iclg

Aviation Law 2025

13th Edition

Contributing Editors:
Alan D. Meneghetti Ipeco, Inc.
Philip Perrotta K&L Gates LLP

WALA WORLDWIDE AIRPORT LAWYERS ASSOCIATION

glg Global Legal Group

Industry Chapters

Expert Analysis Chapters

Q&A Chapters

Regulations on Drone Flights in Japan


Hiromi Hayashi


Koji Toshima


Tetsuji Odan

Mori Hamada

A. Introduction

The following laws and regulations are the material legislation in Japan on the flights of unmanned aircraft vehicles (drones) ("**UAVs**"):

(a) Civil Aeronautics Act (the "**CAA**");
(b) Act Prohibiting UAVs' Flights Over Important Facilities and Surrounding Areas (the "**Drone Act**");
(c) Civil Code;
(d) Radio Wave Act; and
(e) local regulations (*jourei*) legislated by local governments.

The CAA is the key legislation for aviation safety in Japan, and the Ministry of Land, Infrastructure, Transport and Tourism (the "**MLIT**") is the principal regulator of aviation matters, including the CAA. In 2015, the CAA was amended to introduce safety rules regarding unmanned aircraft vehicles (drones or "**UAVs**") after a drone was found on the roof of the Prime Minister's office on 22 April 2015. It took less than eight months to enact the 2015 amendment, and that was extraordinarily rapid in terms of legislative amendments in Japan.

Further, governmental bodies and the private sector set up the Council to Improve the Environment regarding UAVs (the "**Council**") in 2015. The Council holds ongoing discussions on regulations to develop the commercial use of UAVs, as well as regularly revising the "Roadmap towards the Industrial Revolution in the Air" (the "**Roadmap**"). On 15 November 2024, the Council revised and restructured the Roadmap. Previous Roadmaps published up to 2022 described four phases on the use of UAVs, pursuant to which: in the first and second phases, UAVs may be flown within a visual line of sight; in the third phase, UAVs may be flown beyond a visual line of sight ("**BVLOS**") over areas where it is unlikely for a third party to enter (e.g., mountains, sea, rivers, lakes and forests); and in the fourth phase, UAVs may be flown BVLOS over areas where a third party may be present. However, starting 5 December 2022, when certain amendments to the CAA took effect with the aim of achieving the fourth phase as scheduled in previous Roadmaps, the 2024 restructured Roadmap replaced descriptions of each phase with the promotion of the usage of drones in multiple areas including cargo delivery, the realisation of the UAV traffic management system, and the development of technology to operate multiple UAVs at the same time for the coming fiscal years 2025, 2026 and later.

B. Overview of the Regulations Under the CAA

The CAA provides for the definition of UAVs, the prohibited airspaces for flight, the operating limitations and penalties for violations. If a person intends to fly UAVs in prohibited airspaces (please see section 5 below), beyond the limitations of permitted operating conditions (please see section 6 below), then that person must have permission or approval from the MLIT subject to certain exceptions. For example, if the UAV is moored by sufficiently strong strings which are no more than 30 metres long, permission or approval is not necessary.

UAV operations have been classified into three categories based on the associated risks. Category I covers the operation of UAVs with the lowest risk, that is, UAVs which do not fly in prohibited airspaces but fly within the limitations of permitted operating conditions; thus, Category I does not require any permissions or approvals. Both Category II and Category III are operations in prohibited airspaces and beyond the limitations of permitted operating conditions. Category III covers the operation of UAVs in an airspace below which a third party may be present without taking measures to restrict and control the comings and goings of third parties underneath the flight path and, therefore, is associated with the highest risk. Category II covers the operation of UAVs in an airspace while taking measures to restrict and control the comings and goings of third parties underneath the flight path, meaning that the UAVs do not fly over areas where third parties may be present. Thus, the risk associated with Category II does not reach the same level as Category III.

UAVs under Category III must have a first-class certificate and their operators must each hold a first-class licence. Note that there are two types of certification (i.e., first class and second class) for a UAV, and two types of licence (i.e., first class and second class) for an operator. In addition, separate permission or approval is required for each UAV operation.

