



NJORD INSIGHT
**New Danish drone rules in
2016 and 2017**

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Last year, the Danish drone rules have been highly modernized giving way to the innovative industry. Here are the main changes to observe and the important rules to follow when flying drones in Denmark.

By Peter Gustav Olson, lawyer and partner, NJORD Law Firm

Denmark did not want to wait for an EU regulation of drones under 25 kg (about 55 lbs) and, as a result, the regulation of drones was modernized in the summer 2016.

In addition, to replace the prior dispensation-based rules, the main aviation legislation has been amended to regulate drones. This meant that from September 2016, new rules for drones in populated areas came into effect, and new rules for drones outside of populated areas will be expected by July 1, 2017.

“ *Still, the law maintains that prior to all flights the police must be informed, and for high-risk flights the drone pilot must always seek permission.*

Though the legal area has been liberated, failure to comply with the new rules can result in fines – and in the case of repetition – jail.

Therefore, here are the main changes to observe and important rules to follow when flying drones in Denmark.

New categories for “small drones”

The law concerning the professional and private flying of small drones – that is those under 25 kg – came into effect on September 1, 2016.

According to the implanting rules, there are four categories of small drones:

- Category 1A: less than 1.5 kg
- Category 1B: between 1.5 and 7 kg



- Category 2: between 7 and 25 kg
- Category 3: between 250 grammes and 25 kg and operating BVLOS (beyond visual line of site)

For categories 1B and 2, the drone pilots must have had at least 15 successful flights in populated areas.

For category 3, the pilot must have had 50 successful flights in populated areas evenly spaced throughout the last 12 months.

Populated areas: Only professionals may fly

As of September 1, 2016, only professional drone pilots are allowed to fly in populated areas. This applies to all drones regardless of size – including toy drones.

Drone pilots must have a **drone pilot license** (“dronebevis”), which they receive after an examination from an accredited training center – unless they were grandfathered prior to the new rules.

All drones must also be registered and have a **drone license plate**. In addition, all drone pilots – both professional and private – need to have a **drone liability insurance**.

Unpopulated areas: Hobbyists and minors are allowed

As regards the flying of drones in unpopulated areas, there is currently a hearing going on, and we expect new rules as from July 1, 2017.

It can be expected that non-professionals will be able to fly drones as long as the drones are registered and the hobby pilots have passed an online test and gotten a

drone certificate (“dronetegn”). Even children can get the certificate if their parents allow them to.

In addition, we expect that like for populated areas insurance will be compulsory.

 *Drones under 250 grammes (.55 lbs) may be exempted from most rules*

How to inform about and apply for drone flying

The local police must always be informed in writing 24 hours prior to all flights.

In addition, the following high-risk flights may only be performed with prior permission from the Danish Transport Authority:

1. Night flights
2. BVLOS (beyond visual line of site)
3. Flying above a large group of people
4. Flying indoors where there is public access
5. Flying drones with jet motors
6. Flights faster than 50 km/h
7. Flights over 120 meters
8. Flights with fixed wing drones over 1.5 kg
9. Flights of more than one drone from the same station
10. Autonomous flights
11. Flights where the drone drops items
12. Flights over enclosed private areas



Denmark – drone superpower – with good reason

Drone hubs are emerging in Denmark where international companies and Danish developers combine forces.

By Peter Gustav Olson, lawyer and partner, NJORD Law Firm

In September 2016, the Danish government granted DKK 30 million (about USD 4.3 million) to the Danish drone industry. The focus is to develop and exploit the drone as a platform for among other things sensors, measuring equipment, data collection, and programmes. Three Danish universities have set up special drone centers, which support and coordinate various activities in the development, adaptation, and use of drone technology and act as contact points for external relations with authorities and companies.

Dedicated drone airport in Denmark

Since 2011, the third largest city in Denmark, Odense, has worked strategically with the drone industry organization, UAS Denmark, setting up a test center for drones at the Hans Christiansen Andersen (HCA) Airport in Odense.

“ *The airport offers the opportunity for testing drones, hangars, and workshops as well as a business park with office space for the developers.*

At HCA Airport drone operators and technology developers test their drones and other related technology, and the ambition is to

make HCA Airport an international center for tests, development and, operations with drones and to further attract foreign businesses and investments.

Attractive for companies

The opportunity to develop and test drone solutions around the HCA Airport is what attracts foreign companies to the area.

“ *The companies also tend to be drawn to the strong Danish competencies in related technology areas such as sensors, robots, and data analysis.*

Similarly, international companies have good opportunities to attract qualified staff and establish partnerships with the Danish research and educational institutions, which have strong skills in drone technology and applications.

New legislation paves the way

The strong Danish competencies and the good test facilities in the area together with the new Danish legislation have helped attract foreign investment.



It has also helped to strengthen the drone industry in Denmark, since new foreign investments and establishments may carry additional specialized skills and funding for new drone activities.

Due to the combination of forward-looking legislation, government grants and support, an active robotics industry, and an active offshore industry, Denmark is set to be a drone super power! At least as compared to neighboring Sweden . . .

NORDIC CORNER

Swedish setback, but new law in the pipeline

One must apply for a permit when flying drones with cameras in Sweden. Quite a setback for the local drone industry. But new law in the pipeline promises an exemption for drones from the Swedish Camera Surveillance Act.

By Stefan Rakovic and Peter Gustav Olson, NJORD Law Firm

The Swedish Supreme Administrative Court concluded on October 21, 2016 that image recording with drones is covered by the Swedish Camera Surveillance Act, which means that cameras on drones are forbidden without a specific permit from the County Administrative Board.

Therefore, when flying a drone with a camera in places where the public has access, a permit from the County Administrative Board is needed in order to record/photograph with a drone.

Applying for a permit to fly drones in Sweden

The application for the permit has to be in written form, and it should be sent to the **County Administrative Board** where one wished to record/photograph from a drone. If the drone recordings are planned to take place in several counties, it is sufficient to make one application addressed to the County Administrative Board in the county where most of the recordings will take place.

If it is not possible to determine in which county the recordings mainly will be taking

“ *Even a camera mounted on a drone that is set up for a temporary task and promptly dismantled after each flight is covered by the Act.*

The purpose of the Camera Surveillance Act is to meet the needs of video surveillance for legitimate purposes while individuals are protected from undue intrusion into personal privacy.



place, the application can be made to any County Administrative Board in the relevant counties.

The cost for applying for the permit is SEK 3,700 (about USD 415), and the office turnaround time is around 2-3 months or more depending on which county it is.

If the permit is granted for a certain time, there is a possibility to have the permit extended for the cost of SEK 1,350.

For using additional cameras and/or for monitoring a bigger area, an expansion of the permit is needed costing SEK 2,300.

New law from August 2017?

The Swedish Supreme Administrative Court's decision hampered the possibilities for the use of the new technology and, thus, the new laws became burdensome for companies that wanted to use drones.

With the background to this, the Ministry of Justice in Sweden recently suggested that a specific exemption for drones should be included in the Swedish Camera Surveillance

Act. The proposal means that a new paragraph (5 a §) will be added to the Act with the following proposed wording:

“ *The law does not apply to surveillance carried out by a camera that is mounted on an unmanned aircraft, if the surveillance is conducted by someone other than an authority.* ”

With the new paragraph in force – instead of the Camera Surveillance Act – the Personal Data Act will protect individual privacy.

This means that the permits for using cameras on drones being issued before the new legislation will end when the new paragraph comes into force.

It is proposed that the new paragraph comes into force on August 1, 2017.



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