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## Book review

Scott, B.I.

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## BOOK REVIEW

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*Drone Law and Policy: Integration Into the Legal Order of Civil Aviation*, Ronald Schnitker & Dick van het Kaar eds, *Essential Air and Space Law*, Publisher Information: Eleven International Publishing – The Hague. 2021. 361 pp. € 95.00. ISBN (hard book): 978-94-6236-198-0, ISBN (e-book): 978-90-8974-514-9

*Drone Law and Policy: Integration into the Legal Order of Civil Aviation*, written by Dr Ronald Schnitker and Mr Dick van het Kaar, is the twenty-fifth and latest volume in the specialised *Essential Air and Space Law* series, which is published by Eleven International Publishing and edited by Dr Marietta Benkö. The series serves as a useful source of information for both technical experts wishing to gain more information about specific legal issues in air and space law, as well as for those working in law and policy, to get a deeper understanding of a specific topic. A notable book, which should be on the bookshelf of everyone working in the field of aviation is Michael Milde's authoritative book titled *International Air Law and ICAO*. The growing number of titles is, therefore, a welcome sight as more experts tackle new and recurring legal issues in the dynamic fields of air and space law.

As noted by the authors on the back cover, '[t]he use of unmanned aircrafts (*sic*), commonly known as drones, is developing at a fast pace worldwide. [...] However, applicable regulations are still lagging behind in technological progress and volume growth'. With this in mind, the authors set out to detail existing drone law and policy 'in order to achieve a seamless integration of drone technology into the legal order of civil aviation'. Although this is a challenge already achieved by several authors, Schnitker and van het Kaar go further by bringing their own unique position to the corpus of literature. The book, therefore, finds itself vying for position amongst an extensive range of drone-related literature.

The opening chapter of the book – *The Development of Drones* – has the purpose of providing the reader with context before the work delves into drone law and policy. Here, a historical overview of key drone uses is provided stemming from 1849 during the First Italian War of Independence, to present-day applications like the United States' use of the Predator in its recent military activities. The

second part of the chapter provides a summary of the different terms used when discussing drones, such as ‘unmanned aircraft’, ‘remotely piloted vehicle’, ‘remotely piloted aircraft’ and ‘drone’. This is an important section as the terms, for example, may vary between jurisdictions and may be used to cover different subject matter. Therefore, clarifying the terminological minefield, which has arisen in recent years is a requirement for such a book. However, the authors have themselves seemingly drifted between the terms, often with no apparent justification or clarification to explain the differentiation. As a result, the true scope of discussion cannot always be ascertained. Finally, the chapter ends with examples of drone applications from around the world.

The main body of the text is contained in Chapter 2 *Legal Basis for Drone Operations* whereby the authors explore different safety-based rules pertaining to drones. The chapter is split into three main regulatory systems: international, European Union and United States. This chapter, while very comprehensive in its content, can be quite difficult to follow due to its lack of subheadings and the authors’ tendency to jump between topics. As a result, while having a wealth of information, it may not always be quickly accessible for the reader. The first part on international law focuses on the Convention on International Civil Aviation of 1944 with special attention to Article 8 on Pilotless Aircraft and the work of the International Civil Aviation Organization, notably amendments to the Annexes and the work of the Remotely Piloted Aircraft System (RPAS) Panel. The second part looks at the regional efforts of the European Union with a focus on the work of the European Union Aviation Safety Agency (EASA). The rulemaking activities of EASA in the areas of the Open, Specific and Certified categories and the resulting recently adopted drone legislation are explored in depth. The conversation is taken further as the authors also dedicate pages to the European Union’s work on U-Space and Urban Air Mobility, which are rapidly evolving areas requiring more research. Finally, the chapter ends with a review of the situation in the United States with special attention to the efforts of the Federal Aviation Administration. As the United States has been actively regulating drones, this is a good example of a jurisdiction with mature national law on drone regulations. It is a pity that – as the authors decided to look at national law – they only included one jurisdiction as, while the United States is traditionally an important aviation nation, it is just one example among many. It would have been interesting to see a detailed analysis of other jurisdictions and then a comparison of the similarities and differences.

Chapter 3 is titled *Drone Law and Policy* and it is split into 3 parts whereby it looks at the commercial, private and sporting operations. The information in this chapter helps the reader to understand how drone rules are applied depending on the type of operation. As a result, it gives practical application to the information

provided in Chapter 2. This is especially interesting as, for example, the use of drones in sporting activities is something that regulators have had trouble with as some activities may take place within model aircraft associations with a proven safety record, they may take place indoors so away from manned aviation, and it may be commercial in nature.

Chapter 4 on *Integration into Airspace* assesses the rules on how to integrate, rather than segregate, drones into the airspace with other airspace users. The opening section looks at the fundamentals of air law, notable Articles 1, 2 and 12 of the Convention on International Civil Aviation, and a synopsis of the Flexible Use of Airspace concept. The chapter then moves on to look at Europe and the integration of drones into the Single European Sky. This is a welcome inclusion as it covers a relatively under-explored topic, whereby the U-space concept will impact drone operations in Europe along with the recently entered into force Unmanned Aircraft System Traffic Management regulations, which have not been mentioned in this book.

The authors develop the legal discussion in Chapter 5 on *Safety Requirements in UAS Operations*. Here, they detail the different laws in the areas of remote pilot licensing, drone operator requirements, and the technical and operational requirements of unmanned aircraft operations. Therefore, it takes a deeper look into some of the operational requirements necessary to fly a drone in the European Union and the United States.

Chapter 6 closes the substantive topics of the book with an exploration into some legal challenges that may arise from the operation of drones, notably *Privacy, Data Protection and Security*. As the rest of the book is concerned with what can be defined as safety-based law and policy, this section can seem out of place as it steps out of this realm. However, the operation of drones may produce wider legal considerations whether intentionally or unintentionally. That is why, for example, EASA has made reference to other areas of law in its safety-based work, such as in Regulation 2019/947 where privacy, data protection, liability, insurance, security and environmental protection are all mentioned. Therefore, Chapter 6 provides a wider consideration of other key areas of law, which are relevant for the operation of drones.

The book concludes with a *Summary* of the six chapters. It condenses the core information and collects the main findings and issues in a useful bitesize tool, and is supplemented by a *Bibliography* that is of great use as it will help the reader continue their research as it highlights many of the main books, articles and legal texts.

*Drone Law and Policy: Integration into the Legal Order of Civil Aviation* is a thoroughly researched work, whereby it achieves its goal of discussing the main aviation safety law and policy texts at an international, European Union and

United States level. It can, however, be at times confusing with the authors seemingly switching arbitrarily between the different terminology and at times merging discussions on international, European Union and domestic law. Finally, it is mostly a descriptive account of the law and policy, and although some forward-looking commentary takes place at the end of Chapter 2 and in the Summary, more would have been welcomed throughout. Nevertheless, it is a useful reference tool, which helps navigate through the numerous laws (or lack of), policy documents and discussions at an international, regional (European Union) and national (United States) level.

*Benjamyn I. Scott*  
*Member of the Board of Editors*  
*Air & Space Law*  
*Email: benjamyn.scott@gmail.com*