



To all operators of unmanned aircraft of the  
'specific' category

HAUSANSCHRIFT

Robert-Schuman-Platz 1  
53175 Bonn

POSTANSCHRIFT

Postfach 20 01 00  
53170 Bonn

TEL 0228 99-300-4953

FAX 0228 99-300-807-4953

PG-UnbLF@bmdv.bund.de

www.bmdv.bund.de

**Subject: General Administrative Act of the Federal Ministry for Digital and Transport –  
exemptions from SERA for unmanned aircraft of the 'specific' category**

**Validity: 21 October 2024 to 20 June 2025**

Our ref.: PG Unb LF 6312.1/5-4

Date: Berlin, 18 October 2024

Page 1 of 5

In accordance with section 35 sentence 2 of the Administrative Procedure Act (VwVfG), the Federal Ministry for Digital and Transport (BMDV) adopts the following General Administrative Act by public announcement:

1. SERA.2005 – 'Compliance with the rules of the air' in section 2 of the Annex to Commission Implementing Regulation (EU) No 923/2012 of 26 September 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 (Implementing Regulation) does not apply to the operation of unmanned aircraft of the 'specific' category.
2. SERA.3215 – 'Lights to be displayed by aircraft' in section 3, chapter 1 of the Annex to the Implementing Regulation does not apply to the operation of unmanned aircraft of the 'specific' category.
3. Section 4 of the Annex to the Implementing Regulation – 'Submission of a flight plan' does not apply to the operation of unmanned aircraft of the 'specific' category.
4. Section 5 of the Annex to the Implementing Regulation – 'Visual meteorological conditions, visual flight rules, special VFR and instrument flight rules' does not apply to the operation of unmanned aircraft of the 'specific' category.
5. SERA.6001 – 'Classification of airspaces' in section 6 of the Annex to the Implementing Regulation continues to apply; in addition, UAS of the 'specific' category may be operated in VLOS und BVLOS in these airspaces.



The legal base is Article 71(1) of Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 (OJ L 212 of 22 August 2018, p. 53).

The Unmanned Aviation Project Group of the Federal Ministry for Digital and Transport has informed the European Union Aviation Safety Agency (EASA) by way of a notification procedure in accordance with Article 71(1) of Regulation (EU) 2018/1139 about this General Administrative Act and the decision taken.

The General Administrative Act includes the following ancillary provision (section 36 of the VwVfG): Validity limited to the period from 21 October 2024 to 20 June 2025.

## I. Situation

In accordance with Article 7(2) sentence 3 of Implementing Regulation (EU) 2019/947, the operation of unmanned aircraft of the 'specific' category is subject to the applicable operational requirements laid down in Implementing Regulation (EU) 923/2012. However, the SERA provisions of the Annex to Implementing Regulation (EU) 923/2012 cannot be fully applied to the operation of unmanned aircraft. Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft is generally the more specific regulation for the operation of unmanned aircraft.

In some cases, the requirements of Implementing Regulation (EU) 2019/947 and Implementing Regulation (EU) 923/2012 contradict each other. In these cases, the provisions of Implementing Regulation (EU) 2019/947, which are more specific for the operation of unmanned aircraft, are relevant.

In other cases, some of the SERA provisions cannot be applied to the operation of unmanned aircraft at all for technical reasons. For example, unmanned aircraft may not be operated under visual flight rules and only in very restricted scenarios under instrument flight rules. The VLOS (visual line of sight operation) and BVLOS (beyond visual line of sight operation) operation types for the remote pilot do not represent a substitute here and may not serve as alternatives. As this means that visual and instrument flight rules are not applicable, these SERA provisions explicitly referring to them cannot be applied in their current form.

The European Union Aviation Safety Agency (EASA) has already identified this problem (see, for example: *"Today, UAS flight operations under the 'specific' category cannot fully comply with the IFR and VFR rules as written"* – page 87, point C.3.3 of the Easy Access Rules for Unmanned Aircraft of EASA, April 2024).

However, it is unlikely that the European Commission or EASA will provide a solution before the end of this year.



## II. Legal situation and justification

### 1. Exemption from SERA.2005 – ‘Compliance with the rules of the air’ in section 2 of the Annex to the Implementing Regulation

The sub-requirement “and, in addition, when in flight, either with: (a) the visual flight rules or (b) the instrument flight rules” cannot be taken into account appropriately in compliance with the applicable requirements due to the non-applicability of visual or instrument flight rules. The SORA rules on visibility for other airspace users under the TACTICAL MITIGATION COLLISION RISK ASSESSMENT (Annex D to AMC1 to Article 11, Issue 1, ED Decision 2019/021/R) apply.

