STUDIOPIERALLINI

AVIATION JOURNAL

July 2015, no. 3

DIARY DATES

EUROPEAN AIR LAW ASSOCIATION (EALA)
10th Munich Liability Seminar
13-14 September 2015
Munich, Germany
Laura Pierallini, moderator

EUROPEAN BUSINESS AVIATION ASSOCIATION (EBAA)/ITALIAN BUSINESS AVIATION ASSOCIATION (IBAA)
EBAA National Forum
29 September 2015
LUISS Guido Carli University, Rome, Italy
Studio Pierallini, co-organizer
Laura Pierallini, general moderator

EUROPEAN AIR LAW ASSOCIATION (EALA)
EALA Annual Conference
5-6 November 2015
Edinburgh, Scotland
Laura Pierallini, speaker

CONTENTS

AVIATION AUTHORITY ISSUES A NEW REGULATION ON REMOTELY PILOTED AERIAL VEHICLES ("DRONES")

By Francesco Grassetti

On 16 July 2015 the Italian civil aviation authority (ENAC) issued a new Regulation on remotely piloted aerial vehicles (RPAVs, also called "drones"), which supersedes the previous Regulation of 2013 on the same matter and will come into force 60 days after the issuance date (on 14 September 2015). The subject Regulation was largely expected in the aviation field, in light the huge increase in the use of RPAVs over the Italian territory in the last two years, and the consequent need to ensure a better oversight and more detailed rules for the relevant flight operations.
The preliminary distinction made is between "remotely piloted aircraft systems" (RPAS) and "model aircraft" (so called *aeromodelli*, used for recreational and sport purposes).
RPAS are classified on the basis of the maximum take-off weight (MTOW less than 25 Kg – MTOW of, or more than, 25 Kg) and can be used for special operations or research and development activities. Also, their flight operations are distinguished in VLOS ("visual line of sight", i.e. operations within vertical/horizontal distances which allow the remoted pilot to keep a continuing view of the RPAS, without the assistance of visual instruments) and BLOS (i.e. "beyond line of sight", i.e. operations beyond certain distances which do not allow a continuing view of the RPAS by the remoted pilot). All RPAS must have a flight manual (or equivalent) and their pilots must be certified by ENAC. In addition the Regulation establishes a mandatory third-party insurance for flight operations performed with RPAS (in compliance with Regulation (EC) No. 785/2004) and subordinates the treatment of personal data collected by means of RPAS to the Italian Data Protection Code (Legislative Decree no. 196/2003).
For RPAS with MTOW less than 25 Kg and employed in "non-critical flight operations" the responsibility to assess the vehicle's airworthiness and the risks connected with the intended activities is borne by the operator, who is required to submit a self-declaration of compliance with the applicable sections of the Regulation. The criticality of a flight operation depends on the involved area, whether urban, congested or hosting sensitive infrastructures. If otherwise RPAS are employed in "critical flight operations"

the operator must obtain in advance a specific authorization by ENAC (granted upon satisfactory survey on the vehicle's airworthiness, pilot's reliability, kind of operations and relevant location).
RPAS with MTOW of, or more than, 25 Kg are highly regulated: (a) they must be recorded with the Italian Registry of Remotely Piloted Aircraft; (b) the airworthiness assessment is always carried out by ENAC (if the vehicle is made in a serial production by a certified manufacturer the Authority issues a certificate of airworthiness, otherwise the vehicle can be operated upon the issuance of a specific permit to fly); (c) the ENAC authorization is always required, irrespective of whether the flight operations are deemed "non-critical" or "critical"; (d) the operator must establish a proper maintenance program for ensuring the continuing airworthiness of the RPAS.
On the other hand a model aircraft is defined as "a remotely piloted aerial device exclusively used for recreational and sport purposes and being under the continuous visual control of the operator, without the assistance of visual instruments".
Model aircraft are subject to a more lenient regulatory framework, which does not require self-declaration (nor authorization) to start flight operations and makes a difference as to where such operations can be conducted. An "air space reserve" established by ENAC is needed to the extent that a vehicle has specific technical requirements (e.g. maximum take-off mass; wing surface and loading; maximum power/thrust of engines) and if the operations are performed in non-populated spaces enough far from buildings and infrastructures. Lacking such requirements aircraft model can only be operated in dedicated areas selected by ENAC within the Italian territory.

FIRE INCIDENT AT ROME FIUMICINO AIRPORT

By Gianluigi Ascenzi

As largely reported by the national and foreign media, on 7 May 2015 the Terminal 3 of the International Rome Airport *Leonardo da Vinci* (FCO) suffered a dramatic fire incident likely due (pending the final outcome of the authorities' investigations) to a short circuit in an electrical cabin that was under maintenance in a shopping area.
Terminal 3 is the main international terminal building at Fiumicino airport (Italy's busiest with 39 million of passengers in 2014) and the first consequence of the fire – a part from serious damages to a number of shops – was the cancellation of dozens of flights and thousands of passengers being left on ground.
A strong cooperation between the airport managing company (*Aeroporti di Roma S.p.A.*) the Italian Civil Aviation Authority (ENAC), the Italian Air Safety Agency (ANSV) - along with the on-site activity of the airport police and firefighters - made it possible the re-opening of the terminal within 24 hours from the event and the subsequent achievement of an operative capacity to 50% in 48 hours, 80% in few weeks and almost full capacity at present.
The above result has been obtained also for the "green light" received from the competent officers of the National Healthcare Service, whose several evaluations on the air quality at Terminal 3 have reflected a no-risk environment for the health of operators and passengers in the involved areas.
Besides, most of the Italian and foreign air carriers flying to/from Terminal 3 have requested the FCO airport managing company to arrange meetings between their respective representatives, in order to assess prospective settlement agreements in respect of the damages caused by the fire incident (with a main focus on costs/expenses suffered by the airlines for the assistance on ground and re-protection of passengers).
Indeed, the investigations currently conducted by the public prosecutor of Civitavecchia (being the relevant Criminal Court competent for events occurred at FCO) shall ascertain potential liabilities in connection with – on the one side – the direct causes giving rise to the incident and – on the other side – any lack/negligence in facing the critical situation during the post-incident period.

RECOVERY OF THE AIR CARGO INDUSTRY TO PRE-2008 CRISIS LEVELS

By Marco Marchegiani

The Italian confederation of transports and logistics (CONFETRA) has recently released a survey according to which in 2015 the air cargo business to/from Italian airports has substantially grown up to equal and exceed the 2007 values for the same period.
In details, there has been a remarkable increase in terms of loaded cargo weight (+ 5,1%), shipments (+2,5%) and sales volume (+ 3,4%), mainly boosted by the intercontinental demand.
Such new positive trend is also confirmed by the financial data of the industry players, characterized by a reduction of the invoice payment terms (81 days against 86 of 2007) and the number of defaults compared to the relevant turnover (1% against 2,1% of 2007).