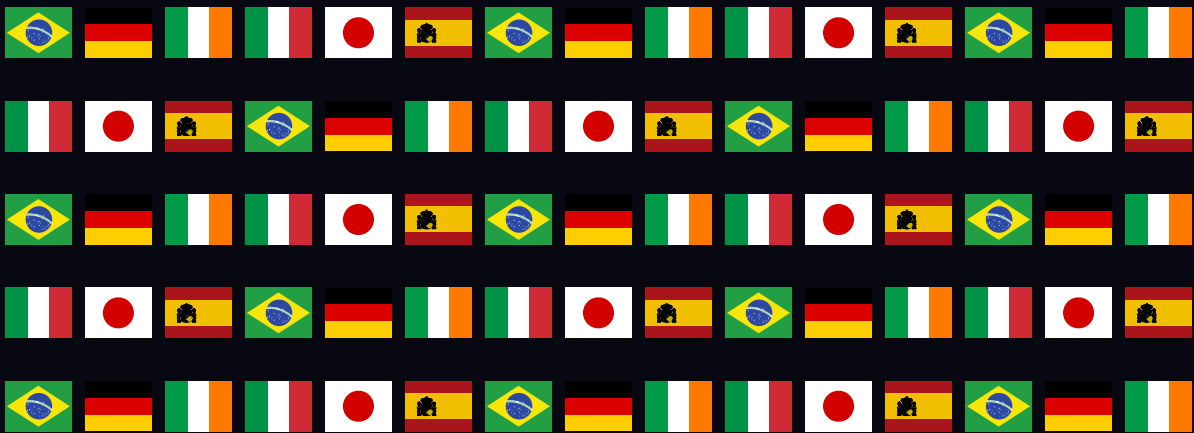


DRONE REGULATION

Ireland



Drone Regulation

Consulting editors

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Quick reference guide enabling side-by-side comparison of local insights into basic rules, regulators and drone classifications; drone design, manufacture, registration and identification; certification and licensing of drone operation; operations and maintenance; airspace; liability and accidents; import and export control; data privacy and IP protection; and recent trends.

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GENERAL FRAMEWORK

Basic rules and regulators

What basic rules govern the operation of remotely piloted aircraft and unmanned aircraft (drones) in your jurisdiction? Which regulatory bodies are charged with enforcing these rules?

Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (Regulation 2019/247) governs the operation of unmanned aircraft systems in Ireland and is applicable since 31 December 2020 in all EU member states.

Different rules apply to the operation of drones depending on its categorisation: 'open', 'specific' or 'certified'.

- Operations in the open category are considered the lower risk category and are not subject to prior operational authorisation or notification requirements before an operation takes place.
- Operations in the specific category require prior authorisation from the Irish Aviation Authority (IAA).
- Operations in the certified category require both the drone and the drone operator to be fully certified and in some instances for the remote pilot to be licensed.

The IAA is the regulatory body charged with enforcing these rules in Ireland. The IAA's responsibilities are outlined in article 18 of Regulation 2019/247. These include enforcing Regulation 2019/247, issuing certificates to drone operators, issuing licences to remote pilots, maintaining a list of geographical zones established within the national airspace, monitoring incidents of non-compliance by drone operators and promoting safety information and best practice guidelines for drone operators.

Law stated - 26 July 2023

What are the penalties for non-compliance with the laws and regulations governing drones?

The IAA has been tasked with implementing a system to detect and examine incidents of non-compliance. Members of the public are encouraged to report any alleged incidents of non-compliance with aviation safety rules to the IAA. Privacy or security matters related to drones should be reported to the Police. Regulation 2019/247 does not set out any penalties for non-compliance, however, SI No. 24/2023 – Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) Order 2023 provides that the IAA may direct an operator or remote pilot not to operate a drone if it appears that it is likely to be operated in contravention of any of laws and regulations, and allows for drones to be detained, if necessary, by the IAA or the Police.

Law stated - 26 July 2023

Classification

Is there any distinction between public and private drones, as well as between leisure use and commercial use?

As a risk-based approach has been adopted, there is no distinction between public and private drones, or leisure or commercial activities. However, if a drone operator wishes to fly an unmanned aircraft outside the prescribed legal limits, the operator must apply for a specific operating permission from the IAA.