The withdrawal of this requirement only applies to the operation of UAS in the ‘specific’ category, as otherwise operation in the ‘specific’ category would not be possible at all. The requirement remains effective for manned aviation as well as for the ‘certified’ category.

Safety, environmental protection and compliance with the applicable fundamental requirements are guaranteed by a mandatory operational authorization and/or certification and the operator certificate and the specific statutory requirements for unmanned aircraft. There is no risk that the exemption could cause a distortion of the market conditions, as this SERA provision cannot be applied to the operation of unmanned aircraft at all for technical reasons.

The scope of application and the duration of the exemption are limited to the required eight-month period.

### 2. Exemption from SERA.3215 – ‘Lights to be displayed by aircraft’ in section 3, chapter 2 of the Annex to the Implementing Regulation

In accordance with UAS.SPEC.050(1)(l)(i), the rules for unmanned aircraft of the ‘specific’ category laid down in Implementing Regulation (EU) 2019/947 require at least one green flashing light for operation at night. Implementing Regulation (EU) 2019/947 is the more specific regulation for the operation of unmanned aircraft; this means that SERA.3215 cannot be applied to unmanned aircraft.

Safety, environmental protection and compliance with the applicable fundamental requirements are guaranteed by a mandatory operational authorization and/or certification and the operator certificate and the UAS-specific statutory requirements.

There is no risk that the exemption could cause a distortion of the market conditions, as this SERA provision cannot be applied to the operation of unmanned aircraft at all for legal reasons. The scope of application and the duration of the exemption are limited to the required eight-month period.

### 3. Exemption from section 4 – ‘Submission of a flight plan’ in the Annex to the Implementing Regulation

The flight plan obligation for flights operated exclusively in the area of responsibility of an air traffic control unit or, when operating at night, outside the environment of an aerodrome is not appropriate for UAS operations in the ‘specific’ category. The flight plan format is not suitable for



UAS operations.

Safety, environmental protection and compliance with the applicable fundamental requirements are guaranteed by a mandatory operational authorization and/or certification and the operator certificate, and the resulting necessary operational coordination between the operator and the air traffic control unit. There is no risk that the exemption could cause a distortion of the market conditions, as this SERA provision cannot be applied to the operation of unmanned aircraft at all for factual reasons.

The scope of application and the duration of the exemption are limited to the required eight-month period.

#### **4. Exemption from section 5 – ‘Visual meteorological conditions, visual flight rules, special VFR and instrument flight rules’ in the Annex to the Implementing Regulation**

Section 5 only takes flights under VFR/IFR into consideration. As UAS operations will not be permitted in the future under VFR and only for restricted scenarios under IFR, the entire section cannot be applied in its current form.

Safety, environmental protection and compliance with the applicable fundamental requirements are guaranteed by a mandatory operational authorization and/or certification and the operator certificate. There is no risk that the exemption could cause a distortion of the market conditions, as this SERA provision cannot be applied to the operation of unmanned aircraft at all for technical reasons. The scope of application and the duration of the exemption are limited to the required eight-month period.

#### **5. Exemption from SERA.6001 – ‘Classification of airspaces’ in section 6 of the Annex to the Implementing Regulation**

The current classification of airspaces only permits flights under VFR/IFR and therefore does not take UAS operations into consideration. However, UAS of the ‘specific’ category may be operated in the airspaces in VLOS and BVLOS.

Safety, environmental protection and compliance with the applicable fundamental requirements are guaranteed by a mandatory operational authorization and/or certification and the operator certificate, as well as by the Tactical Mitigation Performance Requirements (TMPR) and, depending on the airspace, an air traffic control clearance requirement.

There is no risk that the exemption could cause a distortion of the market conditions, as this SERA provision cannot be applied to the operation of unmanned aircraft at all for technical reasons.

The scope of application and the duration of the exemption are limited to the required eight-month period.

#### Revocation clause

In accordance with section 36(2)(3), this General Administrative Act is adopted subject to revocation. The revocation clause is suitable, necessary and adequate in order to take into






account possible amendments. Revocation may be considered in the following cases, in particular if:

- facts subsequently become known which, if they had been known at the time, would have resulted in the General Administrative Act not being adopted;
- changes in law or in fact subsequently occur that result in facts on the basis of which the competent authority would not have adopted this General Administrative Act if they had existed at the time the General Administrative Act was adopted;
- flight operations result in disruption or impairment of public safety or order;
- there are repeated or substantial infringements of the requirements of this General Administrative Act or other relevant rules and regulations.

#### Legal remedies available

Action against this General Administrative Act may be filed within one month from the date of announcement, in writing or orally to the Federal Ministry for Digital and Transport, Invalidenstr. 44, 10115 Berlin.

For the Federal Ministry for Digital and Transport

  
Rahel Jusemann