



Position Paper on the European Commission Consultation on a Drones Strategy 2.0

Brussels, 21 December 2021

This position paper accompanies the response of the Confederation of European Security Services (CoESS) to the European Commission's consultation on a Drones Strategy 2.0.

CoESS believes that the harmonisation of rules for drone operations in Europe as per the EU Drone Regulation has been a key milestone for innovation and use of drone services. As a next step, an effective and efficient implementation of these rules is the foundation of a successful uptake of UAS technologies and services. CoESS believes that this process could be considerably strengthened in the framework of a Drones Strategy 2.0 and recommends the following actions:

1. Focus on the implementation of existing rules and the facilitation of this process.
2. Professionalisation of competent authorities.
3. Invest in qualification and training infrastructures.
4. Build awareness and trust in UAS technologies among businesses, workers and citizens.
5. C-UAS: provide operational guidelines on processes and procedures for C-UAS situations along the security chain.

In this position paper, CoESS provides further information on these five recommended areas of action.

The Use of Drones in the Private Security Services

Drones represent an interesting and useful addition to the range of technological means and equipment in use in private security services. The use of drones and other unmanned vehicles are also consistent with the new paradigm in private security, the so-called "New Security Company", whereby security agents and technology are combined into "security solutions", with a view to optimising the service to clients and provide enhanced security, also to security officers. CoESS sees opportunities in different types of activities with unmanned aircraft (UA):



1. **Supporting security officers in their missions**, making them less dangerous and more efficient, using piloted or fully automated drones to carry out security missions. In a fenced perimeter for instance, a UA can considerably enhance the safety of security officers: In case of a perimeter alarm, the UA is launched, automatically or by the pilot in a BVLOS environment, and flies to the place of the alarm following a secure path over a controlled ground area to send HD images to a control room. After the identification / surveillance the UA is recovered.
2. **Enhancing security for public and private clients, offering a new, integrated security solutions**. This includes:
 - a. inspection, monitoring and surveillance services for the prevention of crime in different environments, often large sites (with or without perimeter, controlled and non-controlled ground areas, in sparsely or densely populated areas, flying over people or not, in VLOS and BVLOS - e.g. for event security, property surveillance, and Critical Infrastructure Protection such as in ports, other transport and energy infrastructures);
 - b. search and rescue where large pieces of land or hazardous environments are searched - e.g. to find a missing person or to get a clear view of an incident and to coordinate necessary measures for reaction and intervention.
3. **Detecting and preventing the ill use of UA's, whether unintentional, intentional or malicious** - subject to rules and regulations creating a legal basis for this type of response and the ensuing liability as a result of the latter.

Against this background, we recommend the following actions to feature in the new European Drone Strategy 2.0:

(I) Focus on the implementation of existing rules and the facilitation of this process

The guarantee of privacy and fundamental rights, as well as safety and security of citizens must always be at the core of rules regulating drone operations, and CoESS believes that the existing framework provides adequate protection against related risks. We therefore strongly recommend to not already change the existing rules of the EU Drone Regulation in today's transition phase, but first assess their implementation, impact, efficiency and levels of harmonization in EU Member States as of 2023.

Today, it is important to first guarantee legal stability to manufacturers and operators; raise awareness of the existing rules both among public authorities, businesses and citizens; engage in

dialogue with all involved stakeholders on what works and what not; and lower administrative burden for businesses who want to invest in the technology and related services through the facilitation of rules. Against this background, CoESS believes that it is highly important that the future EU AI Act is coherent with rules established by the EU Drone Regulation and does not add inadequate administrative burden on drone manufacturers and users.

As for a facilitated application of rules and simplified uptake of drones, CoESS believes that, for the case of operators, the development of new, future-oriented Standard Scenarios (STS) in use-cases that come with a low risk and/or are of high relevance for public security and/or support the provision of essential services and law enforcement would be highly beneficial.

CoESS notes, for example, that Article 10.8 of the U-Space Regulation allows for priority in UAS flight authorisations for a limited number of special operations, such as police and customs missions, as well as search and rescue (see Article 4 of Implementing Regulation (EU) No 923/2012). A similar rule should apply for the authorisation of drone operations in the specific category:

CoESS strongly recommends the European Commission and EASA to develop dedicated STS for when an operation is conducted by private entities entrusted by Member State law and authorities to exercise public authority for the purposes of prevention, investigation, detection or prosecution of unlawful behaviour, incidents and criminal offences. Such simplified rules for special operations conducted in the public interest are common practice in EU law, such as in Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR).

In addition, CoESS strongly recommends to develop new STS that are future-oriented and cover more missions in the specific category which present a low risk - such as BVLOS operations at a maximum altitude of 150 metres and maximum MTOM of 2 kg in sparsely populated areas without a limit of horizontal distance to the remote pilot and non-obligation for the deployment of an RPA Observer. Such a STS would allow operations for aerial survey, photography, observation or surveillance of low-risk areas. CoESS expects the strongest future market-demand to take place in the BVLOS specific category, which is why additional STS for low-risk use-cases in this category would be highly valuable.

