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DETEC Ordinance on Special Category Aircraft (OSCA)¹

of 24 November 1994 (Status as of 1 January 2017)

*The Federal Department of the Environment, Transport,
Energy and Communications² (DETEC),*

on the basis of Article 57 paragraphs 1 and 2 of the Civil Aviation Act of 21 December 1948³ (CAA) and of Articles 2a paragraph 3, 21, 24 paragraph 1 and 125 paragraph 2 of the Civil Aviation Ordinance of 14 November 1973⁴, and in implementation of Implementing Regulation (EC) No 923/2012⁵ in the version currently binding on Switzerland in accordance with Annex No 5 of the Agreement of 21 June 1999⁶ between the Swiss Confederation and the European Union on Air Transport,⁷

ordains:

Section 1 Scope of application

Art. 1⁸

This Ordinance applies to hang gliders, both unpowered and with an electric motor, manned kites, paragliders, tethered balloons, parachutes and unmanned aircraft.

AS 1994 3076

¹ Amended by No I of the DETEC Ordinance of 16 Oct. 2009, in force since 1 Dec. 2009 (AS 2009 5399).

² Name in accordance with unpublished Federal Council Decree of 19 Dec. 1977.

³ SR 748.0

⁴ SR 748.01

⁵ Commission Implementing Regulation (EU) No 923/2012 of 26 Sept. 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010.

⁶ SR 0.748.127.192.68

⁷ Amended by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS 2015 1643).

⁸ Amended by No I of the DETEC Ordinance of 24 June 2015, in force since 15 July 2015 (AS 2015 2193).

Section 2 Common Provisions

Art. 2 Swiss Aircraft Registry and airworthiness

¹ Aircraft under Article 1 are not recorded in the Swiss Aircraft Registry.

² Subject to Article 20a, their airworthiness is not tested.⁹

³ No noise certificates are issued for them.

Art. 3 Place of take-off and landing

¹ Aircraft under Article 1, with the exception of hang gliders with electric motors, are under no obligation to take off or land at an aerodrome.¹⁰

² The rights of persons entitled to the property concerned to prevent trespassing and to compensation for any damage caused are in every case reserved.

Art. 4 Public air shows

No authorisation is required from the Federal Office of Civil Aviation (FOCA)¹¹ for public air shows that exclusively involve the use of aircraft under Article 1.

Art. 5 Commercial flights

No authorisation is required from FOCA for commercial flights using aircraft under Article 1.

Art. 5a¹² References to SERA

The provisions of the Annex to Implementing Regulation (EU) No 923/2012 are referred to with the abbreviation “SERA”¹³ and the relevant number.

Section 3 Hang Gliders

Art. 6¹⁴ Definition

Hang gliders are:

⁹ Amended by No. I of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

¹⁰ Amended by No I of the DETEC Ordinance of 24 June 2015, in force since 15 July 2015 (AS 2015 2193).

¹¹ Term in accordance with No I of the DETEC Ordinance of 16 Oct. 2009, in force since 1 Dec. 2009 (AS 2009 5399). This amendment has been made throughout the text.

¹² Inserted by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS 2015 1643).

¹³ SERA = Standardised European Rules of the Air

¹⁴ Amended by No I of the DETEC Ordinance of 24 June 2015, in force since 15 July 2015 (AS 2015 2193).

- a. any aircraft that may be foot-launched, in particular hang gliders and paragliders, provided that immediately after take-off they are used for gliding or parachuting;
- b. hang gliders and paragliders with electric motors that may be foot-launched or that are equipped with undercarriage, provided that after take-off and a subsequent flight phase they can be used for gliding or parachuting.

Art. 7¹⁵ Swiss licences

¹ Any person who wishes to fly a hang glider must hold the relevant official Swiss licence. The minimum age for training flights is 14; the minimum age for acquiring the official licence is 16.

² Any person who wishes to fly a hang glider with an accompanying person (tandem hang glider) must hold the relevant official Swiss licence. An official Swiss licence for commercial tandem hang glider flights is valid for three years.

³ Training flights may only be carried out under the direct supervision of a person holding the official instructor's licence. An instructor's licence is valid for three years.

⁴ The tests required to obtain the licences shall be conducted by FOCA-recognised experts in accordance with FOCA-approved directives. The admission requirements for the tests and the requirements for the renewal of the licences are specified in the directives.

Art. 7a¹⁶ Foreign licences

¹ The holder of a foreign licence may apply to the office designated by FOCA to have the licence recognised in order that they may carry out occasional, non-commercial hang glider flights with or without an accompanying person.

