

MINISTRY OF DEFENCE OF HUNGARY
AUTHORITY DEPARTMENT
1055 Budapest, Balaton utca 7-11. •
PHONE: +36 (1) 474-1184 • FAX: +36 (1) 474-1248
POSTAL ADDRESS: Budapest, P. O. Box: 25., H-1885 Hungary
E-MAIL: hm.hf@hm.gov.hu
WEBSITE: <http://hm.hatosagihivatal.kormany.hu>

INFORMATION ON EXECUTING AERIAL REMOTE SENSING IN HUNGARY

Pursuant to Subsection (1) of Article 30 of Act XLVI of 2012 on Surveying and Mapping Activities¹ (abbr.: SMA) the execution of aerial remote sensing, aerial data capture, release of data or the use of them for commercial purposes is conditioned to, besides an existing Activity Permit, be in the possession of a valid permission for executing aerial remote sensing activities as well.

According to paragraph 9 of Article 1 of SMA remote sensing is defined as ‘*capturing data on the ground, from the air or the space, suitable for executing measurements and map making, the aim and the result of which are to collect surveying, mapping, geophysical, geological and navigational data*’.

Based on Subsection (2) of Article 30 of SMA the Government will define the way of execution of remote sensing as well as the use of remote sensing data in Government Decree 399/2012. (XII. 20.) on the Order of Authorization of Remote Sensing and the Use of Data Obtained by Remote Sensing² (in short: Government Decree).

Pursuant to Subsection (1) of Article 1 of the Government Decree applications for issuing aerial remote sensing (in short: remote sensing) permissions shall be submitted to the organization liable for defence map support,

Name: Ministry of Defence of Hungary
Address: 1055 Budapest, Balaton utca 7-11.
Phone: +36-1- 474-1184
Fax: +36-1- 474-1248
E-mail: hm.hf@hm.gov.hu
Postal address: Budapest, P. O. Box: 25., H-1885 Hungary

¹ 2012. évi XLVI. törvény a földmérési és térképészeti tevékenységről, available in Hungarian, <https://net.jogtar.hu/jogszabaly?docid=A1200046.TV&searchUrl=/gyorskereso%3Fkeyword%3Df%25C3%25B6ldm%25C3%25A9r%25C3%25A9>

² 399/2012 (XII. 20) Korm. Rendelet a légi távérzékelés engedélyezésének és a távérzékelési adatok használatának rendjéről, available in Hungarian, <https://net.jogtar.hu/jogszabaly?docid=A1200399.KOR&searchUrl=/gyorskereso%3Fkeyword%3D399/2012>

Beyond indicating the name and the address/seat of the applicant (individual or legal person), which, pursuant the provisions of Act CL of 2016 on the Code of General Administrative Procedure³ (abr.: CGAP), is a demand, the following data shall also be provided:

- a) Phone and fax number(s) and e-mail address(es) of the applicant;
- b) Place of the remote sensing (working area), place of take-off and landing (airport), flight plan with flight courses indicated on a map or a map sketch of a map in three copies;
- c) Intended time (period) of the execution;
- d) Type and registration mark of the aircraft(s), name(s) of its/their operator(s);
- e) Name, address, and phone number of the person executing the remote sensing;
- f) Serial number of Activity Permit for Aerial Remote Sensing issued by the Aviation Supervisory Department, Deputy State Secretary for Transport Authority, Ministry for Innovation and Technology on the basis of the provisions of Act XCVII of 1995 on Air Traffic⁴,
- g) Purpose of aerial remote sensing;
- h) Technical parameters of the remote sensing and the appliances to be used;
- i) Indicate if you would forwarding the data, images or signs, captured or recorded during the remote sensing (in short: remote sensing data) in commercial telecommunication ways since these activities may need further permissions; and
- j) A statement by the holder of the authorization of the data if the financial sources employed during the remote sensing contained, in part or in whole, public funds or not.

(The application shall be dated, signed, and stamped, if available).

The Ministry of Defence of Hungary (in short: MoD), as the organization liable for defence map support, is authorized to carry out regulatory inspection any time during the remote sensing without prior notification.