(II) Professionalisation of competent authorities

The success of a legal initiative at EU-level always depends on its swift transposition and practical implementation by competent authorities, and every agency involved, at national level. It is therefore key that competent authorities have the technical and operational capacity and expertise down to the local level to fulfil their obligations under the EU Drone Regulation.

Unfortunately, CoESS' members report that, in a number of Member States, competent authorities seem often not fully familiar with the new rules, have difficulties responding to requests, and authorisations of operations take an inadequate amount of time. It is the impression of many companies that the rules and technology are ready, but governance and authorities are not - translating in a considerable administrative burden for businesses and resulting in many businesses being hesitant in integrating drones in their services.

CoESS therefore recommends the European Commission, EASA and relevant Member State agencies to considerably enhance efforts to professionalise local authorities and to create awareness of the existing rules in easy-to-understand guidelines, site-visits, seminars and awareness campaigns.

(III) Invest in qualification and training infrastructures.

Capacity-building and awareness-raising activities are also much needed for qualification and training frameworks. CoESS sees a large potential of integrating drone services in labour-intensive sectors such as the security services. In these cases, it is important that workers can be appropriately licensed to operate drones without inappropriate administrative burden.

CoESS therefore recommends the European Commission and Member State authorities to make sure that qualification and training infrastructures for drone operators in the specific category are adequate, user-friendly and easily accessible in all EU Member States down to local level.

(IV) Build awareness and trust in UAS technologies among businesses and citizens.

Innovation in drone services is only possible with public acceptance. This includes trust of businesses in legal certainty and of citizens in the safe integration of drones against safety, security, environmental and privacy risks. In public discourse, it is important to not only discuss risks related to the deployment of drones, but to also see them as an enabler - e.g. in public transport and security.

CoESS therefore highly welcomes the social acceptance study conducted by the European Commission and believes that Member States and competent authorities should invest capacities in the following communication activities:

- Providing the public with access to easy-to-understand information on the rules for the operation of drones, including related safety, privacy and security matters and pro-actively address noise-related issues.
- Inform the public and businesses about efficiency gains provided by drone services.



- Inform businesses about authorisation and operator training procedures in a user-friendly way.

(V) C-UAS: provide operational guidelines on processes and procedures for C-UAS situations along the security chain.

CoESS believes that it is highly important to continue investing in C-UAS technology, also in order to protect public trust in the technology. One major incident including the malicious use of drones, e.g. at an airport and other Critical Infrastructure, at a mass event or against a high-profile personality, could put the successful uptake of drones at risk.

In addition, it is key to assess whether safety and security provisions of the new EU drone framework are in practice sufficient and effective to recognise, and eventually counter, the malicious use of drones. For example, we recommend to assess, as part of the previously mentioned evaluation in 2023, the air space control mechanisms and UAS geographical zones which have been set in place by Member State authorities, and whether Regulation 2019/947 and the U-Space Regulation provisions effectively ensure the rapid recognition and identification of (malicious) drones. CoESS is concerned that, in practice, it will be difficult for security officers and services to rapidly recognise the identity of a drone in geographical zones, such as Critical Infrastructure facilities, and for example distinguish a civil from a state aircraft. Also, we underline that even very small drones, that are part of open category operations, can initiate catastrophic incidents at Critical Infrastructures if used maliciously.

As a consequence, CoESS also underlines that it is not only the development of suitable technologies which is important, but also their deployment by competent authorities as well as processes along the security chain in case of an incident.

In the face of a concrete risk, security operators (law enforcement or entities acting on their behalf such as security companies and operators of public space) will have to take very rapid C-UAS decisions. It is key that roles, responsibilities, reporting and decision-making procedures exist for such cases. Apart from public authorities, only adequately licensed and qualified private entities should be allowed to deploy C-UAS technology. In case of an incident, it is important that the matter of third-party liability is addressed.

CoESS therefore strongly recommends that the European Commission follows up on the High-Level C-UAS Conference organized in 2019, and starts working on operational C-UAS guidelines for national authorities, law enforcement and relevant private entities.

About CoESS

CoESS acts as the voice of the private security industry, covering 23 countries in Europe and representing 2 million security officers as well as over 45,000 companies. The private security services provide a wide range of services, both for private and public clients, ranging from Critical Infrastructure facilities to public spaces, supply chains and government facilities. CoESS is recognised by the European Commission as the only European employers' organisation representative of the private security services. Representing a labour-intensive sector, CoESS is actively involved in European Sectoral Social Dialogue and multiple EU Expert Groups - including SAGAS, SAGMAS, LANDSEC, RAILSEC and the EU Operators Forum for the Protection of Public Spaces.

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