

CLIENT DEMAND FOR ADVICE ON SPACE LAW AND DRONE USE RISING

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With drones and satellites being more commonly used in a range of industries, businesses are looking to lawyers in Iberia to help create an appropriate legal framework

Demand from clients in Spain and Portugal for advice on issues relating to space law and drone use is growing as businesses supplying the space and aeronautics industries – as well as industries looking to utilise drones to further their commercial interests – seek clarification and legal certainty. The rapid development of such technology, such as drones and the greater use of satellites – in addition to advancements in driverless cars, for example – is severely testing lawyers in Iberia as clients look to address concerns relating to aeronautical security, airspace utilisation and personal privacy. In addition, pressure on lawyers is mounting as there is an expectation that they should be providing input into the development of new legal frameworks that govern such areas. However, the relevant expertise is in short supply, according to Magda Cocco, a partner at Vieira de

Almeida (VdA) in Lisbon. "It's very difficult to find lawyers who are experts in technology and international laws governing outer space, drone use and driverless cars, for example, both in Portugal and other countries, such as the UK, where many tech companies internalise their legal teams and do not resort to using law firms," she says.

Some 30 Portuguese companies supply the space and aeronautics industries, which are fast-growth sectors as the country's Science and Technology Foundation's Space Office is exploring the benefits of Portuguese participation in European Space Agency programmes.

"New legislation is coming in every day to regulate the use of new technology, which is not the case for most other practice areas in a law firm," Cocco says. "Technology requires highly-specialised knowledge, and we charge higher fees to account for that."

Right to intimacy

According to Albert Agustinoy, partner at Cuatrecasas Gonçalves Pereira, concern regarding drones is related to aeronautical security, airspace utilisation and personal privacy derived from the use of images captured in-flight. "The fact that drones can capture images that were previously impossible to obtain raises concerns regarding the right to privacy," Agustinoy says. He adds that, with regard to driverless cars, in addition to road safety, another huge challenge is personal data protection, as the new generation of 'wired' vehicles can 'vacuum up' users' data, also causing privacy concerns.

Agustinoy also says that lawyers need to provide input in the drawing up of laws to govern the use of such vehicles, given the novelty and complexity of the legal framework. In particular, Cuatrecasas receives a large number of enquiries from companies in the audio-visual and advertising sectors regarding drone use, both being industries that are increasingly reliant on such technology.

Juan Muguerza, senior associate at Garrigues in Madrid, says civil aviation will face an unprecedented challenge from drones in the near future, which will lead to significant legal changes. "To take advantage of their economic potential, drone companies will require a clear, efficient and harmonised regulatory framework providing adequate protection to citizens, but without imposing unnecessary red tape that could stymie investment and innovation," he says. However, the approval of a regulatory framework requires arduous and complex work, and takes time, requiring more extensive approval than perhaps some operators in the sector would wish, he adds. "Spain is a good example of that slowness, given that the existing 'temporary' legislation introduced in 2014 is still in place," Muguerza says.

One of the main aims of new legislation would be to facilitate drone flights in urban areas, which would have the effect of accelerating the industry's development. Muguerza says clients are keen to understand both EU rules and national regulations in order to explore the opportunities drones can offer, from security, disaster relief, border surveillance and agricultural uses, to firefighting, toxic material handling and goods delivery.