In general, the operation of Category II UAVs requires the MLIT's permission or approval. However, if the operation meets the following requirements, it will be permitted without need for any permissions or approvals:

(a) the UAV has, as a minimum, a second-class certificate;
(b) the UAV operator holds, as a minimum, a second-class licence;
(c) the UAV does not (i) fly in airspaces in which it will likely affect the safe operation of other aircraft, (ii) fly over event sites where many people gather, (iii) transport hazardous materials specified in the relevant ordinance, (iv) drop any objects except for goods specified in the relevant ordinance, and (v) weigh 25 kg or more; and
(d) measures are being properly taken to prevent any parties other than the UAV operator and its assistants from entering areas inside the route of the vehicle.

In cases where permissions or approvals are required, the standards published by the MLIT (the "Standards") must be complied with. There are two categories of Standards: one is for a Category II operation; and another is for a Category III operation. Applications may be submitted at the following website: https://www.ossportal.dips.mlit.go.jp/portal/top/

According to the Standards, an operator must submit an application for permission or approval, in general, 10 business days before each Category II flight of a UAV and 20 business days before each Category III flight. Permission or approval is generally effective for three months for Category II flights and for one month for Category III flights. However, if a person plans to continuously fly UAVs under the same conditions, it can apply for permission or approval that is effective for up to one year. This type of application is usually made by mass media organisations which use drones in Japan.

1. Definition of UAVs

The CAA defines UAVs as airplanes, helicopters, gliders, airships and other facilities that are available for aviation uses designated by the relevant ordinance of the CAA and which:

(a) human beings cannot ride due to its structure; and
(b) can fly by remote control or automatic operation based on programs,

except when such facility weighs less than 100 grams (previously 200 grams before the relevant amendment of the CAA took effect on 20 June 2022).

Therefore, only very light drones (e.g., toy drones) can be exempted from the definition of UAVs. Further, the Standards classify the requirements for those which weigh less than 25 kg and those which are 25 kg or more. The requirements for UAVs weighing 25 kg or more are stricter than those for the lighter ones. The requirements discussed below are for UAVs weighing less than 25 kg.

2. Registration

Under the CAA, a UAV owner is required to register the UAV, including information on the kind and manufacturer of the UAV, the owner's name and address, and the operator's name and address. The registrant must display the registration mark (comprising numbers and letters) on the body of the registered UAV and install a function to dispatch signals by radio wave by which the registration mark can be identified. As of October 31 2024, 422,879 UAVs are registered.

3. Certification of UAVs

The CAA requires drone airframe certification depending on the method of operations. As for Category III operations, a first class certification is required for the UAV.

There are also UAV model certification and UAV certification. A UAV model certification is the model certification for the specifications and manufacturing process of a drone produced and designed by manufacturers, and is valid for three years regardless of whether it is first class or second class. A UAV certification is the certification required for each drone, and the duration varies depending on the type (one year for first class and three years for second class). If the subject drone has a first class UAV model certification, those using the drone model would be exempted from a part of the inspection for UAV certification.

As of 31 October 2024, only one type of UAV has obtained a first class UAV model certification while five types of UAV have obtained a second class UAV model certification.

4. Licences to operate UAVs

The CAA requires a UAV operator to hold a licence depending on the method of operations. As for Category III operations, a first class licence is required to operate the UAV.

Persons under 16 years old cannot obtain a UAV licence. Moreover, a person who fails to obtain a UAV licence due to certain reasons (e.g., mental illness, drug addiction or violation of the CAA) cannot apply for a period of one year after such failure, and a person whose UAV licence is revoked due to certain reasons (e.g., mental illness, drug addiction or a violation of the CAA) cannot apply for a period of two years after the revocation.

An applicant is required to take and pass certain examinations to get a UAV licence. A licence is valid for three years and renewable regardless of whether it is first class or second class. As of 31 October 2024, the number of granted licences is 2,136 for a first class licence and 17,252 for a second class licence.