Law stated - 26 July 2023

Is there a weight-based or other classification system for drones resulting in the application of different rules?

Yes. There are three categories for drone operations: 'open', 'specific' and 'certified'.

Drone operations in the open category pose the lowest overall risk and are not subject to prior operational authorisation or notification requirements before an operation takes place. There are several requirements for operations to be classified in the open category. The aircraft must not exceed a maximum weight of 25kg and must not fly above 120m (400ft) from the ground. It must be operated within visual line of sight, kept at a safe distance from people, and not flown directly over assembled crowds. The aircraft also must not carry dangerous goods or be capable of dropping material from a height. There are three further sub-categorisations of the open category: A1, A2 and A3. Operations in the:

- A1 subcategory cannot weigh more than 250g.
- A2 subcategory cannot weigh more than 4kg.
- A3 subcategory cannot weigh more than 25kg. Any exemptions to these requirements are published by the IAA on its website.

Those in the specific category pose a higher risk and require prior authorisation from the IAA. When applying for authorisation, the operator must also perform a risk assessment and provide evidence of implementing adequate safety measures. The authority may issue an authorisation for a single operation or multiple operations if it is convinced that the risks posed are sufficiently mitigated. There are specific scenarios outlined in the regulations in which such authorisations may not be required, such as for model aircraft clubs that have already received a general authorisation for such activity.

The certified category of drone operations is deemed to pose the highest potential risk and requires both the drone and the drone operator to be fully certified. Any individuals who will remotely pilot the drone as part of such operations must also be fully licensed by the IAA. Examples of operations falling under this category include drones that would be flying over assemblies of people, used for the purpose of transporting people, or that would be responsible for carrying dangerous or hazardous materials that pose a high safety risk in case of an accident.

Law stated - 26 July 2023

Is there any legal distinction between completely autonomous drones and remotely piloted drones?

No, not in Ireland.

Law stated - 26 July 2023

DESIGN AND MANUFACTURE

Regulation

Do specific rules regulate the design and manufacture of drones in your jurisdiction?

Yes. Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems (Regulation 2019/245) regulates the design and manufacture of

drones in Ireland. Drone products will only be made available on the market if they do not endanger the health or safety of persons, animals or property. Any unmanned aircraft not otherwise classified as toys must also comply with relevant health and safety requirements relating to machinery set out in Directive 2006/42/EC .

For drone products intended to be operated in the 'open' category (ie, those that will not require prior authorisation from an authority to operate), a series of technical requirements are outlined in the annex of Regulation 2019/945. These include maximum speed and height limits, fail-safe mechanisms, protection against unauthorised third-party interference, and geo-awareness functions that alert pilots if a potential breach of airspace limitations has been detected. Manufacturers must also indicate on the product their name, registered trade name, website address and postal address. If in receipt of a request from the competent national authority, a manufacturer must also be able to provide the authority with all of the information and documentation relating to the conformity of the product in paper or electronic form.

Law stated - 26 July 2023

Manufacturing authorisation

**Must drone manufacturers obtain any licences or other authorisation to carry out their business?
Are manufacturers subject to any other specific rules?**

Regulation 2019/945 provides that manufacturers must ensure that any products placed on the EU market meet certain design and manufacturing requirements. Where compliant, manufacturers can declare the product's conformity with EU standards and affix the CE marking. Manufacturers must keep the technical information and declaration of conformity for 10 years after the product has been placed on the market.

Manufacturers of unmanned aircraft must ensure that the drone meets one of the pre-determined types and has a unique serial number. The manufacturer's details must be indicated on the product, and it must be accompanied by the manufacturer's instructions and information notice in a language that can be easily understood by consumers and a copy of the EU declaration of conformity.

If a manufacturer has reason to believe that its product is not in conformity, then it must take immediate corrective action, and withdraw or recall the product, as applicable. In such instances, the manufacturers are required to inform the Competition and Consumer Protection Commission in Ireland.

Law stated - 26 July 2023

Product liability

Do general product liability rules (or other specific liability rules) apply to the manufacture of drones?

