to Book II, Title I, Chapter II of the regulatory part (basic decrees) of the Postal and Electronic Communications Code:

‘Section 6
Electronic communication terminal equipment and radio equipment

Article D. 103.-The weight threshold mentioned in Articles L. 34-9-2, R. 20-29-2 and R. 20-29-3 is set at 800 grams.

Article D. 103-1.-The provisions of Article D. 103 shall apply in the Wallis and Futuna Islands, French Polynesia, and the French Southern and Antarctic Lands.'

**Article 4**

This Decree comes into force six months after its publication.
However, twelve months after the publication of this Decree shall enter into force:
1) The provisions of this decree for aircraft operating without a person on board registered under section L. 6111-1 of the Transportation Code before the date of entry into force referred to in the first paragraph;
2) The provisions of Articles R. 20-29-7 and R. 20-29-8 of the Postal and Electronic Communications Code and of point 14 of Article R. 48-1 of the Criminal Code.
The provisions of this Article shall apply in the Wallis and Futuna Islands, French Polynesia and the French Southern and Antarctic Lands.

**Article 5**

The Keeper of the Seals, the Minister for Justice, the Minister for the Ecological and Inclusive Transition, the Minister for the Economy and Finance, the Minister for the Interior, the Minister for Overseas Affairs and the Secretary of State to the Minister for the Ecological and Inclusive Transition, responsible for transport, are responsible, each as far as they are concerned, for the implementation of this Decree, which will be published in the Official Journal of the French Republic.

Done on 30 October 2019.

Edouard Philippe
By the Prime Minister:

The Minister for the Economy and Finance,
Bruno Le Maire

The Keeper of the Seals, the Minister for Justice,
Nicole Belloubet

The Minister for the Ecological and Inclusive Transition,
Elisabeth Borne

The Minister for the Interior,
Christophe Castaner

The Minister for Overseas Affairs,
Annick Girardin

The Secretary of State to the Minister for the Ecological and Inclusive Transition, responsible for transport,
Jean-Baptiste Djebbari