MEETING DOCUMENT

**Task Group Management (TG-M 21-3)**

25 May 2021

Online meeting

**Agenda Item: 8. Any other business**

**Subject: Air traffic regulation; Inventory matrix**

**Document No.:** TG-M 21-3/8

**Date:** 20 May 2021

**Submitted by: Schleswig-Holstein/Lower-Saxony**

At the TG-M 21-1 meeting in January 2021 it was decided to add the topic of air traffic regulation of minimum flight heights above the Wadden Sea which potentially effect bird populations, to the agenda of this meeting. It was agreed to summarize the current situation in the Wadden Sea countries in form of a matrix.

The federal states Schleswig-Holstein and Lower-Saxony give a short description of the situation in their part of the Wadden Sea area in this document. Information by Denmark and the Netherlands are also included.

**Proposal:** The group is invited to note the information and discuss relevance and seriousness of this issue and opportunities for trilateral action.

Air traffic regulation

**Cause for exchange/setting the scene:**

With the entry into force of the EU implementing regulation 923/2012 (Standardized European Rules of the Air / SERA), and the subsequent implementation in German regulation, the Aviation Ordinance (LuftVO), the minimum flight altitude above the Wadden Sea previously applicable pursuant to § 6(3) of the old LuftVO has been lowered from 600m to 150m. This was already done around 5 years ago.

This legal change and its effects (no effective protection of the Wadden Sea areas against low-level flights) could lead to various species in the Wadden Sea being disturbed or even scared away. The question arises as to whether sufficient protection of the Wadden Sea and its species is still guaranteed. Our reporting to the World Heritage Committee on the integrity of our world heritage site might no longer be correct regarding this point.

Situation after 10 years:  
Extensive observations were made in parts of the German Wadden Sea and the result shows that low-level flights and the associated impairments have increased significantly and that there is a need for action.

**Trilateral Overview:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Attributes | EU | NL | D | DK |
| 1. | Restricted Areas (SERA.3145) in place for nature: Yes/No?; add links if Yes |  | Yes; PKB Waddenzee?? | No | Yes (temporary) |
|  | Prohibited Areas (SERA.3145) in place: Yes/No?; add links if Yes |  | No | No | No |
| 2. | Minimum flight altitude (m/ft)) (SERA.3105) |  | <https://www.waddenzee.nl/overheid/natura-2000/bibliotheek#c12869> | See SERA.5005 (f) & SERA.5015 (b) | See VFR/IFR |
| 2.1 | