



Riccardo de Caria - Corrado Druetta - Cristina Poncibò - Andrea Santos López

FOREWORD TO ISSUE 2/2024

The present issue of the Journal of Law, Market & Innovation covers, with a comparative perspective, various topics surrounding the regulation of civil drones.

Like many other innovative items which become part of our everyday's life, drones as aircraft to be piloted remotely first appeared on the military field. Although the first experimental pilotless aerial vehicles started flying a century ago, unmanned aerial technology became more and more sophisticated in the last decades, thanks to the constant enhancement of telecommunications, electronic calculators and controllers and aircraft manufacturing.

As remote piloting improved, so did the range of possible professional usages of drones beyond the battlefield, eg the use of drones equipped with optical cameras found its way into professional photography and videomaking or large infrastructure inspections, while drones outfitted with sensors were increasingly deployed in vast agricultural fields or in security services. With the first wave of commercial drones, remote piloting technologies applied to drones proved to be very effective in making the aerial perspective a viable source of profit for many businesses.

In recent years, the market of highly performing commercial drones exploded, democratising their use for recreational purposes and paving the way to a new generation of *amateur* drone pilots. A few pioneer countries (notably the UK, but also US) stepped in with national amendments of air navigation codes, establishing the paramount importance of safe operation. Those attempts mainly addressed the registration of drones, basic requirements for certifications and pilot licences and mandatory insurance coverage, ie the entry requirements to ensure a more professional approach to drone piloting. However, the proliferation of unmanned flying objects in the sky brought forward also a new set of legal concerns. Any drone flying above the ground challenges the exclusive ownership of landlords and affects the privacy of citizens living below in a manner which is far more invasive than any other civil aircraft. This proximity to the victims led to an increasing number of casualties and intrusions, which have been and will be treated in the next future with traditional principles and remedies.

As the skies become increasingly populated with drones, a pressing social need arises for comprehensive regulatory frameworks addressing the liabilities associated with the use and misuse of drones. For once in the discourse surrounding the regulation of

innovative technologies, there is a broad consensus among legal scholars and practitioners on what a “drone” is (or is not). To the contrary, the possible application of traditional concepts, standards and remedies in tort law, which were presumably developed with traditional civil aircraft industry in mind, to commercial drone operators and manufacturers remains to be settled.

Moreover, the dynamic between ensuring the safe operation of drones and protecting human rights and other public interests has become pivotal in the evolving regulatory dialogue at national and supranational level, which is about to witness the rise of human transportation drones or AI-piloted ones, with foreseeable greater impacts. And, needless to say, the sky is not the limit anymore.

R.d.C., C.D., C.P., A.S.L.