

Version 3.0 – 17.09.2020

FAQs about drone regulations

The new European regulation on drones was due to enter into force in Switzerland on 1 July 2020. However, the European Commission has decided to postpone the application of Regulation (EU) 2019/947 by six months to 31 December 2020 due to the COVID-19 pandemic. This means that Swiss regulations on drones will remain in force until the end of 2020.

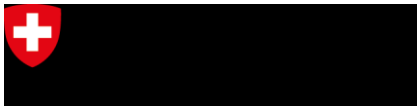


The following terms are used in the FAQs for ease of understanding and to facilitate communication:

- *Drone referring to unmanned aircraft mentioned in the regulations (EU) 2019/947 and 2019/945.*
- *Weight referring to the maximum take-off mass (MTOM) defined by the regulations (EU) 2019/947 and 2019/945 as the maximum mass of the unmanned aircraft, including payload and fuel, as defined by the manufacturer or the builder, at which the unmanned aircraft can be operated.*



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I. GENERAL POINTS

1. Is a distinction made between commercial and private operation?

The new Community regulation does not make any distinction between commercial and private operation. However, in view of the regulatory conditions governing operation, most commercial operations are likely to come under the 'specific' category as in this case operation meets more complex requirements (in particular because flights take place above an altitude of 120 metres or drones are operated beyond visual line of sight). However, this is not to say that private/non-commercial flights cannot take place in the 'specific' category or that commercial flights cannot take place in the 'open' category. This criterion does not determine the category of operation.

2. The EU regulation introduces categories of operation. What are they?

The European law divides the operation of drones into three categories: 'open', 'specific' and 'certified'.

- In the **'open' category**, drones can be operated without any authorisation provided visual contact with them can be maintained, they are flown at a distance of less than 120 metres above the ground and their weight does not exceed 25kg. Minimum distances in relation to third parties apply depending on the weight. Most recreational drones are operated in the 'open' category.
- In the **'specific' category** contact must be made with the competent authority before drones are operated. This is the case, for example, when the drone is operated beyond visual line of sight above assemblies of people.
- The **'certified' category** is reserved for high-risk operation (such as passenger transport or the carriage of dangerous goods).



OPEN
Low risk
In principle, no prior authorization
Restrictions:
Max. 25 kg, direct visual line of sight (VLOS), max. flying height 120m

SPECIFIC
Increased risk
Interaction with FOCA:
• Declaration of a standard procedure
• Authorization to Operate (SORA) for one / several operations or a LUC

CERTIFIED
Risk comparable to manned aviation
UAS certification [by EASA],
Operator approval and pilot license



II. REGISTRATION OF DRONE OPERATORS AND TRAINING

3. When do I have to register?

The pilots and operators of drones over 250g (and also less than 250g if the drone is equipped with a camera, a microphone or other sensors able to capture personal data) must in future register online on the website of the Federal Office of Civil Aviation (FOCA). This applies to all categories of drone.

4. Will training and examinations taken in Switzerland before the entry into force of the new EU regulation on drones be valid?

The new regulation requires registration of the operator in the register of drone operators, online training and online tests for most cases in the 'open' category.

Swiss legislation did not provide for mandatory training for remote pilots of drones until 2021. The completion of courses and tests was based on the voluntary participation of the remote pilots concerned.

With the adoption of the EU regulation, Switzerland must be able to demonstrate a training solution which includes, in particular, online training and an online test. Unfortunately, the training and certificates already obtained voluntarily cannot be recognised during the transition to the new EU regulation.

5. Will certificates of competency, licences and certificates (subsequently referred to as 'certificates') issued by EU Member States be recognised in Switzerland?

Yes, the certificates issued on the basis of the new regulation and recognised by the issuing Member State will also be recognised by Switzerland. Reciprocally, Member States will recognise the certificates issued by Switzerland on the basis of the European regulation.

