



## Answers to the questions of the webinar EN from 15.02.2023

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#### 1 **Model Aircraft**

##### **What distinguishes a model aircraft from a drone?**

There are three points which can be used as distinguishing features: Firstly, the purpose: model aircraft are used for the purpose of sport, recreation, training or demonstration. Secondly, model aircraft are always flown in line of sight (VLOS, not EVLOS). Thirdly, model aircraft have little autonomy capabilities. The purpose of model flying is for the skill and pleasure of controlling a model aircraft. Any autonomy skills are used only for attitude stabilization and emergencies. One cannot join a model flying club to operate one's drone according to the rules for model aircraft. The same applies to model aircraft pilots who own drones in addition to model flying. These drones must be flown according to the rules for "drones".



## **2 UAS.gate / Registration / Certificates**

### **Will the A1/A3, A2 training and exam also be available in English?**

For the moment we offer training material and exam only in the national languages (D, F, I). Pilots who would like to do the training and exam in English, would have to check, if other countries in the EU (not the UK) offer such training or exams in English. We are sorry for this inconvenience.

### **Will other entities be able to offer A2 training in Switzerland?**

FOCA is currently looking into possibilities of outsourcing the A2 and STS certificates in order to offer a better service.

### **If the drone is being used by the company, how does the registration work? Which number has to be put on the drone?**

The registration does not concern the drone itself, and as far as the drone operator certification is concerned, neither a legal entity as the owner of the drones to be operated. This means that it is primarily the remote pilots as natural persons who register and complete the training required for the planned operations (certificates A1/A3, A2 ect.) as these are only available for natural persons. The UAS operator number (CHExxxxxxxxxxxx-xyz) generated by the registration as a natural person is to be used for the identification of the drones for which the natural person in question is also the operator.

However, if a company as a legal entity acts as the operator of the drone, it can also be registered (with a different e-mail address than used in the possible profile as a natural person). The UAS operator number generated in this way (CHExxxxxxxxxxxx-xyz) must be used to identify all drones whose operator is the legal entity in question. Accordingly, the drones operated in this way do not have to be marked with the UAS operator number of the respective remote pilot. There are no linking drone pilots with the company as a legal entity.

## **3 Geozones**

### **Who can define UAS geographical zones?**

On a national level, FOCA coordinates those geozones. However, also cantons (communes in some cases) can define geozones according to art. 34 of the OSCA (VLK). All geozones are supposed to be published on the [drone map](#), so that pilots can consult one map to have the full picture of relevant geozones. Please make sure to consult the drone map before each flight and eventually ask for an authorization from the competent authority (according to the legend on the map).

### **Are national borders restricted areas?**

No, not in Switzerland but be aware that other countries might have defined different geozones.

## **4 Transitional Category / Transitional Period**

### **What are the conditions under which a pilot is still allowed to fly under the old national rules during the transition period (until the 31st AUG 23)?**

The transitional period applies until the end of August 2023 and is not to be confused with the [transitional category](#) (cf. website, [open category](#)). The transitional period applies to those operators who require a license for the first time. The transitional period gives them time to obtain such a license. Until the end of August 2023, it is therefore possible to fly without a permit in accordance with the current rules (VLK). Flying over crowds and flights in BVLOS already required a permit, and will continue to do so. The transitional period does not give you a free pass. Further information (Link: General ruling) The transitional period applies only in Switzerland and is based on Art. 43 para. 2 VLK.

### **When will the distance reduction exemption for the transitional category A2 be done and go into effect?**

FOCA is in the process of making an appropriate exception for operations in subcategory A2. This exemption will allow operators of unmanned aircraft vehicles up to max. 2 kg without a class identification label to fly according to the normal rules for the "open" category A2. This means that, in derogation from Art. 22(b) of the [Implementing Regulation \(EU\) 2019/947](#), they could fly at a minimum distance of 30 m to uninvolved persons or even up to 5 m to uninvolved persons, provided the unmanned aircraft is operated with an active low speed mode. More information will follow in March.

### **When will new drones be sold with Class Markings?**

There are already drones with a classification label available, and we expect more to be added now on an ongoing basis.

## **5 Open Category / Authorization**

### **Are there any documents which FOCA has published for preparing Operator Manual?**

FOCA is currently working on a "template Operator Manual" that is planned to be published soon on our website.

### **How can I overfly crowds?**

In the open category crowds / assemblies of people are not allowed to be overflowed. This requires an authorization according to SORA. Furthermore, for such operations data protection has to be taken into account.

### **How to assess whether I am flying in sparsely or densely populated areas?**

It is recommended to use [swisstopo](#)'s resources for the assessment of populated vs sparsely populated area. More explicitly, by using the population layer (Population (residents), Population Statistics: Inhabitants (Federal Statistical Office FSO)). According to [FOCA guidance material](#) on operational approvals, the acceptable quantitative definition of the population density to be considered as sparsely populated is: less or equal to 300 ppl/km<sup>2</sup> (3 ppl/ha).

## **6 Diverse**

### **What is the definition of recreational areas?**

In this context, there is no legal definition of the term "recreational area". However, based on the common use of the term, it can be assumed that these are areas close to nature where people frequently spend time for recreational activities such as sports or family outings, which is why there is an increased need for quiet in terms of technical noise emissions, and where there is usually only limited building use but more green spaces.

### **On the field, who is allowed to ask you to show your certificate?**

The Police is allowed to check the certificates.

### **Are there restrictions for flying over animals (horses, cows, etc.)?**

Yes. The remote pilot shall discontinue the flight if the operation poses a risk to other aircraft, people, animals, environment or property. The propellers of drones can injure people and animals, and a drone falling on living creatures can even have serious consequences. When flying over animals, similar caution must be exercised as with humans.

### **What are the regulations regarding flying over motorways, other roads and, for example, high-voltage power lines?**

There is no rule as such that prohibits the operation of a drone over a motorway, a road or, for example, a power line. It is expected that EASA will publish rules for the operation of drones over moving vehicles. The following should be taken into account:

- For roads: To reduce potential risks to third parties, the pilot should avoid flying over busy roads unless there is an operational need. Motorbikes, bicycles or other vehicles where persons are not protected should be considered as uninvolved persons.
- For motorways: Hovering and sustained flights over or along motorways pose the greatest risk to uninvolved persons and should always be avoided. In addition, crossing motorways in subcategory A3 should always be avoided.

Finally, the following applies in all cases: In any case, please minimize the risk of distracting vehicle drivers as much as possible.

### **How are prototypes, research drones etc. handled? Is this "privately built"?**

According to the definition in Article 2 (16) of the [Implementing Regulation \(EU\) 2019/947](#) "Privately built UAS means a UAS assembled or manufactured for the builder's own use, not including UAS assembled from sets of parts placed on the market as a single ready-to-assemble kit". So, prototypes or research don't fall under this definition. These drones can be operated in the open or [specific category](#). It depends on the operation.

### **How big are fines?**

According to Art. 41 VLK (SR 748.941) in conjunction with Art. 91 LFG (SR 748.0) fines can be up to CHF 20'000.

If your question was not answered, please contact [rpas@bazl.admin.ch](mailto:rpas@bazl.admin.ch)