



International Civil Aviation Organization

WORKING PAPER

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LEGAL COMMITTEE – 37TH SESSION

(Montréal, 4 – 7 September 2018)

Agenda Item 2: Consideration of the General Work Programme of the Legal Committee

Agenda Item 2.1 Study of legal issues relating to remotely piloted aircraft

TERMS OF REFERENCE

WORKING GROUP TO ADDRESS INTERNATIONAL LEGAL ASPECTS OF UNMANNED (PILOTLESS) AIRCRAFT OPERATIONS AND INTEGRATION INTO CIVIL AVIATION

Recognizing ICAO's two-part approach to unmanned (pilotless) aircraft regulation, whereby the Organization, mainly through the Air Navigation Bureau (ANB) working in collaboration with the Legal Affairs and External Relations Bureau (LEB), and with support from the Remotely Piloted Aircraft Systems Panel (RPASP) and various other groups of experts, as appropriate, is developing the regulatory framework necessary for remotely piloted aircraft systems (RPAS) to conduct international Instrument Flight Rules (IFR) operations in controlled airspace and aerodromes, while facilitating harmonization of national regulations on other unmanned aircraft systems (UAS), which remain outside of the international IFR framework;

Considering that during the 37th Session of the Legal Committee (Montréal, 4-7 September 2018) there was a strong expression of interest by many States in identifying potentially relevant international legal issues related to unmanned (pilotless) aircraft, as well as concerns raised by some States about the ambit of the Chicago Convention and other international air law instruments in this regard;

Considering further the decision consequently taken by the Legal Committee to create a Working Group to address international legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation;

Considering further the Committee's directions that this Working Group (a) coordinate closely with ANB and LEB, so that its work is consistent and achieves synergy with the ongoing work of the Organization and the RPASP on unmanned (pilotless) aircraft regulation; and (b) keep pace with technological and market developments by giving priority to formulating legal solutions that do not entail lengthy procedural processes, as appropriate;

The 37th Session of the Legal Committee, pursuant to Rule 15 of the *Legal Committee Rules of Procedure* (Doc. 7669-LC/139/6), approved the following *Terms of Reference* for this Working Group:

Flimsy No. 1**1. OBJECTIVE**

1.1 Discuss international legal issues relating to unmanned (pilotless) aircraft operations and integration into civil aviation and, in coordination with ANB and LEB, identify items for consideration by the Legal Committee and/or possible solutions for legal issues within the framework of the Organization's on-going work.

2. SCOPE OF WORK

2.1 The task of the Working Group will be to consider the following areas:

- a. Legal measures to support implementation of the international regulatory framework necessary for remotely piloted aircraft systems (RPAS) to conduct international Instrument Flight Rules (IFR) operations in controlled airspace and aerodromes being developed by ICAO with the support of the RPASP;
- b. International legal issues related to other unmanned (pilotless) aircraft system (UAS) operations identified by States, to include concerns about the ambit of the Chicago Convention or other international air law instruments in this regard;
- c. International legal issues arising as a result of newly emerging unmanned (pilotless) aircraft technologies, systems, applications, etc. (e.g., unmanned aerial taxis, carriage of cargo, and related liability concerns); and
- d. As appropriate, assess the need to reinterpret or amend the existing international air law instruments or to adopt a new instrument related to legal aspects of unmanned (pilotless) aircraft and formulate recommendations to the Legal Committee, which will then determine whether or what (if any) further action should be taken.

3. OUTPUTS AND REPORTING REQUIREMENTS

3.1 The Working Group will meet at least once (but no more than 3 times) per year, but no more than 2 times per year in a year in which the Legal Committee is also meeting.

3.2 The Working Group meetings will be scheduled to coincide with meetings of the RPASP, so as to promote consistency and synergy with the Organization's on-going regulatory work, as well as to avoid unnecessary expenditure of resources and/or duplication of efforts by, for example, facilitating the availability of technical expertise to the Working Group.

3.3 The Secretariat will assist the Working Group in preparation of its meetings and reports; reports will be coordinated with the Secretariat prior to finalization.

3.4 The Secretariat will prepare and present a Working Paper on the reports of the Working Group to the Legal Committee.