5. Prohibited airspaces

It is generally prohibited to operate a UAV in the following airspaces:

(a) airspaces in which the UAV is likely to affect the safe operation of aircraft, which can be further classified into (i) airspaces above airports and their vicinity (which differ for each airport), (ii) airspaces designated by the MLIT in cases where the safety of aircraft used by the MLIT or other administrative organs for rescue work during emergencies must be secured, and (iii) airspaces which are 150 metres above ground or water surface level; and
(b) airspaces which are above a "densely populated area", which is defined as a densely inhabited district (*jinkou shuuchuu chiku*) ("**DID**") designated based on the results of the national census. A DID is, in principle, an area with a population density of 5,000 people or more per square kilometre. An example of a DID is most of the Tokyo Metropolitan area.

The foregoing airspaces can be summarised in Figure 1 (please see the end of the chapter).

Any person who intends to fly a UAV in a prohibited airspace must obtain prior permission of the MLIT, subject to certain exceptions regarding item (b) which are available for Category II operations. An application for permission must provide certain information required by, and meeting specific requirements of, the Standards, including (i) the applicant's name and address, (ii) information identifying the UAVs to be flown (e.g., manufacturers, and the name and weight of the UAVs) except for UAVs that the MLIT has identified on its website (e.g., the Mavic series manufactured by DJI), (iii) the purpose, date and time, route and altitude of the flights, (iv) the reason for flying in the prohibited airspace, (v) the functions and performance data of the UAVs, (vi) flight records and ability of the operator, and (vii) the manual for safe flights. Examples of specific requirements include, in the case of item (vi), the operator having at least 10 hours' experience of flying the same kind of UAV covered by the application.

6. Operational conditions

(1) **General**

Under the CAA, UAV operators must:

(a) not operate UAVs while under the influence of alcohol or medication, including illegal drugs;
(b) confirm that all necessary preparations have been completed, including confirming the externals

(e.g., batteries, propellers and cameras being firmly installed onto the drones) and functions of UAVs, weather, and other flight conditions prior to operation;

(c) operate UAVs in a manner that prevents any collisions with aircraft or other UAVs;

(d) not operate UAVs in a manner that causes any issues with third parties, including by making unnecessary noise or causing UAVs to nosedive;

(e) operate UAVs only in the daytime;

(f) operate UAVs within visual line of sight of the operator;

(g) maintain a certain operating distance (30 metres) between UAVs and persons or properties on the ground or water surface;

(h) not operate UAVs over event sites where many people gather;

(i) not transport hazardous materials specified in the relevant ordinance by UAVs; and

(j) not drop any object from UAVs except for the goods specified in the relevant ordinance.

For the purposes of the foregoing conditions:

- "Daytime" under condition (e) means from sunrise to sunset, as announced by the National Astronomical Observatory of Japan, which differs depending on the area and time of year.
- "Visual line of sight" under condition (f) means that the operator is able to oversee by naked eye but does not include overseeing through binoculars.
- "Persons" under condition (g) do not include persons who are, directly or indirectly, related to the UAV operator (the "**Related Persons**"), and "properties" do not include properties controlled by Related Persons, such as cars, trains, vessels, airplanes, construction machines, buildings, houses, factories, storehouses, bridges, power plants, telephone poles, telephone cables, traffic signal, and street lights. "Properties" do not include land and nature (e.g., trees, grasses and weeds). In this regard, if an operator flies UAVs in a city area, it would not be easy to find an area where there are no persons other than Related Persons and no properties other than those controlled by Related Persons. Thus, operators will need approval to operate UAVs outside the parameters of condition (g).
- For "event sites" under condition (h), the CAA cites festivals and exhibitions as examples. According to the interpretation published by the MLIT, if many people gather on specific dates or in specific locations, such as concerts and demonstration marches, these will be considered as event sites.
- "Hazardous materials" under condition (i) means explosives, high-pressure gas, inflammable fluids and other harmful materials that are the same as any materials that airplanes are prohibited from transporting.
- To "drop any object from UAVs" under condition (j) includes spraying water or other liquids (e.g., agricultural chemicals).

Conditions (a) through (d) are absolute without exception. A person who intends to operate a UAV without complying with conditions (e) through (j) must obtain prior approval of the MLIT, subject to certain exceptions regarding conditions (e), (f) and (g) which are available for Category II operations. The applicant for an approval must comply with the specified requirements under the Standards.

