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German Ultralight Association eV

## "Flagging out" ULs can be considered a criminal offense in Germany!

Due to the categorization as purely national aircraft and due to a lack of agreements, Section 99 (2) LuftVZO stipulated that foreign ULs (>120 kg) require type and traffic approval in Germany if ...

... these are operated by a German or foreign national with permanent residence in the Federal Republic of Germany.

This has caused many debates and round table discussions for a long time.

The representatives of the federal-state working group (BLAG-OPS) have now finally dealt with this topic and made the following decision:

**"The operation of foreign air sports equipment in Germany is prohibited for persons resident in Germany and constitutes a criminal offence. The local aviation authority has the following resources at its disposal:**

- **§29 LuftVG Aviation supervisory orders/ban on take-off**
- **Criminal offense according to §99 LuftVZO/ §60 LuftVG**
- **Application to the foreign authority for collection of the traffic permit"**

This decision is flanked by a statement from the LBA (Division L4) as the competent authority for administrative offenses in the aviation sector:

**"In the case of the operation of foreign air sports equipment in Germany by persons with a permanent German residence, we consider a criminal offense according to § 60 Para. 1 S. 1 LuftVG to be fulfilled, since the regulations of the LuftVG or the Luft-VZO for approval of the air sports equipment were not complied with, so there is no proper approval. An offense in this regard is missing in Section 58 (1) No. 10 LuftVG in conjunction with Section 108 LuftVZO. This reinforces our assessment that the legislature classifies the violation as a criminal offence."**

In a letter dated January 10th, 2022, the Federal Ministry for Digital Affairs and Transport (new: BMDV) prompted us to forward this BLAG-OPS notification to our members and pilots, e.g. B. by publication on their website.

signed Jo Konrad

Small correction:

The notification quotes the following regarding the BLAG-OPS decision:



"The operation of foreign air sports equipment in Germany is prohibited for persons resident in Germany and constitutes a criminal offence."

This quote has led to gross distortions. For example, a large Italian manufacturer called me and wanted to file a complaint with the European Court of Justice. For a better understanding of the facts, I am now correcting this wording on my own. I think the BLAG-OPS very likely meant:

**The operation of foreign - registered air sports equipment in Germany is prohibited for persons resident in Germany and constitutes a criminal offence.**

It would at least be a pity if we had to do without all foreign ultralights (they probably make up more than 80% of our fleet).

signed Jo Konrad

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Data protection declaration for the DULV website

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