² The holder of a foreign licence that entitles them to carry out an economic activity in the issuing State may apply to the office designated by FOCA to have the licence recognised in order that they may carry out training flights and commercial tandem hang glider flights in Switzerland, provided that one of the following treaties authorises them to do so:

- a. the Agreement of 21 June 1999¹⁷ between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (AFMP), Annex 3;
- b. the Convention of 4 January 1960¹⁸ on the establishment of the European Free Trade Association (EFTA Convention), Annex K.

¹⁵ Amended by No. 1 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

¹⁶ Inserted by No. 2 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

¹⁷ SR 0.142.112.681

¹⁸ SR 0.632.31

³ Service providers with a licence giving them the right to pursue an economic activity in a Contracting State under the AFMP or the EFTA Convention (training and commercial hang glider flights with an accompanying person) shall notify the competent authority in accordance with the Federal Act of 14 December 2012¹⁹ on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions.

Art. 7b²⁰ Licence carrying requirement

A person must carry their licence when flying a hang glider.

Art. 8 Traffic and operating regulations

¹ Taking off and landing on public roads and ski pistes are prohibited.

² When flying, pilots must maintain an adequate distance from or avoid groups of people in the open air, buildings, public roads, ski pistes, public transport infrastructure such as railway lines, cableways and ski lifts, overhead electrical cables and other cables.

³ Flights over national and customs borders are permitted provided no goods are being carried; the pilot must carry the documents required to cross the border. Foreign legal provisions are reserved.

⁴ Flying hang gliders on public waters is subject to the federal legislation on the inland navigation and the relevant cantonal regulations.

⁵ The towing of hang gliders using winches, vehicles or ships to an altitude exceeding 150 m above the ground is subject to authorisation from FOCA.

⁶ In addition, the regulations applicable to gliders in Regulation (EU) No 923/2012 and the DETEC Ordinance of 20 May 2015²¹ on Traffic Regulations for Aircraft apply, with the exception of the regulations on minimum altitude.²²

Art. 9 Flight restrictions

¹ The use of hang gliders below a height of 2000 feet above the reference point of an aerodrome without a control zone (CTR) or with an inactive CTR is prohibited:²³

- a. within a distance of 5 km from the runways of any civil aerodrome intended for use by aircraft;
- b. within a distance of 5 km from the runways of any military aerodrome intended for use by aircraft during military flight duty times;

¹⁹ SR 935.01

²⁰ Inserted by No. 2 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

²¹ SR 748.121.11

²² Amended by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS 2015 1643).

²³ Amended by No. 1 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

- c.²⁴ within a distance of 2.5 km from the reference point of a helipad.
- 2 If safety is guaranteed, exceptions to these restrictions may be authorised:
- a. at aerodromes with air navigation services: by the air traffic control unit in agreement with the aerodrome manager;
 - b. at other aerodromes: by the aerodrome manager.²⁵

Art. 10 Third party liability insurance

¹ Third party liability claims made by third parties on the ground must be covered by the hang glider proprietor in a third party liability insurance policy with guaranteed cover of at least one million francs.

^{1bis} The owner of the tandem hang glider must have liability insurance for a guaranteed amount to cover passenger liability claims; the guaranteed amount for commercial flights is at least CHF 5 million, and for other flights, CHF 1 million.²⁶

² If the proprietor is resident abroad, a foreign third party liability insurance policy in his or her name with the same guaranteed cover is sufficient for flights in Switzerland, provided this policy also covers third party claims made in Switzerland.

³ The pilot must carry the third party liability insurance certificate when flying the hang glider.

Art. 10a²⁷ Special provisions for hang gliders with electric motors

¹ Hang gliders with electric motors must meet the airworthiness requirements of the German Federal Aviation Office (LBA) for gravity controlled microlight aircraft of types foot-launch UL and trike in its version of 17 March 2005²⁸ or an earlier version that was applicable at the time of type certification.

² They may only take off from and land at aerodromes.

³ Authorisation from the aerodrome manager is required for take-off and landing.

²⁴ Amended by No. I of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

²⁵ Amended by No. I of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

²⁶ Inserted by No. 2 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

²⁷ Inserted by No I of the DETEC Ordinance of 24 June 2015, in force since 15 July 2015 (AS 2015 2193).

²⁸ The airworthiness regulations can be obtained for a fee from the German Federal Aviation Office or from the publisher acting on its behalf at www.lba.de > A-Z > Gesetze und Verordnungen > Nachrichten für Luftfahrer und Luftfahrthandbuch.

Section 4 Manned kites, Paragliders and Tethered Balloons

Art. 11 Authorisation requirement and third party liability insurance²⁹

¹ Manned kites, paragliders and tethered balloons may only be flown with authorisation from FOCA. FOCA shall specify the requirements for authorisation and the operating conditions on a case-by-case basis.

² Third party liability claims made by third parties on the ground must be covered by the aircraft proprietor in a third party liability insurance policy with guaranteed cover of at least one million francs.