The procedure of remote sensing starts with submitting an application for aerial remote sensing and ends by the verification of the flight course, the data collected or the area covered during remote sensing, including on-site (airport) regulatory inspection as well. Remote sensing may be carried out by take-off and landing from/to Hungarian airports.

Being in the possession of a Permission for Aerial Remote Sensing (in short: Permission), the Permittee shall provide MoD, the at least two working days before the day of taking off, in writing (may be sent by fax or e-mail, too), with the following data:

- a) Serial number of Permission for Aerial Remote Sensing;
- b) Registration mark of the aircraft, if available;
- c) Time and place of take-off and landing;
- d) Place of remote sensing (working area);
- e) Type(s) of aerial data capturing device(s) (cameras); and
- f) Serial number(s) of data capturing or data storage device(s)

³ 2016. évi CL. törvény az általános közigazgatási rendtartásról, available in Hungarian, <https://net.jogtar.hu/jogszabaly?docid=A1600150.TV&searchUrl=/gyorskereso%3Fkeyword%3D150%25202016>, English translation: <https://net.jogtar.hu/getpdf?docid=a1600150.tv&targetdate=&printTitle=Act+CL+of+2016&dbnum=62&getdoc=1>

⁴ 1995. évi XCVII. törvény a légi közlekedésről, available in Hungarian, <https://net.jogtar.hu/jogszabaly?docid=99500097.TV&searchUrl=/gyorskereso%3Fkeyword%3D97%25201995>

In the case of regulatory inspection the Permittee shall provide all technical and technological support necessary to carry out the supervision. **Being in the possession of a Permission aerial remote sensing tasks may be carried out without the presence of a MoD supervisor.**

If classified data is likely to have been captured in the course of remote sensing, MoD, upon landing, is entitled to carry them to the seat of MoD.

Should the Permittee carry out aerial remote sensing other than it was specified in the Permission, MoD, may, once for all, keep back data upon landing without compensation.

The person carrying out aerial remote sensing shall log its activities by filling out a data sheet with the inclusion of the following data:

- a) Serial number of Permission for Aerial Remote Sensing;
- b) Registration mark of the aircraft;
- c) Actual time and place of take-off and landing;
- d) Place of remote sensing (working area) and primary purpose of the use of data;
- e) Type(s) and serial number(s) of aerial data capturing device(s) (cameras);
- f) Types of data store, data carrier, the store place of captured data;
- g) Serial number(s) of data capture or data storage device(s);
- h) Corner point coordinates of areas covered by the data stored on the data storage devices having individual sequence numbers, and, if possible, sequence numbers of the first and the last images;
- i) Time of possible change(s) of data capturing or data storage device(s); and
- j) Disturbing factors may have caused alterations from the Permission.

The Permittee shall forward the filled out data sheet, or, report the accidental failure it, to MoD on the first working day after landing (may be sent by fax or e-mail, too).

If classified data is not likely to have been captured in the course of remote sensing (in the case of the Permission was granted for areas not possessing classified data) the data obtained by aerial remote sensing may be without restrictions, provided that **the Permittee forwards all information showing the course(s) and the area(s) covered during the flight(s) to justify that aerial remote sensing was carried out over the territory(ies) pursuant to those were admitted in the Permission, latest on the first working day after the processing of the data have been done (e.g. by representing the entire route based on GPS data).**

Objects over, or in the likely vicinity of, classified information may arise in the course of remote sensing, only those companies may execute remote sensing, which, besides having a registered place of business in Hungary and a valid permission for remote sensing,

- a) are in the possession of all conditions needed for handling classified data as determined in Act CLV of 2009 on The Protection of Classified Data⁵;
- b) entering into a contract with MoD to handle classified data; and
- c) certifies the performance of state and public duties according to the Act on The Protection of Classified Data.

In the case of permissions issued for aerial remote sensing based on the above conditions the process of the remote sensing will last to the commencement of the classifying procedure of the remote sensing data.

⁵ 2009. évi CLV. törvény a minősített adat védelméről, available in Hungarian, <https://net.jogtar.hu/jogszabaly?docid=A0900155>, English translation: https://europam.eu/data/mechanisms//FOI/FOI%20Laws/Hungary/Hungary_Protection%20of%20Classified%20Information_2009.pdf