(2) **Requirements for BVLOS**

BVLOS is beyond the scope of operating condition (f) above; thus, it requires MLIT approval in general. Under the Standards for both Category II operation and Category III operation, BVLOS without visual observers must conform to stricter conditions to receive approval, e.g., in terms of UAV functions, the operator's experience, and safety measures.

(3) **Guidelines for cargo delivery**

There are currently no regulations in place for commercial drone cargo deliveries, but there are "Guidelines for the Delivery of Cargos and Other Items Using Drones" which the MLIT first published in 2021 and amended in 2023. These guidelines set out the procedures for implementing delivery by drones and the rules that must be observed for businesses planning to conduct deliveries using drones, but they are not legally binding.

7. Penalties

A person who violates CAA regulations may be subject to penalties that vary depending on the severity of the violation and at the maximum can be imprisoned for up to two years or fined up to JPY 1,000,000. A person who operates UAVs under the influence of alcohol or medication in public areas (e.g., roads, parks, public squares and stations) may be subject to imprisonment for up to one year or a fine of up to JPY 300,000. Further, the MLIT may cause any party who operates, designs, manufactures, maintains or alters UAVs to report such operation, design, manufacture, maintenance or alteration and may inspect UAVs and related property by entering a person's office and any place where UAVs are stored.

8. Supplemental provision

When the CAA was amended to introduce the regulations on UAVs, it also stipulated a supplemental provision that the State will examine possible actions to make further contributions to the safe flights of UAVs and to serve the sound development of businesses using UAVs, based on the progress of technologies relating to UAVs, the diversification of the use of UAVs and other circumstances, and the State will take necessary measures based on the results of that examination. In line with the supplemental provision of the CAA, the CAA and the Standards have been amended or revised, and will continue to be amended or revised from time to time.

C. Drone Act

This law was enacted on 17 March 2016 and took effect the following month on 7 April, just before the G7 Foreign Ministers' Meeting in Hiroshima, Japan. The purpose of the law is to prevent danger in the facilities and to secure the central affairs of the State, maintenance of good international relationships and public safety. Thus, it differs from the purpose of the CAA, which is to secure the safety of aviation. The Drone Act prohibits UAV flights over important facilities, including the Houses of Parliament, the Prime Minister's Official Residence, buildings of government Ministries, the Supreme Court, the Imperial Palace, nuclear plants, important facilities designated by the Ministry of Defense, major airports, and areas within approximately 300 metres of these facilities.

The definition of UAVs under the Drone Act is basically the same as under the CAA. However, this law prohibits the flights of UAVs weighing less than 100 grams. Under this law, UAV flights over important facilities and surrounding areas are permitted only if the operator (a) is an administrator of the facilities or has obtained the consent of the facility administrator, (b) owns the land or has obtained the consent of the

owner of the land, or (c) flies the UAV to perform services for the State or local governments, and submits a notification to the Public Safety Commission through the Police Station with jurisdiction over the facilities, 48 hours prior to the flight. Any person who violates the Drone Act may be subject to imprisonment for up to one year or a fine of up to JPY 500,000.

D. Civil Code

The handling of land ownership is material to the further development of flights of UAVs. Under the Civil Code, land ownership extends above and below the land and allows owners to exclude third parties to that extent. Any person who violates land ownership may be subject to tort action under the Civil Code, and the owner may seek damages against that person. In addition, the owner may seek an injunction to prevent that person from violating the owner's rights of ownership.

While there are no provisions which set the limits as to how far ownership extends over or under the land surface, it is generally interpreted that ownership extends to the extent that the owner's interests exist. For instance, for flights of airplanes, it is generally considered that they would not constitute a violation of land ownership because airplanes fly considerably higher up and thus it is beyond the altitude where the owner's interests exist. However, UAVs usually fly lower than airplanes. In fact, permission is required if UAVs fly in airspaces within 150 metres of the ground or water surface level (see Section B.2). Further, to develop cargo delivery services by UAVs in city areas, it would almost always be necessary to fly closer to the ground surface. In this regard, there are currently no rules that deal with the relationship between land ownership and UAV flights. A paper published by the Council, after a meeting held in June 2021, states that flying over land owned by a third party does not always infringe the owner's land ownership, but also states that it is difficult to uniformly determine the extent of the owner's interests and the determination will be made on a case-by-case basis, depending on the building or other fixtures installed on the land. While it would be difficult to set a clear line as to how UAVs should fly over private land without violating the rights of owners, it is necessary to provide certain comfort to business operators of UAVs.

