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DETEC Ordinance on Special Category Aircraft (OSCA)¹

of 24 November 1994 (Status as of 1 January 2019)

*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² Name in accordance with unpublished FCD of 19 Dec. 1977.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.

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

Section 3 Hang Gliders

Art. 6¹⁴ Definition

Hang gliders are:

- 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; they need not be carried out by a training organisation. An instructor's licence is valid for three years.¹⁶

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. 7a¹⁷ 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

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

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

¹⁶ Amended by No II of the DETEC Ordinance of 10 Oct. 2018, in force since 1 Jan. 2019 (AS **2018** 3847).

¹⁷ Inserted by No II of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS **2016** 2999).

hang glider flights in Switzerland, provided that one of the following treaties authorises them to do so:

- a. the Agreement of 21 June 1999¹⁸ 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 1960¹⁹ on the establishment of the European Free Trade Association (EFTA Convention), Annex K.

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 2012²⁰ on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions.

Art. 7b²¹ 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 2015²² on Traffic Regulations for Aircraft apply, with the exception of the regulations on minimum altitude.²³

¹⁸ SR **0.142.112.681**

¹⁹ SR **0.632.31**

²⁰ SR **935.01**

²¹ Inserted by No 2 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS **2016 2999**).

²² SR **748.121.11**

²³ 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**).

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:²⁴

- 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;
- c.²⁵ 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 traffic control services: by the air traffic control unit in agreement with the aerodrome manager;
- b. at other aerodromes: by the aerodrome manager.²⁶

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.²⁷

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. 10a²⁸ 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

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

²⁷ Inserted by No 2 of the DETEC Ordinance of 10 Aug. 2016, in force since 1 Jan. 2017 (AS **2016** 2999).

²⁸ Inserted by No I of the DETEC Ordinance of 24 June 2015, in force since 15 July 2015 (AS **2015** 2193).