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ASSEMBLY — 40TH SESSION

LEGAL COMMISSION

Agenda Item 40: Other issues to be considered by the Legal Commission

**REMOTELY PILOTED AIRCRAFT FOR COMMERCIAL CARGO TRANSPORT
PURPOSE : A CHALLENGING OPPORTUNITY**

(Presented by Indonesia)

EXECUTIVE SUMMARY

This paper contains information on Indonesian's opportunity to use RPA for Commercial Cargo Transport to support National Logistics and the challenging work of reviewing the regulatory definition of aircraft in Aviation Law Number 1 of 2009.

Action:

- a) To note purpose of RPAS for cargo transport to distribute logistic in remote area; and
- b) To encourage ICAO and memberstates to harmonize and share their experince relating potential legal issues toward RPAS operation for cargo transport purpose.

<i>Strategic Objectives:</i>	This working paper relates to all Strategic Objectives.
<i>Financial implications:</i>	No financial implication
<i>References:</i>	Annex 2 – <i>Rules of the Air</i> Annex 7 – <i>Aircraft Nationality and Registration Marks</i> Doc 10019 – <i>Manual on Remotely Piloted Aircraft Systems</i>

1. INTRODUCTION

1.1 As an archipelagic country, Indonesia identify RPAS technology as both opportunity and challenge that emerge in civil aviation. In one side, RPAS is an opportunity that can be utilized by the aviation industry to support supply chain business but on the other side, it comes as another responsibility to ensure the operations unmanned aviation would not do any harm to manned aviation. Indonesia try to capture the potential RPA benefit for comercial cargo transport to support national logistic whilst preparing national jurisdiction and legal basis for it's operation.

2. DISCUSSION

2.1 Understanding that Article 8 of the Chicago Convention has provided adequate legal framework for the operation of the RPA as reinforced through the Eleventh Air Navigation Conference (ANConf / 11) and 35th Session of the ICAO Assembly in 2004. RPA is further considered as unmanned aircraft which the operation is left to the civil aviation authority.

2.2 Indonesia has simultaneously provided a basis for regulating RPA by establishing an operating standards in certain categories based on the support from the RPAS ICAO Manual (Doc 10019) and UAS Toolkit. However, what faced now regarding the use of RPA is something further than expectations, hence some substantial legal perspectives need to be harmonized.

2.3 The implications of the proposed use of RPA in a large category with more than 2000 kg capacity that will transport cargo to remote islands in Indonesia, had a positive social and economic value. Those operations entailed a significant legal impact as it see through the conclusion that RPA is an aircraft.

2.4 Indonesia Aviation Law Number 1 Year 2009 stating the terms of aircraft similiar as specified in ICAO provisions. But further, its specific operating regulations contextually and practically has not yet accommodate "large" RPA for commercial transport category.

2.5 Indonesia noting, once an RPA define as part of aircraft in its primary aviation law, it has common legal impact vis-à-vis to existing aircraft. This bring through the condition when a manned aircraft operator can also act as unmanned aircraft operator (mix fleet). There are no dictinctive treatment and obligation, unless the categorization definetely settled regarding operational standard and legal framework of each RPA category.

2.6 Furthermore, the provision regarding insurance and liability should establish in a same manner as an aircraft. Including provisions regarding concept of ownership and possession of the RPA, relevant criminal provisions and other administrative matters requirement which somehow, discussion of these matters necessarily involved varied entities.

2.7 Realizing that the use of RPA for Commercial Cargo Transport will potentially expanded to international flight, Indonesia continously review on legal provision in regard of the implementation of an RPA operation and appreciate on the work of 37th Legal Committee which has conclude the

establishment of small group and support to continue on conducting a deep review establishment of adequate international legal instruments that will be used as a reference for both international and domestic flight. Thus, member states would have a same perception and treatment of RPA as they stated to their primary legislation. Especially in the international liability and aviation security regime.

2.8 Although the necessity for large RPAS is unavioded, it is considered essential for ICAO and member states to re-identify the need for harmonization of RPA provisions between respective national law and existing annexes as well as international aviation conventions and to confirm international standards. Thus to encourage member states, to get regulatory framework of multi purposes RPA in place without hesitation.

3. CONCLUSION

3.1 Considering the information presented in this paper, it is recommend to ICAO and member states that in order to extend the benefit of an RPA for cargo transport, the comprehensive review still necessary to be conduct in terms of the definition of airerat which will assigned significant impact and broader legal provision to respective aviation legislation.

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