E. Radio Wave Act

UAVs are operated by telecommunications, using radio frequencies between a device on the UAV and the controller in the hands of an operator. Under the Radio Wave Act, an electric facility which transmits and receives radio frequencies and its operator are collectively defined as a Radio Station (*musen-kyoku*). Establishing a Radio Station generally requires a licence, except for a Radio Station which transmits a very weak radio wave or is specifically excluded by the Radio Act and its ordinance. UAVs which are commercially available to consumers are generally equipped with a device that does not require a licence to operate. However, the device which uses a system for transmitting data from UAVs (*musen-idoutai-tsuushin* system), which was introduced on 31 August 2016, so that UAVs can transmit large-volume data, requires a licence for establishing a Radio Station. Further, the operator of a Radio Station must have the qualifications designated under the Radio Wave Act and its ordinance.

If a party would like to equip a UAV with a device in the same manner as a mobile phone that can transmit and receive large-volume data, it can ask a mobile phone operator to do so without need for a licence for establishing a Radio Station. The radio frequency bands that are currently available for this usage are 800 MHz, 900 MHz, 1.7 GHz, and 2 GHz. Further, in July 2024, the Ministry of Internal Affairs and Communications, which is the key regulator of the Radio Wave Act, started discussions to allow the equipping of a device using a band of 2.5 GHz or more on UAVs.

F. Local Regulations (*jourei*)

Local governments such as the Tokyo Metropolitan Government and other prefectures have the authority to establish regulations (*jourei*) covering areas governed by them to the extent that they do not conflict with national laws. For instance, many local governments have regulations for the use of public gardens. Most of them prohibit and penalise acts that impede the management of public gardens. For example, under the Regulations for Gardens of the Tokyo Metropolitan Government, a person cannot make an act that hampers the management of gardens without the permission of the Governor, under the threat of a penalty of up to JPY 50,000.

G. On the Horizon

The Council which met in April 2024 published an outline for developing a UAV traffic management system ("**UTM**"). According to the outline and the Roadmap published in November 2024, the UTM will be developed with the goal of completion in fiscal year 2026 or later and to that end, the CAA and relevant regulations are expected to be amended to set up the UTM. Further, in October 2024, MLIT established a study group to examine the possible conditions to allow multiple UAVs to be operated by an operator at the same time. If the study group can establish these conditions, that would be an important milestone to promote businesses which use UAVs.

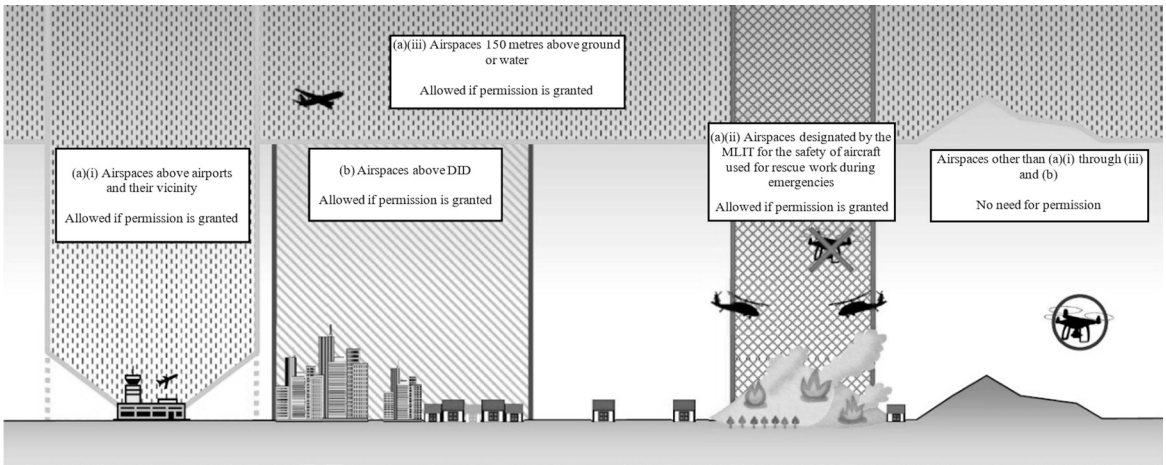

Figure 1: From the website of the MLIT, with modifications added by the authors for this chapter.