With regard to previous certificates issued based on the former national law, it is up to the Member State to decide whether or not to adapt the national certificates in force issued on their territory to certificates that comply with the regulations (EU) 2019/947 and 2019/945. If they are adapted, they will also be recognised by the other Member States (including Switzerland).

The Member States have until 1 January 2022 to adapt the national certificates before they become invalid.

III. AGE, WEIGHT AND LOCATION OF FLIGHT

6. How old do you have to be to pilot a drone remotely?

From February 2021, the minimum age for operating a drone in the 'open' category will be set at 12 and for operating a drone in the 'specific' category at 14. Children aged under 12 can pilot a drone remotely provided they are supervised by a person aged over 16 with adequate piloting competency.



7. I bought a toy drone for my 10-year-old child from a department store. Do the new regulations also apply to this category of drone?

1. When a toy drone is designed for a child under 14 years of age and it is exclusively intended for indoor use (must be clearly indicated on the product), the new regulations do not apply.
2. When a toy drone is also intended for outdoor use, the European regulations on drones apply in the following way:
 - a. If the toy drone weighs less than 250g and has a C0 class identification label, no minimum age applies to the remote pilot and no registration nor online training is required. In other words, the regulations of sub-category A1 for drones under 250g apply (see table on p. 9)
 - b. If the toy drone weighs over 250g, it has to bear a corresponding class identification label and the remote pilot must meet all the requirements to pilot it (in particular, the minimum age, training and registration).

8. What are the new weight limits?

From 1 January 2021, the weight limit will be reduced from 500g to 250g – i.e. without authorisation from the head of the airfield or Special Flights Office of skyguide. The prohibition on flying closer than 5km to an airfield will also apply to drones of 250g and over.

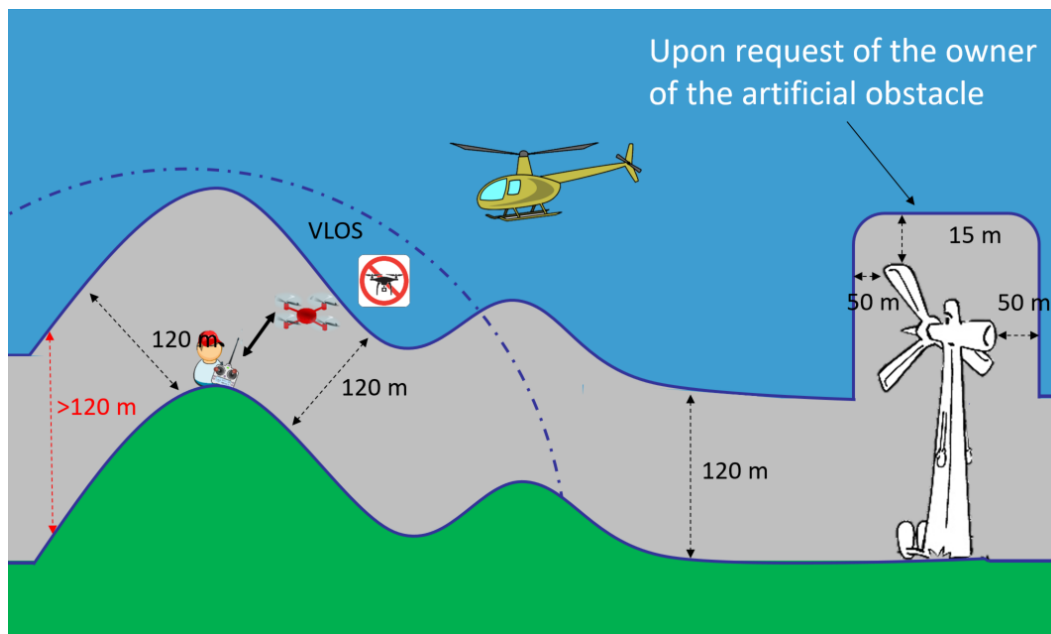
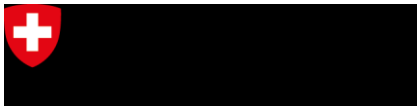
The maximum weight of a drone will be reduced from 30kg to 25kg. The operation of drones over 25kg is automatically classified in the ‘specific category’ which requires an authorisation issued by FOCA.

