



Drones Regulatory Framework in Southeast Asia - Top 5 Key Q&As

Focus on Myanmar

NO.	QUESTION	ANSWER
1.	<p>Is there a regulatory framework relating to drones in Myanmar?</p>	<p>The operation of drones is regulated by the Myanmar Department of Civil Aviation (“DCA”). DCA-AC-AIR 01(R1) issued by the DCA on 13 December 2019 (“Advisory Notice”) which provides guidance to drone operators on the registration requirements and operation of drones in Myanmar.</p>
2.	<p>Is there a difference between recreational and commercial uses of a drone in Myanmar?</p>	<p>The Advisory Notice makes no distinction between the recreational and commercial usage of drones.</p>
3.	<p>If the answer to 1. is yes, please describe shortly if/how the points below are regulated.</p> <p>a) Importation of a drone. b) Registration of a drone. c) Approval of frequency use of a drone. d) Approval of pilot/operator of a drone. e) Areas where drones can/cannot be flown. f) Penalties in case of non-compliance with the applicable regulations.</p>	<p>a. The importation of drones first needs to be approved by the DCA (on a case-by-case basis). After that, the importer needs to obtain an importer-exporter registration card and an importer license from the Ministry of Commerce.</p> <p>b. According to the Advisory Notice, for the time being, individual drone operation is not allowed due to security concerns. The DCA may register drones and approve the operation or flying of them on a case-by-case basis. The DCA has advised that, before commencing any operations, all operators must apply in writing to the DCA providing all details of intended operations and the area of operations and observe the requisite safety measures it may stipulate.</p> <p>c. The Advisory Notice is silent on this point, but the DCA would likely regulate this at the time of the application.</p> <p>d. The Advisory Notice is silent on this point, but the DCA would likely regulate this at the time of the application.</p> <p>e. According to the Advisory Notice, the following are the restricted/prohibited areas where drone flights are not permitted:</p> <ul style="list-style-type: none"> i. DANGEROUS AREAS: areas where activities dangerous to aircraft flight may exist at a specified time, although the potential danger to aircraft has not yet led to the designation of the site as restricted or prohibited. ii. PROHIBITED AREAS: land areas or territorial waters of Myanmar, within which the flying of drones is not permitted. iii. RESTRICTED AREAS: land areas or territorial waters of Myanmar, within which the flying of drones is restricted in accordance with certain specified conditions.

NO.	QUESTION	ANSWER
3.		<p>The Advisory Notice additionally provides the following guidelines for prospective operators:</p> <ul style="list-style-type: none"> a. not to operate drones within 8 kilometers (5 miles) of an Aerodrome Reference Point as denoted in the DCA Aeronautical Information Publication; b. not to operate drones over an open-air assembly of people without prior permission from the local authority; c. not to operate drones over or near private or public property without prior permission from the owner, and flights may only be conducted during daylight hours in meteorologically safe, calm conditions with high visibility; d. not to operate drones in a reckless and unsafe manner that may endanger individuals or property; e. not to drop or discharge any item or substance from the drone; f. must be operated within visual line of sight at all times; g. fly clear of obstructions; and h. not to carry hazardous substances using the drone. <p>f. Since the Advisory Notice is silent on applicable penalties for non-compliance, we understand that the penalties under the Aircraft Act 1934 (“Aircraft Act”) would apply. As per the Aircraft Act, non-compliance may lead to a term of imprisonment of up to three months, a fine of up to MMK 50,000 or both.</p>
4.	<p>If the answer to 1. is no, please confirm whether there is any plan for the authorities to implement such regulatory framework.</p>	N/A
5.	<p>If the answer to 1. is no, please confirm whether there are any relevant unwritten policies in Myanmar in respect of the use of drones.</p>	N/A

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