

The Spotters are not out of Law

What are the Spotters?

The Spotters are unprofessional photographers who are learned in taking photos of airplanes, and in order to follow this passion they often lie in airports border waiting for the airplanes moving for landing or taking off.

Introduction

Sometimes happens to see ranks of spotters lie along the airports border or on helicopters and waiting for immortalizing, with their powerfulness telephoto lens, liveries of airplanes, or recording the flying circus evolutions.

Although I'm a unprofessional photographer too, because of my status of soldier and my being an air traffic controller as job, I have to look out on their presence and in case to call the surveillance where the military rules or the civil laws are broken.

The complex of the law rules which orders the world of photography in particular, and of the images in general, goes back to an earlier period of the Constitution emanation. So the photographic legislation is as a too stiff structure and not often suitable for the needs of the photo-cinema shooting. Let's have a look now at the rules which order the field where the military or civil airports are.

Military Airports

Introduction: In Italy, sometimes is not easy distinguishing a civil airport from a military one, in fact there are a lot of military airports opened to civil traffic (for example "G. Galilei" of Pisa, "Ciampino" of Rome, "Villafranca" of Verona ...) which are wrongly mistaken for civil airports (ex. Logistic zone of Linate).

The forbiddance of photographic shootings in military airports is ratified from "Regio Decreto" 11 July 1941 n.1161(laws concerning the military secret) and the "Codice Penale" (Artt. 256, 257, 258, 260 e 262). The "Regio Decreto" 1161/1941 is composed of 10 articles and 11 attachments. The Penal Code articles are written on the signs installed at the borders of military areas, but they don't explicitly contemplate the prohibition of photo-cinema shootings. Anyway from the interpretation of the articles of the "Regio Decreto" is easy to deduce the generalized forbiddance of photographic shootings in military zones; moreover the R.D. talks about some sensitive aims for that is clearly reported the forbiddance of taking photos.

Concerning aerial shooting, the decree law of the "Presidente della Repubblica" 29 September 2000 n.367 abolished the previous normative, allowing the execution of the same law without the necessity of public Authority authorizations. This normative allows now the free aerial shooting of the national area (in compliance with the normative which rule the aerial job and not the air liner transport); anyway the subjects of the shootings don't have to brake the limits imposed by the "Penal Code" and by the "Regio Decreto" quoted yet. However there are areas where the flight

over is interdicted in, so is convenient informing with the Offices of the Aerial Traffic Authority before planning aerial photographic tours (e.g. military flight lines, monumental areas...)

Temporary forbiddances: due to public security or national security, competent military or Public Security Authorities can arrange for shootings prohibitions on the national territory or on the territorial water with specific aeronautical publications (e.g. NOTAMs ...). In case of in-observance, the military or Public Security Authorities can anyway arrange for the attachment or for the consign of the photographic material.

I suggest spotters of reading the Penal Code articles in order to avoid breaking them, i.g. Art. 257 – politic or military espionage – quotes: “ Whoever gets, with the aim of politic or military espionage, news which, for the State security, or, in the politic inner or international concerning of the State, have to be secret, is punished with not less than 15-years-reclusion...”.

If a photographer takes a picture an operative military flight which flies to or from an operative theatre and then post the photos on a forum, he reveals secret military news, so he breaks the Art. 262 (revelation of news whose the dissemination is forbidden) with a risk of 15-years-reclusion.

Civil Airports

In order to make photo-cinema shooting in the civil airports, photographers simply have to make a request drawn up in stamped paper, to the Transport Minister – minor airplanes office, in which are specified (other than personal data) the aim and the date of the shootings. It is not necessary to define the equipment to use. Once the authorization is arrived (I don't know how long it lasts to obtain it) you have to show it to the local authority. Anyway there could be particular restriction depending on the kind of airplane and on the security requirements. If the photographer choose to take pictures of the airplanes (such as those which are on the picture and paying attention of not shooting antennas or hangar...) he needs no request.

Conclusions

Are the spotters out of the law? ... Clearly no, unless they respect rules and normative written above. If a guard should expel a photographer, this one could claim showing the guard, with the monitor, that he has not shoot infrastructures but only airplanes. In a military airport a photographer is in the wrong because he can't recognize the kind of operative flight. Obviously the “Regio Decreto” forbids the shooting of military planes in operative context or during the training with weapons on board. Military planes which flies for training (of pilots or to check flying systems) do not belong to OAT type, so called operative. Anyway spotter could break the “Regio Decreto” because he cannot know which the configuration of the on board weapon system is, so he could obtain the image of a system of weapon useful for the spying...so we have to pay attention because appearances decline.

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