There are no specific liability rules relating to the manufacture of drones in Ireland. As such, the general product liability rules under statute, tort and contract apply.

The primary statute in Ireland for product liability is the Liability for Defective Products Act 1991 , which implements the Product Liability Directive (85/374/EEC) and provides for tortious claims, rather than criminal. Contractual claims may be brought under the Sale of Goods Act 1893 and the Sale of Goods and Supply of Services Act 1980 , which imply that goods supplied under contract must be of 'merchantable quality'. The European Communities (Certain Aspects of the Sale of Consumer Goods and Associated Guarantees) Regulations 2003 also apply to contracts for the sale of goods to consumers and provide that such goods must be in conformity with that contract. A manufacturer could also be liable for the tort of negligence for a defective product where a duty of care was owed, breached and

ultimately caused damage. The European Communities (General Product Safety) Regulations 2004 prohibits placing a product on the market unless it is safe. Manufacturers could be found criminally liable for failing to inform the Competition and Consumer Protection Commission in Ireland where they have reason to believe that a product that has been placed on the market is non-compliant with EU regulations.

Law stated - 26 July 2023

REGISTRATION AND IDENTIFICATION

Registration

Must drones be registered in a specific national registry? If so, who is entitled to register drones and what requirements and restrictions apply? Is the registry organised as an operator registry or an owner registry?

Yes, 'certified' unmanned aircraft must be registered with the Irish Aviation Authority (IAA) in the same way as manned aircraft. 'Open' and 'specific' drones do not need to be registered with the IAA.

However, operators of drones in the open or specific category must register that drone with the IAA if it meets two conditions. Firstly, if that drone could transfer more than 80 joules of kinetic energy to a human that it collides with and, secondly, if that drone's operation could present a risk to privacy, protection of personal data, security or the environment.

Drone operators are entitled to register drones. There is no minimum age for operating a drone in Ireland, but one must be 16 or over to register as a drone operator. Remote pilots must complete certain online training courses and complete online theoretical knowledge examinations before they can fly unmanned aircraft. Further theoretical knowledge examinations and licences are also required for the higher-risk categories.

Operator registration information is shared with other national aviation authorities in the EU and enables the drone operator to operate in any member state once registered with the IAA.

The registry is organised as an operator registry.

Law stated - 26 July 2023

Identification

Are drones identified through a marking system similar to that used for manned aircraft?

The IAA issues all drone operators, and unmanned aircraft that require registration, with a unique digital registration number upon registration. The drone operator must display this registration number on all unmanned aircraft, including drones that have been privately built.

Law stated - 26 July 2023

CERTIFICATION AND LICENSING

Basic requirements and procedures

What certificates or licences are required to operate drones and what procedures apply?

Drone operators must be registered with the Irish Aviation Authority (IAA). The registration is valid for a set period determined by the IAA and is valid in all EU member states. A drone operator only needs to register once, regardless of the number of drones operated. A drone operator does not need to register if their drone:

- weighs less than 250g and does not have a sensor able to detect personal data (ie, a camera or listening device);
or
- weighs less than 250g, has a sensor able to detect personal data but is considered a toy under Directive 2009/48/EC.

Remote pilots must complete a UAS proof of online training course available on the IAA's My Safety Regulatory System (MySRS) platform, which consists of several questions. Successful completion of this course allows remote pilots to fly in the 'open' category A1 and A3 subcategories.

Remote pilots must complete further training to fly in the open category A2 subcategory or the 'specific' category. This UAS Remote Pilot Competency Certificate is provided by a drone training organisation and consists of a theoretical examination of several questions and a practical test. Remote pilots in the specific category, depending on the risk assessment associated with the operation, will require a remote pilot licence.

Remote pilots operating in the 'certified' category are expected to hold the appropriate manned aviation pilot's licence associated with the operation.

Training must be renewed every five years using the IAA's MySRS platform.

Drone operator organisations may also apply for a light UAS operator certificate (LUC), but this requires ongoing compliance with some additional requirements including the establishment, implementation and maintenance of a safety management system corresponding to the size of the organisation or the nature and complexity of its activities.

