

## Belgian drones ready for launch this spring?



**Mr. Steven De Schrijver**

Partner

[SDS@astrealaw.be](mailto:SDS@astrealaw.be)

*The Belgian Minister of Mobility, Mrs Jacqueline Galant, has announced that **the new Royal Decree related to the use of drones** has been finalized and will be submitted for advice to the Council of State (“Raad van State”) and the Regional Governments. The first draft of the Royal Decree received criticism of Europe, so the Minister was compelled to temper the rather strict rules that applied to drones, and in particular the static distinction between professional and recreational use. The Minister expects that the Royal Decree will enter into force during the coming spring.*

### What’s new?

The initial proposal made a distinction between only two categories of drones, i.e. drones of less than 1 kg for recreational use (at a maximum altitude of 10 meters) and drones of less than 150 kg for professional use (up to a maximum altitude of 91 meters). Since 1 kg was a rather low threshold, most drones would have automatically fallen within the scope of “professional use” and would therefore have needed to comply with stricter rules, even if their users did not have the intention to use them for professional purposes. This was also Europe’s biggest concern.

The new Royal Decree now addresses this issue by introducing an additional category, i.e. drones for “semi-professional” use. This additional category applies to flights with drones of maximum 5 kg at a maximum altitude of 46 meters. Although the category is called “semi-professional”, the drones of that category are not intended to be used for commercial activities. An exemption has been provided, however, for occasional professional use, which would be tolerated to a certain extent. For example, a company that occasionally wants to use a drone to inspect its buildings from the air could fall within the scope of semi-professional use.

In addition to the extra category of drones, the revised Royal Decree has also removed some

technical requirements, in particular the mandatory presence of a GPS tracking system as well as navigation lights. This should make the use of drones more accessible.

Finally, the Minister explicitly stressed that the privacy rules have not changed. The equality principle still applies: “What applies on the ground, also applies in the air”.

## Conclusion

The new intermediate category of drones for semi-professional use is the most important novelty in the revised Royal Decree and may make the use of drones of up to 5 kg more accessible to companies and individuals. However, individuals who wish to use a drone of more than 1 kg, will still need to follow training courses and obtain a (rather expensive) operating certificate, similar to the professional drone users. The costs for training would easily amount to 600 EUR. As a result, individuals who intend to use a drone for recreational purposes only, and thus not fly it higher than 10 meters, might be best off choosing a light model of less than 1 kg.

As far as the commercial use of drones is concerned, a lot of Belgian companies are anxiously awaiting the entry into force of the new Royal Decree. According to the Belgian employers' organization VOKA, ***no less than 175 Belgian companies cannot wait to finally launch their drones...***