9. What does a “height of 120 metres from the ground” mean? How can this height be measured on uneven terrain?

This distance is always measured from the surface of the ground. When operation of the drone involves a drone flight starting from a natural elevation of the terrain or over terrain with natural elevations, the drone must be kept within 120 metres from the closest point of the surface of the ground. The distance is measured perpendicularly to the ground.

If an obstacle over 120 metres in height has to be flown over, you can fly at a maximum distance of 15 metres above it with the permission of its owner.

The measurement of distances is adapted accordingly to the geographical characteristics of the terrain, such as plains, hills and mountains as the figure below illustrates:



10. Will there still be zones where drones are prohibited?

Yes, the zones indicated on the [drone map](#) remain valid. These are nature conservation areas, control zones (CTR) and zones within a 5km radius of civil or military airfields. An application for an authorisation must be submitted to the competent authorities to obtain permission to operate drones in these areas.

The European regulation reduces the flight height limit to 120 metres throughout Switzerland. This height also applies in the CTRs.

Some cantons have also defined their own restriction zones. The remote pilots are obliged to find out from the cantons about any restrictions and to comply with them. FOCA will include the cantonal zones on the drone map shortly.

11. What should you do if the geofencing of your DJI drone prevents it from flying in certain zones?

Drones of the DJI brand have a geofencing function which voluntarily restricts the range of the device, preventing it from flying in certain zones specified by the manufacturer. However, these zones are not necessarily the same as the exclusion zones or zones with restrictions on usage established by the authorities (see drone map). If you plan to pilot a DJI drone remotely in a zone programmed to be avoided by the manufacturer, an unlock request (unlock, www.dji.com/flysafe) must be made directly to the manufacturer. FOCA does not have any influence over the choice of these zones nor the power to unlock the drone.



IV. QUESTIONS ABOUT CERTAIN TYPES OF OPERATIONS

12. There are video glasses that enable you to see what your camera is filming instantaneously. Can I use them to pilot my drone?

A drone may be piloted remotely while wearing video glasses if the drone is in the field of vision of an observer who is watching the drone and the surrounding area, is actively communicating with the remote pilot and is ready to intervene at any time to take over the controls of the device if necessary. Otherwise a special authorisation from FOCA is required as piloting a drone remotely without constantly maintaining direct visual contact with it is prohibited.

As far as the new sport of first-person-view (FPV) racing is concerned, an application for an authorisation must be made to FOCA.

13. Can drones still be used to film weddings?

From February 2021, drones operated in the 'open' category will no longer have the right to fly over assemblies of people. It will no longer be possible to obtain standard authorisation for the operation of drones above a closed assembly of people.

However, it will be possible to pilot a drone remotely alongside an assembly of people while maintaining the safety distance required for the category of drone used (see table p. 9).

14. I own a company and I carry out drone flights around buildings, such as measurement flights for example. Will it still be possible to carry out such operations?

If the regulations of the 'open' category cannot be met, this type of operation will fall under the 'specific' category.

This is the case if the distance to be adhered to between uninvolved persons and the drone cannot be kept or if the height of the planned flight exceeds 120 metres. Depending on the operation, the area of operation and the type of drone used, compliance with a standard scenario could be declared or an application for an operating authorisation based on a SORA (Specific Operations Risk Assessment) could be made. The height of flight is limited to 120 metres in all the standard procedures, both Swiss and European.

V. OPEN CATEGORY

15. Will the weight of the drone affect the regulations to be complied with?

Yes, it is the drone's weight and the class identification labels that will determine the regulations to be complied with. For example, the type of training required to pilot this drone remotely, whether registration in the register of operators is necessary and how or where a drone can be flown.