Law stated - 26 July 2023

Taxes and fees

Are certification and licensing procedures subject to any taxes or fees?

Registration as a drone operator incurs a fee of €30 for a two-year operator registration certificate, which is payable at the point of registration via the IAA's MySRS platform. The UAS proof of online training course is free. Fees for the UAS Remote Pilot Competency Certificate vary depending on the drone training organisation. The IAA has published guidance on fees related to UAS operations .

Law stated - 26 July 2023

Eligibility

Who may apply for certifications and licences? Do any restrictions apply?

The minimum legal age for registering as a drone operator in Ireland under the 'open' and 'specific' categories is 16 years. A legal person (ie, an organisation or company) is eligible to apply for an LUC.

Law stated - 26 July 2023

Remote pilot licences

Must remote pilots obtain any certifications or licences to operate drones? If so, do the relevant procedures differ based on the type of drone or operation?

Remote pilots must complete a UAS proof of online training course available on the IAA's MySRS platform, which

consists of 40 questions, in order to operate drones. Successful completion of this course allows remote pilots to fly in the 'open' category A1 and A3 subcategories.

Remote pilots must complete further training to operate a drone in the open category A2 subcategory or the 'specific' category. This UAS Remote Pilot Competency Certificate is provided by a drone training organisation and consists of a theoretical examination of 30 questions and a practical test.

Training must be renewed every five years using the IAA MySRS platform.

Law stated - 26 July 2023

Foreign operators

Are foreign operators authorised to fly drones in your jurisdiction? If so, what requirements and restrictions apply?

Foreign operators are authorised to fly drones in Ireland in the 'open' category in the same manner as they would be in their home member state, provided that the foreign operator is registered with the competent national authority in their home member state. Any Irish airspace restrictions must be complied with, and foreign operators should also carry their registration and remote pilot competency details.

Foreign operators are authorised to fly drones in Ireland in the 'specific' category with prior authorisation from the IAA, but do not have to apply for authorisation or conduct a risk assessment if the foreign operator holds an operational authorisation from their home member state. In this instance, the foreign operator only needs to provide a copy of the operational authorisation and the details of any mitigation measures specific to the operational risks to the IAA. The operation can only be commenced once the IAA has provided confirmation. If the operation is covered by a standard scenario, the foreign operator only needs to provide the IAA with a copy of the declaration submitted to their home member state and a copy of the verification of completeness received from their home member state.

Non-EU drone operators are regulated by the competent national authority of the first member state in which they intend to operate.

Law stated - 26 July 2023

Certificate of airworthiness

Is a certificate of airworthiness required to operate drones? If so, what procedures apply?

All unmanned aircraft must comply with standards of airworthiness except for those that are privately built, used in model aircraft clubs and organisations or meet the requirements as an 'open' category aircraft. Certificates of airworthiness are required to operate 'certified' drones, in which case the drone itself is registered.

Law stated - 26 July 2023

OPERATIONS AND MAINTENANCE

One drone, one pilot

Does the 'one drone, one pilot' rule apply in your jurisdiction?

Operations in the 'open' category must be conducted in visual line of sight (VLOS) at all times except when the drone is being flown in follow-me mode or when using an unmanned aircraft observer. While operating in VLOS, the remote pilot must be able to maintain continuous unaided visual contact with the unmanned aircraft to avoid collisions with other

aircraft, people and obstacles. An unmanned aircraft observer may assist the remote pilot in keeping the drone in VLOS. While not expressly stated, this suggests that there should only be one pilot for each drone, with the assistance of an observer in some instances.

Law stated - 26 July 2023

Maintenance

Do specific rules regulate the maintenance of drones?

Unmanned aircraft operators must maintain 'specific' category drones in a safe condition in accordance with the manufacturer's user manual and keep an up-to-date record of any maintenance activities conducted on the drone for a minimum of three years. The maintenance of unmanned aircraft must be certified if the drone meets any of the following four conditions:

- it is 3m or more in dimension and is designed to be operated over assemblies of people;
- it is designed for transporting people;
- it is designed for the purposes of transporting dangerous goods and requires a high level of robustness to mitigate risks to third parties in case of accident; or
- it is intended to be used in the 'specific' category of operations and the operational authorisation notes that it must be certified.

