PARLIAMENTARY GUARD
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No.:

NOTICE
on Unmanned Aircrafts

Airspace restrictions

Pursuant to Section 4/A(n) of Government Decree No 4/1998. (I.16.) on the use of the Hungarian airspace (hereinafter: "Government Decree"), **unmanned aircrafts shall not be operated**, among others, **within a 200-metre radius of the reference points of the facilities protected** by the Parliamentary Guard as specified in Section 125(2)(b) of Act XXXVI of 2012 on the National Assembly (hereinafter: the "National Assembly Act") or **the airspace above the area of national memorial sites** as defined in Act LXIV of 2001 on the Protection of Cultural Heritage (hereinafter: "national memorial site") (hereinafter jointly referred to as: "demarcated airspace").

Pursuant to Section 8/C(2)(a) of the Government Decree, the Parliamentary Guard shall upload airspace restriction data to the website and the mobile application supporting the use of unmanned aircrafts, containing current airspace information and other restrictions (hereinafter: "Platform"). The Platform is available at: https://mydronespace.hu/.

Unmanned toy aircraft

Unmanned aircrafts qualifying as toys within the meaning of Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys **with a maximum take-off mass of less than 120 grams and not having a recording device shall qualify as unmanned toy aircrafts, not capable of moving more than 100 metres away from the remote pilot.** Devices capable of taking photos must not be considered toys.
The Hungarian legislation sets a stricter maximum take-off weight of 120 grams for the toy category compared to EU legislation, which sets the maximum weight limit for the toy vehicle at 250 grams. These unmanned toy aircrafts are not subject to registration on the Platform and the ad hoc airspace requirements do not apply to them. However, in order to determine whether the operated vehicle is considered a toy or not, the parliamentary guard may initiate an action. If, at the request of the parliamentary guard, the operator is unable to prove that the device operated is an unmanned toy aircraft, the parliamentary guard may request police action.

Operational restriction

The Parliamentary Guard is also entitled to impose an operational restriction under Section 8/C(5) of the Government Decree in order to protect the person protected by the Parliamentary Guard and to carry out the primary fire, technical rescue and disaster management tasks of the protected facilities. Pursuant to Section 8/C(8) of the Government Decree, in the airspace subject to an operational restriction imposed by the Parliamentary Guard, unmanned aircrafts or unmanned state aircrafts may be operated under the specific authorisation or oral action of the commander in charge of the protected person or the firefighting, technical rescue and disaster management – designated from among the staff of the Parliamentary Guard –

(hereinafter referred to as the "commander in charge"). Information on the contact details of the commander in charge can be obtained orally on the spot or from the Duty Officer of the Parliamentary Guard (telephone: +36-1-441-4701, +36 30 215-5933).

Unauthorised use of airspace

In order to carry out its tasks under Section 125 of the National Assembly Act and on the basis of the authorisation provided for in Section 10(2a) of Act XCVII of 1995 on Aviation (hereinafter: "Aviation Act"), the Parliamentary Guard is entitled to take measures against unauthorised unmanned aircrafts in the Hungarian airspace in the interest of national security, public order, aviation safety and public security, such as detecting, requesting to land, intercepting and, in cases provided by law, electronically disrupting unmanned aircrafts and forcing them to land electronically or mechanically, in compliance with the rules on the use of frequencies.

Pursuant to Section 10(2b) of the Aviation Act, the intercepted unmanned aircraft must observe the request or the order to land without delay. Unmanned aircrafts that do not obey the request may be forced to the ground in the cases specified in the Government Decree. According to Section 9/A(1) of the Government Decree, unmanned aircrafts which do not comply with the legal requirements for the operation and use of unmanned aircrafts are unduly using the Hungarian airspace.

Pursuant to Section 9/A(2) of the Government Decree, unmanned aircrafts engaged in air transport may be intercepted, identified, electronically disrupted in operation, ordered to land, or forced to land electronically or mechanically in the event:

a) they violate the laws related to air transport and the operation of unmanned aircrafts, thereby endangering the safety of air transport or the integrity of privacy;
b) they pose a threat to the safety of the protected facility;
c) they are used for an unlawful purpose;
d) there are reasonable grounds to assume that their flight is used for the illegal transport of various substances, in particular weapons or drugs, or for the non-orderly transport of hazardous substances;
e) they make unauthorised use of the Hungarian airspace.

Pursuant to Section 9/A(3) of the Government Decree, **the Parliamentary Guard**, as one of the bodies authorised to take actions **is also entitled** to take measures under paragraph (2) **in order to carry out its tasks under Section 125 of the National Assembly Act.**

Actions of the parliamentary guard

In respect of the restricted airspace or airspace subject to operational restrictions, the Parliamentary Guard shall be entitled, in order to carry out its duties, to take actions specified in Section 10(2a) of the Aviation Act and Sections 133, 134(1) and 139 of the National Assembly Act. In the event of detecting an infringement, the parliamentary guard is entitled to identify the infringing person under Section 138(1)(b) of the National Assembly Act, and, pursuant to Section 138(3) and (4) of the National Assembly Act, may detain the person until the arrival of the police and inspect the clothing, luggage and vehicles of the person refusing to prove their identity or whose identity cannot be established at the scene. Pursuant to Section 139(1) of the National Assembly Act, the parliamentary guard shall apprehend the person caught in the act of committing an intentional offence and the person who does not refrain from committing the offence despite being requested to do so.

Safeguards and remedies

With regard to Section 133(1) of the National Assembly Act, the rules of necessity and proportionality of police actions shall apply to airspace restrictions ordered by the Parliamentary Guard under Section 4/A(n) and Section 8/C(5) of the Government Decree, and legal remedy may be sought against these measures under Section 142 of the National Assembly Act. The person seeking legal remedy must take account of the provisions of Section 4/D(3)-(6) of the Government Decree.

Budapest, “ ” May 2021

László Tibor Tóth, Parliamentary Major General
Commander