The new European regulation puts the operation of drones into categories ('open', 'specific', 'certified') and sub-categories (A1, A2 and A3). The drones are put into different classes (C0, C1, C2, C3, C4) depending in particular on their weight. They are what determine the sub-categories in which the drone can fly.

The remote pilot's first instinct must be to check that their **drone bears a class identification label** and CE marking (the regulations set out in the **table on page 9** apply).



If the **drone does not have a class identification label¹**, it is the weight of the drone that determines the sub-categories in which the remote pilot can fly their drone (the regulations set out in the **table on page 11** apply).

¹ In all cases the drone must have a CE marking to be legally piloted remotely in the EU and Switzerland.

Sub-category	Weight	Area of operation	Class of drone permitted in the area of operation	Registration required	Level of remote pilot training
A1	< 250g	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres 	C0	No, unless the drone is equipped with a camera or other sensors able to capture personal data	<ul style="list-style-type: none"> Being familiar with the user manual provided by the manufacturer No training required
	< 900 g	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres After reasonable assessment, it can be concluded that no uninvolved persons will be flown over 	C0 ; C1	Yes	<ul style="list-style-type: none"> Being familiar with the user manual provided by the manufacturer Online training and examination (40 QCM)
A2	< 4 kg	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres Horizontal distance of 30 metres between the drone and uninvolved persons *except in low speed mode (3 m/s) where the distance is five metres 	C2	Yes	<ul style="list-style-type: none"> Being familiar with the user manual provided by the manufacturer Remote pilot certificate <ul style="list-style-type: none"> Online training and examination (40 QCM) Practical self-study and + declaration Additional theory examination (30 QCM)
A3	< 25 kg	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres Involuntary flying over uninvolved persons tolerated Horizontal distance of 150 metres between the drone and residential, commercial, industrial or recreational areas 	C2 ; C3 ; C4	Yes	<ul style="list-style-type: none"> Being familiar with the user manual provided by the manufacturer Online training and examination (40 QCM)

16. What do the class identification labels (C0; C1; C2; C3; C4) on my drone refer to?

Under the new European regulation, the drone manufacturer must mark their product with a class identification label (C0, C1, C2, C3) certifying that the product meets the technical requirements necessary to be placed on the market. The manufacturer is responsible for ensuring that the technical requirements of the respective class are met. In some cases, this verification is carried out by a third party (conformity evaluation process).

A drone may have several class identification labels (for example, C1 and C2).

17. Can I continue flying my drone if it does not have a class identification label?

Yes, the regulation provides for a transitional period expiring at the end of 2022. Most of the drones available on the market to date do not yet have the class identification label. The European Aviation Safety Agency (EASA) has therefore laid down transitional provisions for these drones without a class identification label (see the table on p. 11).

Drones which do not have a class identification label ('open limited' category) are subject to transitional provisions which are slightly more restrictive than the ordinary regulations for the 'open' category (see table p. 11).

18. Can I attach a class identification label to my drone myself?

No, a private individual cannot attach a class identification label to a drone. If an 'old drone' does not have a class marking, the manufacturer will have to restart the conformity evaluation process and verify the conformity of the drone. Simply carrying out a software update is not sufficient.