Law stated - 26 July 2023

Basic operational rules and restrictions

What rules and restrictions apply to flights performed in 'visual line of sight' (VLOS) and 'beyond visual line of sight' (BVLOS)? Is there a distinction in this regard?

There are four general rules that apply:

1. during flight, the unmanned aircraft shall be maintained within 120m from the closest point of the surface of the earth that can be adopted according to the applicable geographical terrain;
2. when flying an unmanned aircraft 50m from an artificial obstacle that is higher than 105m, the unmanned aircraft may fly 15m above the height of the obstacle at the request of the entity responsible for the obstacle;
3. the maximum height of the operation shall not exceed 30m above the maximum height allowed in 1) and 2) above; and
4. during flight, the unmanned aircraft shall not carry dangerous goods.

There is no distinction in these general rules between operations performed in VLOS and BVLOS.

While operating in VLOS, the remote pilot must be able to maintain continuous unaided visual contact with the unmanned aircraft. BVLOS operations are those that are not conducted in VLOS. Remote pilots must keep unmanned aircraft in VLOS when operating in the 'open' category to avoid any risk of collision with any manned aircraft except when flying in follow-me mode or when using an unmanned aircraft observer. The operation should be discontinued if it poses a risk to other aircraft, people, animals, the environment or property.

Law stated - 26 July 2023

What rules and restrictions apply to critical and non-critical operations? Is there a distinction in this regard?

There is no distinction, however, when operating in the 'open' and 'specific' categories at night, remote pilots must ensure that the green flashing light on the unmanned aircraft is activated for visibility purposes.

Law stated - 26 July 2023

Transport operations

Is air transport via drone (eg, cargo and mail) regulated in your jurisdiction? If so, what requirements, limitations and restrictions apply?

No, air transport via drone is not specifically regulated in Ireland. However, Regulation 2019/947 does restrict drones within the 'open' category from carrying dangerous goods or dropping material from a height. As such, any drones looking to carry materials will likely require authorisation under the 'specific' or 'certified' category. For example, Manna Aero – an Irish drone delivery operator – had to obtain a light UAS operator certificate (LUC) from the Irish Aviation Authority (IAA) to trial its drone delivery services.

Law stated - 26 July 2023

Do any specific provisions governing consumer protection and tracking systems apply with respect to cargo and delivery operations via drone?

No, air transport via drone is not specifically regulated in Ireland.

Law stated - 26 July 2023

Insurance requirements

What insurance requirements apply to the operation of drones?

Regulation (EC) No 785/2004 establishes minimum insurance requirements in respect of passengers, baggage, cargo and third parties to the operation of drones, other than those with a maximum take-off weight of less than 20kg and which are being used for non-commercial purposes, such as sporting events or recreation. SI No. 24/2023 – Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) Order 2023 allows for the IAA to direct any operators of drones to hold aviation-specific third-party liability insurance for each and every flight. The IAA has published guidance on the insurance requirements for UAS operations.

Law stated - 26 July 2023

Safety requirements

What safety requirements apply to the operation of drones?

Regulation 2019/947 opts for a risk-based approach in many aspects, including safety. Drone operators are required to conduct risk analyses prior to an operation, during which they must propose a target level of safety, equivalent to the safety levels in manned aviation, depending on the specific characteristics of the operation. Drone operators must also

identify possible mitigation measures necessary to meet the proposed target level of safety for the operation, taking several factors into account and must determine the robustness of these proposed mitigation measures.

In the 'specific' category, drone operators are required to declare their commitment to comply with the mitigation measures required for the safety of the operation.

Drone operator organisations who apply for LUC are required to establish, implement and maintain a safety management system corresponding to the size of the organisation or the nature and complexity of its activities.

A new concept of 'standard scenario' has been introduced, which allows drone operators to declare that the safety risk assessment has already been conducted by the European Aviation Safety Agency or the IAA.

Law stated - 26 July 2023

AIRSPACE

Air traffic control

How is air traffic control regulated in your jurisdiction? Which authority provides air traffic control services for drones?