Art. 11a³⁰ Traffic regulations

With the exception of the regulations on minimum altitude, the following traffic regulations apply to manned kites, paragliders and tethered balloons:

- a. in the first place, those contained in Implementing Regulation (EU) No 923/2012;
- b. the regulations contained in this Ordinance, where applicable.

Section 5 Parachutes

Art. 12³¹ Traffic regulations

Parachute jumps are subject to the regulations contained SERA.3101, 3115, 3125, 3145, 3201 und 3205.

Art. 12a³² Authorisation requirement

¹ Parachute jumps over and in the vicinity of aerodromes, or in airspace of Classes C und D require authorisation.

² Authorisation is granted by the competent air traffic control unit or, if there is no such unit at the aerodrome, by the aerodrome manager.

²⁹ Amended by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS **2015** 1643).

³⁰ Inserted by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS **2015** 1643).

³¹ Amended by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS **2015** 1643).

³² Inserted by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS **2015** 1643).

Art. 12^{b33} Landing area for parachute jumps outside aerodromes

¹ The landing area must be reconnoitred before the jump. It must be free of obstacles in relation to the type of parachute used and be marked with a clearly visible. The surface wind must be indicated by a windsock or other suitable device.

² Before a landing area is marked, permission must be obtained from the proprietor of the land.

³ Landings on public roads are prohibited. Landings in densely populated zones of settlements or on public waters are only permitted with the consent of the competent police authorities.

Art. 12^{c34} Jump supervision

¹ Jumps must be made under the direct supervision of a responsible manager.

² They may only be made when an observer has confirmed by radio or signals that the required airspace is free of aircraft.

Art. 13 Third party liability insurance

¹ Third party liability claims made by third parties on the ground must be covered by the parachute proprietor in a third party liability insurance policy with guaranteed cover of at least one million francs.

² For the case of an emergency jump, the policy for the aircraft that guarantees third party liability claims made by the third parties on the ground must also cover the use of the parachute.

³ The third party liability insurance certificate must be carried when jumping.

Section 6 Unmanned Aircraft weighing over 30 kg**Art. 14** Categories

¹ Unmanned aircraft, in particular manned kites, paragliders, tethered balloons, free-flying balloons and model aircraft that weigh more than 30 kg may only be flown with authorisation from FOCA. The FOCA shall specify the requirements for authorisation and the operating conditions on a case-by-case basis.

² Third party liability claims made by third parties on the ground must be covered by the aircraft proprietor in a third party liability insurance policy with guaranteed cover of at least one million francs.

³³ Inserted by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS 2015 1643).

³⁴ Inserted by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS 2015 1643).

Art. 14a³⁵ Traffic regulations

¹ The following traffic regulations, with the exception of the regulations on minimum altitude, apply to unmanned aircraft weighing over 30 kg:

- a. in the first place, those contained in Implementing Regulation (EU) No 923/2012;
- b. the regulations contained in this Ordinance, where applicable.

² The following traffic regulations apply to model aircraft:

- a. of those contained in Implementing Regulation (EU) No 923/2012, only SERA.3101, 3115, 3120 und 3145;
- b. the regulations contained in this Ordinance, where applicable.

Section 7 Unmanned aircraft weighing up to 30 kg**Art. 14b³⁶** Traffic regulations

¹ The following traffic regulations, with the exception of the regulations on minimum altitude, apply to unmanned aircraft weighing up to 30 kg:

- a. in the first place, those contained in Implementing Regulation (EU) No 923/2012;
- b. the regulations contained in this Ordinance, where applicable.

² The following traffic regulations apply to model aircraft:

- a. of those contained in Implementing Regulation (EU) No 923/2012, only SERA.3101, 3115, 3120 und 3145;
- b. the regulations contained in this Ordinance, where applicable.

Art. 15 Restrictions on manned kites, paragliders and tethered balloons

It is prohibited to fly manned kites, paragliders and tethered balloons:

- a. higher than 60 m above the ground;
- b. within a distance of 3 km from the runways of any civil or military aerodrome.

Art. 16³⁷ Restrictions on free-flying balloons

¹ It is prohibited to release free-flying balloons:

³⁵ Inserted by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS **2015** 1643).

³⁶ Inserted by Annex 2 of the DETEC Ordinance of 20 May 2015 on Traffic Regulations for Aircraft, in force since 15 June 2015 (AS **2015** 1643).

³⁷ Amended by No. 1 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS **2016** 2999).

- a. filled with combustible gas;
- b. carrying a load exceeding 2 kg; or
- c. with a volume exceeding 30 m³.