From January 2021: 'open' category regulations		Until January 2023: 'open limited' category regulations		From January 2023	
Sub-category and weight	Regulations and conditions	Sub-category and weight	Regulations and conditions	Sub-category and weight	Regulations and conditions
A1 < 250 g	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres No training required 	< 500 g	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres After reasonable assessment, it can be concluded that no uninvolved persons will be flown over Level of remote pilot training: A1 	< 250 g	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres No training required
A1 < 900 g	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres After reasonable assessment, it can be concluded that no uninvolved persons will be flown over Online training and examination (40 QCM) 			< 25 kg	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres After reasonable assessment, it can be concluded that no uninvolved persons will be flown over Horizontal distance of 150 metres between the drone and residential, commercial, industrial or recreational areas Level of remote pilot training: A3
A2 < 4 kg	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres Horizontal distance of 30 metres between the drone and an uninvolved person <i>* except in low speed mode (3 m/s) where the distance is five metres</i> Remote pilot certificate <ul style="list-style-type: none"> Online training and examination (40 QCM) Practical self-study + declaration Additional theory examination (30 QCM) 	< 2 kg	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres Horizontal distance of 50 metres between the drone and an uninvolved person Level of remote pilot training: A2 		
A3 < 25 kg	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres After reasonable assessment, it can be concluded that no uninvolved persons will be flown over Horizontal distance of 150 metres between the drone and residential, commercial, industrial or recreational areas Online training and examination (40 QCM) 	< 25 kg	<ul style="list-style-type: none"> Flying over assemblies of people prohibited Maximum altitude of 120 metres After reasonable assessment, it can be concluded that no uninvolved persons will be flown over Horizontal distance of 150 metres between the drone and residential, commercial, industrial or recreational areas Level of remote pilot training: A3 		

19. What does an ‘assembly of people’² mean?

From February 2021, drones operated in the ‘open’ category will no longer have the right to fly over assemblies of people regardless of the drone’s weight. According to the definition provided by the EU, an assembly of people is not defined by a specific number of people, but is related to the opportunity for an individual in the group to move to avoid the consequences of a drone out of control. If, in a given area, there are so many people that there is little opportunity to freely escape or move away from the drone, this is deemed an assembly of people.

20. What does ‘uninvolved persons’³ refer to?

To be deemed ‘involved’ in the operation, a person must:

- give their consent to being involved in the operation (for example, consent to be flown over by the drone); the consent must be provided explicitly;
- receive instructions and safety measures from the drone operator or the remote pilot to be applied in the event of an emergency;
- not be engaged in other activities preventing them from verifying the drone’s position and in the event of an accident from taking measures to avoid being hit.

When holding events, this means it is not sufficient to indicate on the ticket that a drone will be used during the event because the drone operator must receive the explicit consent of the individual and ensure that participants understand the risk and the procedures to be followed in an emergency.

It is not just uninvolved persons who can be directly exposed to a drone, but also somebody in a bus or car etc. For example, if a drone flies over a car, its driver may be deemed an ‘uninvolved person’. The reason is that a drone flying close to a car (even if it does not hit it) could distract the driver and cause a traffic accident.

21. What is a ‘recreational area’?

Maintaining a minimum distance from recreational areas aims to prevent flying over uninvolved persons. In a recreational area where the probability of finding uninvolved persons is very high, this requirement would no longer be met.

The EU regulation does not contain a definition of the term ‘recreational area’. This means, as the name suggests, popular places used by lots of people for leisure activities. They include, for example, the shores of lakes, sport fields and parks etc.).

VI. SPECIFIC CATEGORY

22. When is a drone operated in the ‘specific’ category?

The operation of a drone automatically falls under the ‘specific’ category when the requirements of the ‘open’ category are no longer met (for example, if a remote pilot wishes to fly their drone over a height of 120 metres). Appropriate procedures must then be followed to carry out the planned operation.

² FAQ EASA: <https://www.easa.europa.eu/the-agency/faqs/drones-uas>.

³ FAQ EASA: <https://www.easa.europa.eu/the-agency/faqs/drones-uas>.



23. How can an authorisation be obtained prior to operation in the ‘specific’ category?

Depending on the type of operation planned, the applicant can declare compliance with a standard procedure (standard scenario) or request an operating authorisation from FOCA for one-off or multiple operation (see table on page 14).

The operating authorisation is based on a prior risk assessment carried out by the applicant:

- Either based on a Pre-defined Risk Assessment (PDRA) or
- a Specific Operations Risk Assessment (SORA). The prior assessment is also mandatory for the issuing of a light UAS (unmanned aircraft system) operator certificate.