Air traffic control (ATC) of the Irish airspace is provided and regulated by the Irish Aviation Authority (IAA). These services are also provided to unmanned aircraft in controlled airspace, where applicable.

Law stated - 26 July 2023

Restrictions

Are there any airspace restrictions on the operation of drones?

Yes. The IAA has the power to designate certain geographical zones of the Irish airspace as restricted or prohibited zones taking account of safety, security, privacy and environmental concerns (the UAS Geographical Zones). These zones may be prohibited, require that particular conditions be met or require prior flight authorisation by certain or all unmanned aircraft. All information relating to UAS Geographical Zones is publicly available on the IAA's website, including any conditions that must be complied with in such zones and the periods of validity. At present, the IAA has designated geographical zones over all Irish airports and aerodromes, hospitals, prisons, military barracks, refuelling bases and currency centres.

SI No. 103 of 2023 – Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) (Amendment) (No. 2) Order 2023 allows for counter-drone systems to be deployed for use within an aerodrome, subject to the approval of the IAA, if it appears that a drone is being operated in a manner that would cause risk to the safety of civil aviation or public safety. Similarly, the European Union (Wireless Telegraphy Act 1926) (Amendment) Regulations 2023 allows a radio frequency jammer to be used at Dublin Airport to interfere with any drone flying within the vicinity of the airport if the Dublin Airport Authority believes it is necessary to ensure the safety of civil aviation or public safety.

Law stated - 26 July 2023

Take-off and landing

Must take-off and landing of drones take place in specific areas or facilities?

No, provided that any conditions, restrictions or prohibitions in the geographical zones designated by the IAA are complied with.

LIABILITY AND ACCIDENTS

Cargo liability

Are there any specific rules governing the liability of drones for losses or damage to cargo?

No, the liability of drones for losses or damage to cargo is not specifically regulated in Ireland.

Law stated - 26 July 2023

Third-party liability

Are there any specific rules governing the liability of drones for damages to third parties on the surface or in the air?

All unmanned aircraft, other than those with a maximum take-off weight of less than 20kg and that are being used for sporting or recreational purposes, must be insured for third party risks. Furthermore, SI No. 24/2023 – Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) Order 2023 provides that the Irish Aviation Authority (IAA) can direct any operators of drones to hold aviation specific third-party liability insurance.

Law stated - 26 July 2023

Accident investigations

How are investigations of air accidents involving drones regulated in your jurisdiction?

Air accidents involving drones are investigated by the Air Accident Investigation Unit (AAIU) pursuant to SI No. 460/2009 – Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations 2009 (the SI). The SI provides that every accident and serious incident shall be the subject of a formal investigation conducted by the AAIU. Incidents that are not considered serious incidents may also be investigated if the Chief Inspector considers that significant air safety lessons may be drawn from such an investigation. Investigations are conducted in accordance with Annex 13 of the Chicago Convention 1944.

Law stated - 26 July 2023

Accident reporting

Is there a mandatory accident and incident reporting system for drone operators in your jurisdiction?

SI No. 24/2023 – Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) Order 2023 provides that drone operators may notify the UAS Division of the IAA (the Division) of an incident but must immediately notify the Police, and the Air Accident Investigation Unit of an accident or serious incident. Any incidents may be reported to drone@iaa.ie, and accidents must be reported on the ECCAIRS website and by notifying the Division at drone@iaa.ie.

Law stated - 26 July 2023

Safety management and risk assessment

Are drone operators required to implement safety management systems and risk assessment procedures within their organisation?

Drone operator organisations who apply for light UAS operator certificates (LUC) are required to establish, implement and maintain a safety management system corresponding to the size of the organisation or the nature and complexity of its activities.

Drone operator organisations in the 'specific' category must establish procedures adapted to the type of the intended operation and the risk involved.

When applying for an operational authorisation, a drone operator must provide the IAA with an operational risk assessment.

In conducting a risk assessment, the drone operator should:

- describe the characteristics of the unmanned aircraft operation to a certain level of detail
- propose adequate operational safety objectives;
- identify the risks of the operation on the ground and in the air taking certain factors into consideration;
- identify a range of possible risk-mitigating measures; and
- determine the necessary level of robustness of the selected mitigating measures in such a way that the operation can be conducted safely.

