

## Legal Regulations Related to Drones

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As drones are now widely used for a variety of purposes—including aerial photography, infrastructure inspection, pesticide dispersion, and surveying—their applications continue to expand. In recent years, leveraging the advantages of aerial imaging, drones have also been increasingly used for public-interest purposes, such as tracking bears that descend into human-populated areas and have caused reported injuries.

Whether for business use or for public purposes, drones are being utilized more and more. In line with this widening scope of use, the legal framework surrounding drones continues to be revised. For example, after December 2025, the simplified application process for flight permission based on private-sector certifications will be abolished, pilot licenses will be standardized, and the Metropolitan Police Department is considering extending the distance of no-fly zones. Further legal amendments are expected going forward.

Because the use of drones requires checking relevant regulations such as the Civil Aeronautics Act, this newsletter provides an overview of the current legal framework governing drones.

### I. About the System

#### **1 Civil Aeronautics Act**

When operating a drone, if the drone qualifies as an “Unmanned Aircraft” under the Civil Aeronautics Act (Article 2, Paragraph 22; Ordinance Article 5-2)—meaning an aircraft that cannot carry a person due to its structure and has a weight of 100 grams or more—you must comply with the obligations stipulated in the Act. Although the word “drone” often brings to mind a multicopter equipped with several propellers, radio-controlled aircraft shaped like fixed-wing airplanes are also included.

The main obligations under the Civil Aeronautics Act include: (1) aircraft registration; (2) systems for aircraft certification, pilot competency certification, and flight permission; (3) restricted airspace; and (4) regulations on flight operations. Compliance with each of these requirements is mandatory. Because the Act imposes criminal penalties—including imprisonment—special care must be taken to avoid violations.

Each of these items is explained below.

#### (1) Aircraft Registration System

When operating an unmanned aircraft, the aircraft must be registered, must display its assigned registration number, and must be equipped with Remote ID (Civil Aeronautics Act, Article 131-4 et seq.).

This system is designed primarily to ensure safety by enabling authorities to reject the registration of aircraft that present safety concerns and to promptly identify owners in the event of an accident.

## (2) Aircraft Certification, Pilot Certification, and Flight Permission

Under the Civil Aeronautics Act, drone flights are classified into three categories—Category I through Category III—depending on the manner of operation. The required procedures vary by category. Categories III and II are premised on Specified Flights (Civil Aeronautics Act, Article 132-87), which include operations such as night flights, flights beyond visual line of sight (BVLOS), flights within 30 meters of people or property, flights over event venues, transport of hazardous materials, and dropping objects. Any operation that does not fall under a Specified Flight is classified as Category I.

A “flight beyond visual line of sight” (BVLOS), which is included within Specified Flights, refers to a flight in which the drone cannot be directly observed with the naked eye. Therefore, even if the drone could be visually confirmed using binoculars, the operation still qualifies as BVLOS.

For Category III operations (which involve flying over third parties), certification is required to confirm that the aircraft’s design, manufacturing process, and current condition comply with safety standards in terms of strength, structure, and performance. In addition to aircraft certification, the pilot must also obtain a Class 1 Pilot Competency Certificate. Furthermore, flight permission and approval from the Minister of Land, Infrastructure, Transport and Tourism (MLIT) are required. Applications for such permission and approval may be submitted online or by email.

For Category II operations (which do not involve flying over third parties), there are two possible approaches: (a) obtaining aircraft certification and pilot competency certification so that permission is not required for each individual flight, or (b) obtaining permission and approval for each flight. In the first approach, by securing aircraft certification, pilot competency certification, and implementing necessary safety measures—such as preparing an operating manual—it is possible to operate without applying for permission each time.

If none of the above applies and the flight is classified as Category I, no aircraft certification, pilot competency certification, or flight permission/approval is required.

## (3) No-Fly Zones

When operating an unmanned aircraft within airspace where flight may affect the safety of other aircraft—such as “areas surrounding airports,” “airspace reserved for emergency operations,” “airspace above 150 meters,” or “densely populated areas”—or in areas where a crash could pose a high risk of harm to people on the ground, prior permission from the Minister of Land, Infrastructure, Transport and Tourism is required.

## (4) Flight Operation Rules

Regardless of where the unmanned aircraft is flown, the following rules must be observed when operating a drone (Civil Aeronautics Act, Article 132-2):

- a. Do not operate a drone under the influence of alcohol, drugs, or similar substances.
- b. Conduct pre-flight checks (including functional checks and battery inspections).
- c. Operate the drone in a manner that prevents collisions with manned aircraft or other unmanned aircraft.
- d. Do not operate a drone in a manner that causes nuisance or disturbance to others.