OPTIONS FOR OBTAINING AN OPERATING AUTHORISATIONS IN THE SPECIFIC CATEGORY		
STANDARD SCENARIOS – DECLARATION SYSTEM	OPERATING AUTHORISATION APPLICATION	OPERATING AUTHORISATION APPLICATION
<p>APPLICABLE FROM DECEMBER 2021</p> <p>STS – 01: VLOS in an inhabited environment</p> <ul style="list-style-type: none"> - Visual line of sight operation (VLOS); - Maximum height of 120 metres; - The drone must be kept in a controlled area on the ground; - The drone must comply with and bear the C5 or C3 class identification label with a C5 accessories kit (the C5 class identification label must be attached to the drone); - The remote pilot must hold a certificate of competency (same requirement as for sub-category A2) and undertake practical training suitable for this scenario with an entity recognised by FOCA. <p>STS – 02: BVLOS in a low population density environment</p> <ul style="list-style-type: none"> - Flights beyond visual line of sight (BVLOS) in a low population density environment; - Maximum height of 120 metres; - Operation beyond visual line of sight up to a horizontal distance of 1km from the remote pilot if they are alone; - Operation beyond visual line of sight up to a horizontal distance of 2km from the remote pilot with an airspace observer; - The drone must comply with and bear the C6 class identification label; - The remote pilot must hold a certificate of competency (same requirement as for sub-category A2) and undertake practical training suitable for this scenario with an entity recognised by FOCA 	<p><i>Based on a Pre-defined Risk Assessment – PDRA</i></p> <p>EASA has not yet defined the scope of application of the PDRA. FOCA will update the table as soon as additional information is made available.</p>	<p>Light UAS Operator Certificate - LUC</p> <p>APPLICABLE FROM THE START OF 2021 The LUC is a light UAS operator certificate.</p> <p>LUC holders can be permitted to authorise their own operations. However, they must meet high standards.</p> <p>The LUC requires specific aviation knowledge and is intended for professional operators who conduct similar operations on a regular basis.</p>
	<p>APPLICABLE FROM THE START OF 2021 Based on the methodology of the Specific Operation Risk Assessment (SORA)</p> <p>The SORA is based on the document drawn up by JARUS providing a vision of how to establish, evaluate and conduct drone operation in complete safety.</p> <p>The SORA provides a methodology to provide operators with guidelines about determining whether drone operation can be carried out in complete safety.</p> <p>The SORA is carried out prior to authorisation of complex operations such as, but not exclusively, those listed below:</p> <ul style="list-style-type: none"> - Flights beyond visual line of sight (BVLOS) - Flights over a height of 120 metres - Flights over assemblies of people 	