Law stated - 26 July 2023

ANCILLARY CONSIDERATIONS

Import and export control

Do specific import and export control rules apply to drones in your jurisdiction?

Regulation 2019/945 provides that importers shall only place products on the EU market that are compliant with the regulations. Prior to placing a product on the EU market, importers must ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer, that the manufacturer has drawn up the technical documentation, that the product bears a CE marking and that the product is accompanied and in compliance with certain requirements. If importers have reason to believe that a product they have placed on the EU market is not in conformity, then they must take immediate corrective action, and withdraw or recall the product, as appropriate. In such instances, the importer is required to inform the Competition and Consumer Protection Commission. Importers must keep the declaration of conformity for 10 years after the product has been placed on the market and ensure the technical documentation can be made available to the authorities upon request. They must also cooperate with any reasoned requests from the Irish Aviation Authority. Similar rules apply to distributors of products, who must act with due care.

Law stated - 26 July 2023

Data privacy and IP protection

How are personal data privacy and IP protection regulated in your country with specific reference to drone operations?

Data protection in Ireland is governed by the Data Protection Acts 1988–2018, which include the General Data Protection Regulation (GDPR) (EU) 2016/679. The Data Protection Commission has not issued specific guidance on the use of drones in Ireland but has noted that drone users should have regard for the location in which they are using drones. If, for example, there is a possibility of identifying any individuals in recordings, then drone users must comply with certain obligations under data protection law. SI No. 24/2023 – Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) Order 2023 provides that any processing of personal data obtained during the operation of a drone must be GDPR compliant.

Regulation 2019/947 recognises the potential for drones to violate the privacy of individuals, therefore all drones that are equipped with a camera or listening device must be registered, irrespective of their weight or other factors.

Law stated - 26 July 2023

UPDATE AND TRENDS

Sector trends and regulatory developments

Which industry sectors have seen the most development in the use of drones in your jurisdiction and which sectors are expected to see further development in future? Have there been any notable recent regulatory developments relating to drones?

Emergency services, civil defence, infrastructure inspection and surveying, public safety, environmental monitoring (including tackling waste and pollution) and delivery services have seen the most developments in the use of drones in Ireland. The Dublin Fire Brigade and the Irish Coast Guard have begun using drones as part of their emergency responses and search and rescue operations. ESB Networks, a national electricity provider, has completed a pilot project using drones to inspect its power lines and wind turbines. Manna Aero is also offering limited drone deliveries of coffee, food and medical supplies in County Dublin. It is expected that each of these industry sectors will see further developments in the future, along with agricultural monitoring.







The Department of Public Expenditure, the Irish Aviation Authority and Dublin City Council's Smart Dublin team, among others, have started an initiative to accelerate the potential of drones across local government in Ireland. The project aims to explore and identify the potential of drone technologies for local government, while addressing certain challenges such as compliance, privacy and health and safety. Surveys undertaken as part of the project show that most respondents feel positive about drone technologies, but also showed that trust, privacy and safety are the primary concerns. These challenges will need to be adequately addressed for the successful development of such drone technologies.

Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space provides for the creation of a new dedicated airspace for drones, referred to as the 'U-space', and is applicable in all EU member states since 26 January 2023. Member states may designate certain geographical zones as U-space airspace, in which drone operations are only allowed if they use certain services, known as 'U-space services', to ensure the safety of operations in that airspace. Ireland has yet to establish a U-space, but once in place, it will have a significant impact on drone start-ups. Full implementation is expected by 2030 across the EU.

The introduction of Regulation 2019/947 has been the most recent regulatory development relating to drones, which replaces the previous Irish Aviation Authority (Small Unmanned Aircraft (Drones) and Rockets) Order 2015 (as revoked by SI No. 24/2023 – Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) Order 2023).

Law stated - 26 July 2023

Jurisdictions

	Brazil	Basch & Rameh Advogados Associados
	Germany	Arnecke Sibeth Dabelstein
	Ireland	A&L Goodbody
	Italy	Pierallini Studio Legale
	Japan	Mori Hamada & Matsumoto
	Spain	Augusta Abogados