² The following restrictions apply within a distance of 5 km from the runways of any civil or military aerodrome:

- a. The volume of the balloon may not exceed 1 m³.
- b. No balloons with an open flame (sky lantern) or with an attached payload may be released, with the exception of competition response cards not exceeding A4 size that are attached to the balloons.
- c. No more than 300 balloons may be released at the same time.
- d. The balloons may not be tied together.

Art. 17³⁸ Restrictions on model aircraft

¹ Any person who flies a model aircraft weighing up to 30 kg must always maintain direct eye contact with the aircraft and must be able to steer it at all times.³⁹

² Flying model aircraft weighing between 0.5 and 30 kg is prohibited:

- a. within a distance of 5 km from the runways of any civil or military aerodrome;
- b.⁴⁰ in active CTRs, if the aircraft may exceed an altitude of 150 m above the ground;
- c.⁴¹ within a radius of 100 metres from groups of people in the open, unless the flight takes place at a public air show under Article 4.

Art. 18⁴² Exceptions to the restrictions

¹ Exceptions to the following restrictions may be authorised as follows:

- a. restrictions under Articles 15 letter b, 16 paragraph 2 and 17 paragraph 2: letters a and b;
 1. at aerodromes with air navigation services: by the air traffic control unit in agreement with the aerodrome manager,
 2. at other aerodromes: by the aerodrome manager;

³⁸ Amended by No I of the DETEC Ordinance of 16 Oct. 2009, in force since 1 Dec. 2009 (AS 2009 5399).

³⁹ Amended by No. I of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

⁴⁰ Amended by No. I of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

⁴¹ Inserted by No I of the DETEC Ordinance of 30 June 2014, in force since 1 Aug. 2014 (AS 2014 2315).

⁴² Amended by No I of the DETEC Ordinance of 16 Oct. 2009, in force since 1 Dec. 2009 (AS 2009 5399).

b. restrictions under Articles 15 letter a, 16 paragraph 1 CTR: by FOCA.⁴³

² Such exceptions may only be authorised if the other users of the airspace and third parties on the ground are not endangered.

³ The authorisation may be made subject to conditions.

Art. 19 Cantonal regulations

The cantons may issue regulations for unmanned aircraft that weigh less than 30 kg on the reduction of environmental pollution and on the risk to persons and property on the ground (Art. 51 para. 3 CAA).

Art. 20 Third party liability insurance

¹ Third party liability claims made by third parties on the ground must be covered by the proprietor in a third party liability insurance policy with guaranteed cover of at least one million francs.

² Cover for third party liability claims is not required for:

- a. manned kites and paragliders that weigh less than 1.0 kg and that have a maximum climbing height of less than 60 m;
- b. tethered balloons with a load capacity of less than 0.5 kg, a load volume of less than 30 m³ and a maximum climbing height of less than 60 m;
- c. free-flying balloon with a load capacity of less than 0.5 kg and load volume of less than 30 m³;
- d. model aircraft that weigh less than 0.5 kg.

³ The third party liability insurance certificate must be carried when the aircraft are in operation.

Section 7a⁴⁴ Type-Certificate for Model Aircraft

Art. 20a

¹ Type-certificates for model aircraft may be requested from the FOCA.

² The licensing procedure and airworthiness requirements are governed by Articles 9 paragraphs 1 and 2, and 10 of the DETEC Ordinance of 18 September 1995⁴⁵ on Airworthiness of Aircraft.

⁴³ Amended by No. I of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

⁴⁴ Inserted by No I of the DETEC Ordinance of 4 10 Aug. 2016, in force since 1 Jan. 2017 (AS 2016 2999).

⁴⁵ SR 748.215.1

Section 7b⁴⁶ Criminal Provisions**Art. 20b⁴⁷**

Any person who fails to comply with an obligation under Article 10 is liable to the penalties set out in Article 91 paragraph 1 letter i CAA.

Section 8 Final Provisions**Art. 21** Repeal of current legislation

The following are repealed:

- a. the Hang Glider Ordinance of 14 March 1988⁴⁸;
- b. the Ordinance of 14 March 1988⁴⁹ on Restrictions on Certain Aircraft and Projectiles.

Art. 22 Amendment of current legislation

...⁵⁰

Art. 23 Transitional provision

Insurance cover for third party liability claims must comply with Articles 11 paragraph 2 and 20 paragraph 1 within six months at the latest after this Ordinance comes into force.

Art. 24 Commencement

This Ordinance comes into force on 1 January 1995.

⁴⁶ Originally: Section 7a. Inserted by No. I 8 of the DETEC Ordinance of 4 March 2011, in force since 1 April 2011 (AS 2011 1155).

⁴⁷ Originally: Art. 20a.

⁴⁸ [AS 1988 549]

⁴⁹ [AS 1988 554, 1992 548 No II 2]

⁵⁰ The amendments may be consulted under AS 1994 3076.

