



Tightening of current regulations regarding recreational use of drones

(Extract from Letter to Parliament dated 22 April 2016, entitled: Response to questions ensuing from written consultation on drones, from Minister for the Environment Sharon A.M. Dijksma)

I would like to inform you about the measures I am currently taking as a result of the incident involving a drone at Schiphol Airport, which was reported on 1 April last. I forwarded my written response to the questions asked by MP Van Helvert (CDA) separately to your House today. Although we cannot be certain, these incidents appear to involve drones flown for recreational purposes. On 12 April last, two recreational drone operators were apprehended in the vicinity of Schiphol Airport. We are currently investigating whether these two also operated the drone that flew near Schiphol Airport on 1 April. This group of recreational operators is not permitted to fly drones in the vicinity of airports, unless permitted to do so by the LVNL [Air Traffic Control the Netherlands] or by the airport manager. It is evident that the flight safety of manned aviation must at all times be a top priority in the use of drones.

Policy regarding recreational use of drones

My policy regarding recreational drone operators is aimed at tightening the regulations pertaining to the recreational use of drones, and communicating with regard to the regulations, intensive enforcement, and the use of technological aids in order to minimise the occurrence of incidents involving drones.

I am committed to tightening the current regulations regarding the recreational use of drones, such as a further constraint of the air traffic regulations. For example, a recreational drone operator may currently fly closer to buildings, crowds, and roads than professional

users. From a safety perspective I aim to draw up rules quickly in order to end this inequality. For that reason, I intend to tighten the air traffic regulations pertaining to the recreational use of drones and coordinate such regulations with the air traffic regulations set down in the Regulation on Mini-Drones, to be endorsed within the near future. Under the tightened rules, recreational drones may be flown at a maximum altitude of 50 metres, over a maximum distance of 100 metres, and must keep a minimum distance of 50 metres from buildings, crowds, and roads, as will also be set down in the Regulation on Mini-Drones. The aim is to have these tightened rules for recreational use ready by the autumn of 2016. This is in line with the intentions of the EU regulations.

Public information regarding recreational use of drones

Furthermore, I am intensifying the provision of information regarding the regulations to recreational drone operators. It is important for them to be aware of the regulations and the restrictions they need to abide by. A campaign was launched last year in November, both online and offline. This provided the retail sector with materials prepared by us (flyers, posters, banners, and factsheets) with the request to disseminate them to consumers. The website government.nl explains the regulations pertaining to the use of drones in simple terms; it also contains the results of a public survey conducted in early 2016. I will be expanding and intensifying this campaign with, inter alia, a radio campaign, an outdoor campaign (for example, in bus shelters), and advertisements in both the physical media and online.

Recreational use of drones in the vicinity of airports

In addition, on 20 April last I consulted with representatives of the leading manufacturers of recreational drones. We discussed options for voluntary application of technology aimed at, for example, rendering flying in the vicinity of airports impossible (the so-called geo-fencing) and the possibility of registering drones, e.g., by means of a chip. I have indicated that at the EU level I am making a case for registration through identification chips and the use of geo-fencing. The representatives of the manufacturers thereupon notified me that geo-fencing is already included in the software of drones and that they are prepared to enter into consultation with the Dutch partners, such as Schiphol Airport and LVNL Air Traffic Control – the Netherlands, in order to optimise this by entering the proper coordinates. In addition, we have agreed that they will be involved in the public campaign, in order to be able to operate with maximum efficiency vis-à-vis drone users. This meeting has induced me to examine how Ireland and Denmark are registering the drones already in operation on a special register, in order to review whether the experiences gained in these countries are of use to the Netherlands.

Enforcement is evidently of paramount importance. Under the regulations, the Human Environment and Transport Inspectorate (ILT) and the police are tasked with the administrative and criminal enforcement of the air traffic regulations, such as the prohibition of flying at and around airports. A division of tasks between the police and the ILT has been set down, under which the police assumes responsibility for the criminal enforcement.

The Minister of Security and Justice has informed me that Schiphol Airport and its vicinity are subject to intensive enforcement by the police, the military police and other investigators. The Kennemerland district of the Noord-Holland police unit has a special team responsible for the security of the Schiphol area. The area around Schiphol is under regular surveillance and reports of drones at or around Schiphol Airport are addressed at high speed in order to increase the probability of catching perpetrators in the act. Police officers receive additional instructions on how to deal with violations of the rules regarding drones. Endangering aviation is already explicitly punishable under the Dutch Criminal Code and carries a maximum prison sentence of 15 years or a fifth-category fine (in the event of malice aforethought) and a maximum prison sentence of 1 year or a fourth-category fine (in the event of culpability). With a view to the serious nature of the dangers a drone operator may cause – by not observing the rules – to third parties on the ground, I will enter into consultation with the Minister of Security and Justice to review whether the punishment for violation of the air traffic rules set down in the aviation regulations is still adequate.

Finally I wish to report on a meeting I have had with the Dutch Airline Pilots Association (VNV), as I promised your House during the question time of 8 March 2016. During the consultations, it was made clear that flight safety is a top priority with respect to the introduction of drones in airspace. There was consensus regarding the fact that recreational drone operators constitute the main cause for concern with respect to flight safety. The VNV endorses the aforementioned approach vis-à-vis public information and enforcement, and insists on the forceful application of technological aids such as geo-fencing. As already stated in this letter, I have discussed this with representatives of the leading manufacturers of recreational drones.