24. What competencies do remote pilots need to demonstrate in the ‘specific’ category?

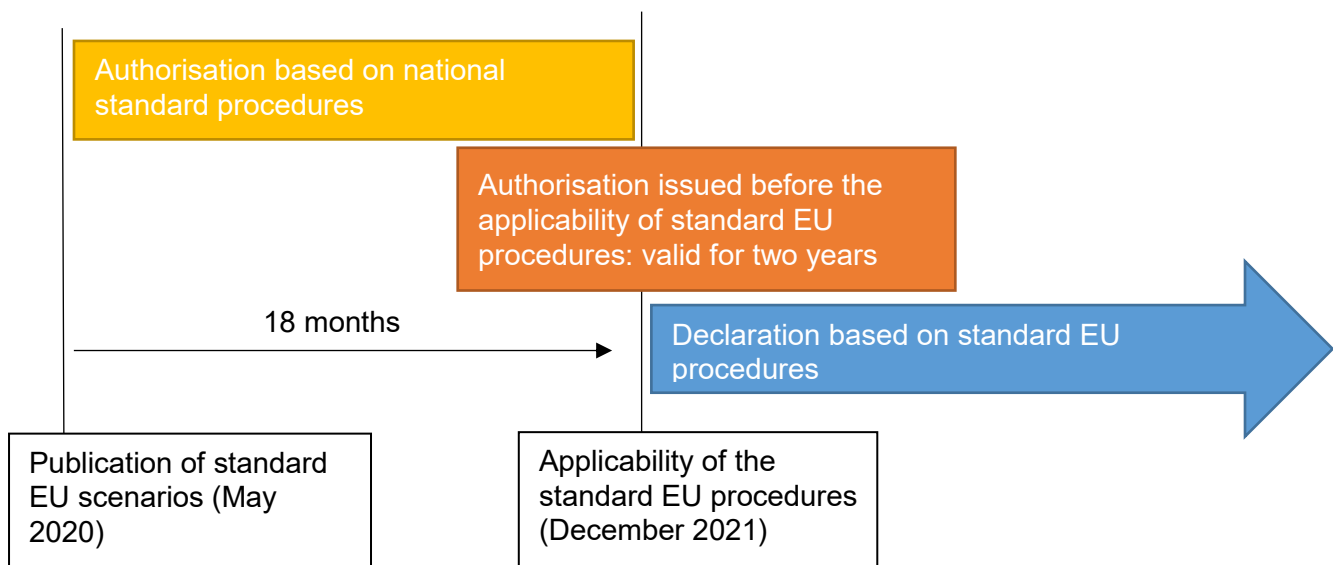
If operation is based on a standard scenario, the remote pilots must acquire the competencies set out in the standard declaration procedure (see table page 14). In other cases, the competencies of remote pilots are defined based on the type of operation planned and therefore on the type of procedure (standard scenarios, PDRA, SORA).

The training must take place in cooperation with a body approved by FOCA.

25. Will the authorisation issued to me based on the current national standard scenarios still be valid from 2021?

Even with the entry into force of the EU regulations in Switzerland, the national standard scenarios can still be used for a certain period of time (see figure below) apart from the one concerning closed assemblies of people.

- Authorisations based on the standard national scenarios will no longer be issued from December 2021.
- The standard EU scenarios (ST-01 and ST-02) will apply from the same date.
- The maximum period of validity for authorisations based on the standard national procedures issued before December 2021 is two years.



VII. MODEL AIRCRAFT

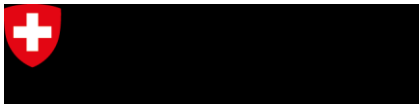
26. What restrictions apply to model aircraft?

A distinction is made between two different groups:

- Model aircraft pilots who conduct their **activities as part of an association or club** may fly without an altitude limit.

Some restrictions apply:

- Within the CTRs where the altitude limit is 150 metres.
- Prior authorisation from the competent authority is required within a 5km radius around airfields and in nature conservation areas.



- Model aircraft pilots who do not conduct their activities as part of an association or club must adhere to the same regulations that apply to the **operation of drones in the 'open' category**, for example with regard to the maximum flight altitude of 120 metres.

VIII. INSURANCE AND PROCEDURE IN THE EVENT OF DAMAGE

27. Do I need liability insurance to pilot a drone remotely?

Before piloting a drone remotely for the first time, the operator must take out civil liability insurance for an amount of at least CHF 1 million.

From the entry into force of the new European regulation, civil liability insurance will be mandatory for all drones weighing 250g and over.

28. Do accidents or other incidents have to be reported?

Yes, there are two different procedures in the reporting system. Firstly, all drone operators/remote pilots are obliged to report accidents and serious incidents immediately to the Aviation Division of the Swiss Transportation Safety Investigation Board (STSB) via the REGA alarm centre (tel. 1414; from abroad +41 333 333 333). Secondly, all drone operators/remote pilots must report all incidents related to safety to the Federal Office of Civil Aviation (FOCA) or the reporting system of the organisation concerned within 72 hours (www.aviationreporting.eu). Incidents, serious incidents and accidents involving unmanned drones operated in the 'open' or 'specific' categories (but not the 'certified' category) **are exempted from this obligation to report**, provided that no serious or fatal injury to persons is recorded and no manned aircraft are involved.