Hiromi Hayashi is a partner at Mori Hamada, which Hiromi joined in 2001. Hiromi specialises in communications law and regulation, and authored the Japanese portion of Telecommunications in Asia in 2005. Hiromi's other areas of practice are international and domestic transactions, takeover bids and corporate restructuring. Hiromi was admitted to the Bar in 2001 in Japan and in 2007 in New York. Hiromi worked at Mizuho Corporate Bank from 1989 to 1994 and Davis Polk & Wardwell in New York from 2006 to 2007.

Mori Hamada
Marunouchi Park Building
2-6-1 Marunouchi, Chiyoda-ku
Tokyo 100-8222
Japan

Tel: +81 3 5220 1811
Email: hiromi.hayashi@morihamada.com
LinkedIn: www.linkedin.com/in/hiromi-hayashi-25676384

Koji Toshima is a partner at Mori Hamada, which he joined in 2000.
While he has focused on corporate and securities transactions, including M&A and venture investment, he has led the Robotics Practice Group in the firm since 2015, focusing on new technologies such as drones, autonomous cars, and data protection.
Koji was admitted to the Bar in 2000 in Japan, and in 2006 in New York. He worked at Sullivan & Cromwell in New York from 2005 to 2006, and at the Tokyo Stock Exchange from 2006 to 2007.

Mori Hamada
Marunouchi Park Building
2-6-1 Marunouchi, Chiyoda-ku
Tokyo 100-8222
Japan

Tel: +81 3 5223 7789
Email: koji.toshima@morihamada.com
LinkedIn: www.linkedin.com/in/koji-toshima-bb940332

Tetsuji Odan is a senior associate at the Tokyo office of Mori Hamada. He focuses on regulatory matters, including aviation, space, radio and telecommunications, and antitrust law. Tetsuji was admitted to the Bar in 2016 in Japan. He received his LL.B. from Keio University in 2014.

Mori Hamada
Marunouchi Park Building
2-6-1 Marunouchi, Chiyoda-ku
Tokyo 100-8222
Japan

Tel: +81 3 6213 8180
Email: tetsuji.odan@morihamada.com
LinkedIn: www.linkedin.com/in/tetsuji-odan-397390223

Mori Hamada is a full-service international law firm based in Tokyo, with offices in Fukuoka, Nagoya, Osaka, Takamatsu, Sapporo, Yokohama, Beijing, Shanghai, Singapore, Yangon, Bangkok, Ho Chi Minh City, Hanoi and New York. The firm has over 740 attorneys and a support staff of approximately 660, including legal assistants, translators and secretaries. The firm is one of the largest law firms in Japan and is particularly well known in the areas of M&A, finance, litigation, insolvency, telecommunications, broadcasting and intellectual property, as well as domestic litigation, bankruptcy, restructuring and multi-jurisdictional litigation and arbitration. The firm regularly advises on some of the largest and most prominent cross-border transactions, representing both Japanese and foreign clients. In particular, the firm has extensive practice in, exposure to and expertise in telecommunications, broadcasting, the internet, information technology and related areas, and provides legal advice and other legal services regarding the corporate, regulatory, financing and transactional requirements of clients in these areas.

www.morihamada.com

MORI HAMADA

iclg International Comparative Legal Guides

The **International Comparative Legal Guides** (ICLG) series brings key cross-border insights to legal practitioners worldwide, covering 58 practice areas.

Aviation Law 2025 features two industry chapters, three expert analysis chapters and 24 Q&A jurisdiction chapters covering key issues, including:

- General Aviation Law
- Aircraft Trading, Finance and Leasing
- Litigation and Dispute Resolution
- Commercial and Regulatory
- The Future of Aviation Law

The International Comparative Legal Guides are published by: glg Global Legal Group