



## **Drones Regulatory Framework in Southeast Asia - Top 5 Key Q&As** Focus on Vietnam

NO.	QUESTION	ANSWER
1.	<p><b>Is there a regulatory framework relating to drones in Vietnam?</b></p>	<p>Yes. Decree No. 36/2008/ND-CP of the Vietnamese Government dated 28 March 2008 (amended by Decree No. 79/2011/ND-CP) (“<b>Decree 36</b>”) provides the framework for the management of unmanned aircraft and ultralight aircraft (“<b>UAVs</b>”).</p> <p>The Vietnamese Ministry of National Defence (“<b>MND</b>”) plays the dominant role in the management of UAVs, and cooperates with the Vietnamese Ministry of Public Security (“<b>MPS</b>”), the Ministry of Transport, relevant ministries, and provincial People’s Committees to implement the respective regulations.</p>
2.	<p><b>Is there a difference between recreational and commercial uses of a drone in Vietnam?</b></p>	<p>Currently, Vietnamese laws and regulations do not differentiate between the commercial and recreational use of drones. A flight license for the use of a drone must be granted by the Operations Bureau of the MND (“<b>Flight Licence</b>”) for all drone operations.</p> <p>A foreign organization or individual that operates UAVs in Vietnam for advertising, tourism, film making, television coverage on Vietnam, or scientific research is subject to additional documentary requirements during the flight license application process.</p>
3.	<p><b>If the answer to 1. is yes, please describe shortly if/how the points below are regulated.</b></p> <p>a) <b>Importation of a drone.</b>  b) <b>Registration of a drone.</b>  c) <b>Approval of frequency use of a drone.</b>  d) <b>Approval of pilot/operator of a drone.</b>  e) <b>Areas where drones can/cannot be flown.</b>  f) <b>Penalties in case of non-compliance with the applicable regulations.</b></p>	<p><b>a) Importation of a drone</b>  Organizations and individuals are permitted to import unmanned or ultralight aircraft upon obtaining an importation license issued by the Vietnamese Ministry of Industry and Trade (“<b>MOIT</b>”). The MOIT must secure approval from the MND and the MPS before issuing the importation license.</p> <p><b>a) Registration of a drone</b>  Currently, there is no guidance provided for the registration of drones under Vietnamese laws. Pursuant to the new Directive No. 02/CT-TTg of the Vietnamese Prime Minister dated 15 January 2020 on enhanced management and supervision measures for UAVs (“<b>Directive 02</b>”), persons and entities owning UAVs will need to register their ownership of such equipment in future.</p> <p><b>c) Approval of frequency use of a drone</b>  Vietnamese laws and regulations do not contain specific provisions applicable to drones. Few license-exempted frequency bands are allocated to be used for remote-controlled devices.</p> <p><b>d) Approval of pilot/operator of a drone</b>  There is no guidance provided on pilot/operator approval under Vietnamese laws to-date. However, certificates evidencing the pilot/operator’s aviation knowledge might be required in the future.</p>

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3.		<p><b>e) Areas where drones can/cannot be flown</b></p> <p>There is no official fly zone map provided for drone use. Except when used for public service purposes, drones are <b>prohibited</b> from flying in:</p> <ol style="list-style-type: none"> <li>1. office or headquarter zones of the Communist Party of Vietnam, the state, National Assembly, government, ministries, diplomatic and consular missions, and international organizations in Vietnam, among many others;</li> <li>2. national defense and security zones;</li> <li>3. the areas of military and civil airports extend by 15,000 meters and 5,000 meters from any sides of the rectangular shapes of runways at any height; and</li> <li>4. restricted zones within the air routes licensed by the Vietnam Aviation Administration.</li> </ol> <p>The distance between an operational drone and the border of these prohibited flight zones measured horizontally must be no less than 500 meters at any height unless otherwise provided.</p> <p>The <b>restricted</b> flight zones for drones include:</p> <ol style="list-style-type: none"> <li>1. air space at an altitude of more than 120 meters above ground;</li> <li>2. crowded areas;</li> <li>3. border areas;</li> <li>4. areas adjacent to prohibited flight zones of military and civil airports; and</li> <li>5. other areas designated by the licensing authority.</li> </ol> <p>The MND may make a decision temporarily restricting or prohibiting flights of UAVs within the territory of Vietnam, and such decisions shall have immediate effect.</p> <p><b>e) Penalties in case of non-compliance with the applicable regulations</b></p> <ul style="list-style-type: none"> <li>▪ Organizations and individuals will be subject to fines from VND 80 million to 200 million (approx. USD 3,519 to 8,796) for failing to obtain a flight license and be prohibited from further use of the drone.</li> <li>▪ Organizations and individuals will be subject to fines from VND 10 million to 30 million (approx. USD 440 – 1,320) for failing to obtain an importation license.</li> </ul>

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4.	If the answer to 1. is no, please confirm whether there is any plan for the authorities to implement such regulatory framework.	Currently, the MND is progressing towards a new decree (at the draft stage) to replace Decree 36. However, there is currently no information on when such a decree will be passed.
5.	If the answer to 1. is no, please confirm whether there are any relevant unwritten policies in Vietnam in respect of the use of drones.	N/A

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