As noted above, please also keep in mind that if the operation qualifies as a Specified Flight, prior permission or approval is required.

## **2 Act on Prohibition of Flights of Small Unmanned Aircraft, etc.**

Enacted in response to the 2015 incident in which a drone fell on the Prime Minister's Official Residence, the Act on Prohibition of Flights of Small Unmanned Aircraft, etc. designates no-fly zones around important national facilities and areas related to public safety. These include key government facilities, foreign embassies, defense-related facilities, airports, and nuclear power plants. Foreign embassies are designated by the Minister of Foreign Affairs on a case-by-case basis; in the past, parks hosting gatherings of foreign heads of state have also been designated.

The Act applies not only to drones but also to other small unmanned aircraft, such as manned paragliders, making its scope of application relatively broad.

Although there is an exception that allows flight within these restricted areas if consent is obtained from the facility manager, as a general rule, flying in designated no-fly zones carries criminal penalties.

## **3 Other Relevant Laws**

(i) In principle, flying over roads, rivers, parks, and other areas not restricted under the Civil Aeronautics Act or the Act on Prohibition of Flights of Small Unmanned Aircraft, etc. is not prohibited. However, certain locations—such as specific parks or dams—may be subject to flight restrictions under local ordinances. In addition, flying over privately owned land requires care to avoid infringing on the property owner's rights, which are protected "to the extent that the owner has an interest" in the airspace above the land. Operators must exercise appropriate consideration and caution.

(ii) Separate from restrictions on flight areas, commercial drone operations must also comply with the Radio Act. When drones utilize radio waves, a license or registration for the radio station is required, and the radio equipment must be operated by a licensed radio operator or someone under their supervision (Radio Act, Article 39, Paragraph 1).

## **II. Key Considerations for Drone Businesses**

(1) The use of drones in business is increasing, and the range of potential applications is expanding. In particular, companies such as Rakuten and ANA have conducted test deliveries using drones, drawing attention to drone-based delivery of goods as a means to supply daily necessities and pharmaceuticals in regional cities, as well as to address labor shortages in logistics.

This section introduces regulations relevant to drone businesses, focusing specifically on the delivery of goods.

(2) When delivering goods from a distribution center to individual homes or offices, drones must often fly over populated areas and cannot be continuously monitored visually by the operator. In such cases, the flight is considered beyond visual line of sight (BVLOS) and involves flying over third parties, which classifies it as a Category III flight. Therefore, aircraft certification, pilot competency certification, and flight permission/approval are required. Because these permissions and approvals would currently be needed for each delivery, commercial implementation of such services is not yet feasible. However, discussions are underway regarding a system for comprehensive permissions and approvals. Once such a system is established, it may be possible to operate a service in which drones simultaneously deliver goods from a distribution center while operators remain on-site.

(3) If the operation does not involve flying over populated areas and falls under Category II, as mentioned previously, obtaining aircraft certification allows operators to fly without seeking permission or approval for each flight.

It should also be noted that dropping goods from drones is generally prohibited and requires approval from the Minister of Land, Infrastructure, Transport and Tourism (Civil Aeronautics Act, Article 132-2, Paragraph 1, Item 10). However, if the drone delivers goods by landing and then placing them, this is not considered “dropping,” and approval is not required. (Examples of dropping include activities such as pesticide spraying.)

### **III. Conclusion**

While various legal regulations aim to ensure the safe operation of drones, in practice, some procedures—such as preparing an operational manual for flight permission applications—may feel cumbersome. However, if operators follow the standard manual published by the Ministry of Land, Infrastructure, Transport and Tourism, there is no need to create a separate manual or attach it to the application, which simplifies certain procedures.

As the drone market continues to expand, it is expected that the legal framework will be gradually revised to maintain a balance between safety and convenience.



In summary, the regulations related to drones are as outlined above, but depending on the intended business, it may be necessary to consider additional rules beyond those introduced in this newsletter. Applicable regulations vary depending on the flight location and manner of operation. For example, when spraying pesticides, there are separate regulations governing the transport of pesticides by drone.

It is therefore advisable to carefully confirm the applicable legal framework for the specific business being considered, and to monitor regulatory developments to ensure the proper and safe use of drones.

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