

NEW REGULATION ON DRONES

On December 14 Regulation no. 1093/2016 (“Regulation”) of the Portuguese Civil Aviation Authority (“ANAC”) was published, thus implementing the new legal framework applicable to the use of drones in the Portuguese airspace.

According to the Regulation, the only flights which do not require express authorisation by the ANAC are as follows: (i) the flight is performed during daylight; (ii) does not exceed 120 meters above the surface; and (iii) visual contact with the aircraft is maintained at all times.

On the other hand, carrying out night flights or flights over “concentrations of people” (understood as more than 12 people) requires special authorisation from the ANAC.

The Regulation prescribes that the authorization shall be requested from the ANAC at least 12 business days in advance, and upon the submission of the following elements:

- a) Specifications of the aircraft and the remote pilot station (v.g. where the equipment used to pilot the aircraft is located);
- b) All flight route details, with the (i) identification of the zone or locations covered, (ii) radius of action, (iii) routes, (iv) altitude and latitude, (v) time, (vi) duration, (vii) purpose and (viii) procedures in case of emergency;
- c) Information and contacts of the pilot;
- d) Any additional information that may be deemed relevant.

The communication and consequent application for authorization – which is, at the moment, gratuitous - may be submitted by e-mail (drones@anac.pt) or through an application form to be submitted to the ANAC.

The Regulation also establishes a broad set of restrictions on flights carried out in areas surrounding airport infrastructures or other aircrafts. The above-mentioned provisions may entail the payment of fines up to a maximum amount of € 250,000.

Lastly, the Regulation expressly sets forth that the fulfilment of the obligations now established by the ANAC does not bypass or replace any additional regulatory authorizations from other entities such as the Portuguese National Aviation Authority and the Data Protection Authority, for instance, for the purposes of capturing and disseminating photographs or filming using drones.

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