

Is it a bird? is it a plane? Drones in the UAE

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While this might not be an entirely accurate impression, the increase in the availability and use of drones in the UAE raises a number of legal issues. In this article, we explore the legal landscape and some of the key issues around the use of drones, whether in a recreational or commercial capacity.

In 2014, Sheikh Mohammed bin Rashid Al Maktoum, Prime Minister and Vice President of the United Arab Emirates and Ruler of Dubai, launched the Drones for Good award to encourage the use of drones in the service of people. Subsequently, entities from both the government and the private sector have been working on a variety of projects involving drones.

Drones are increasingly being used for surveillance purposes. Dubai Customs is reported as using drones to track suspicious vessels in Dubai Creek. Separately, there are reports of investment in the use of drones to collect hard-to-reach data, such as environmental data. New York University Abu Dhabi students won the Drones for Good Award for the 'Wadi Drone', which collects data in regions where deploying communications infrastructure would damage the natural habitat or present a risk to human safety.

The use of drones is not limited to commercial projects. The recreational use of drones has become widespread in the UAE, which has led to problems. We have seen news reports of air traffic at airports being halted because of recreational drones being flown in the flight paths of planes by members of the public.

Residents have voiced concern over private citizens flying drones equipped with audio/visual recording capabilities over residential areas. Whether or not in response, the sale of recreational drones was banned in Abu Dhabi, pending the introduction of formal rules.

Laws regulating drones in the UAE

There are various laws and regulations that apply to the use of drones in the UAE. We summarize some of the key laws below.

- Civil Aviation Regulations - The Civil Aviation Regulations issued by the General Civil Aviation Authority generally apply to air transportation and safety. The Civil Aviation Regulations prohibit any 'man-made object' from flying above a height of 200 feet above ground level within 8 kilometers of an airport, or 300 feet above ground level elsewhere within the UAE unless approved by the Emirate Department of Civil Aviation.
- 'New' draft law - In February 2015, a draft law was released. It is reported that the draft law provides a detailed regulatory framework for drones, including placing restrictions on where drones can be flown, how high drones can be flown, and the purposes for which drones can be used.
- Penal Code - The Penal Code prohibits the publication, without consent, of pictures pertaining to an individual's private or familial life. The Assistant Director General of the Department of Transport and Rescue of the Dubai Police has been reported as saying that "flying drones fitted with cameras in residential areas is a punishable offence as per the [Penal Code]".
- Cyber Crimes Law - The Cyber Crimes Law contains prohibitions similar to those in the Penal Code.

Specifically, the Cyber Crimes Law prohibits the use of information technology devices to invade the privacy of others by recording audio/visual materials and saving/publishing photographs without legal authorization.

Things to consider

Against this background, it is important to consider the issues below with regard to the use of drones – whether in a commercial or recreational capacity:

- There Are Restrictions As To Where Drones Can Fly – Drones may not be operated within a certain radius of an airport, for example.
- Drones Are Not Easy To Fly – Drone operators must apply an appropriate level of skill and care because drones (or any flying object for that matter) are not generally easy to control and inexperience may result in damage or injury resulting in subsequent claims for compensation under various provisions of the law.
- Privacy is an essential consideration – The more common drones become, the more important it is for drone operators to be aware of the potential legal consequences of their actions (the penalties for breaching the Penal Code prohibition and Cybercrimes Law prohibition mentioned above generally include a fine and/or imprisonment and may also include confiscation of the drone and any other associated equipment).

The rapid increase in the use of drones within the UAE makes it an area of growing concern and interest. Its development brings new legal challenges making it a “hot topic”. Users of drones should educate themselves in order to ensure that they are in compliance with all the relevant laws and regulations.

Al Tamimi & Company’s Technology, Media & Telecommunications team regularly advises on issues relating to new technologies. For further information on laws relating to drones, or other issues relating to new technologies, please contact Nick O’Connell (n.oconnell@tamimi.com) or Sana Saleem (s.saleem@tamimi.com).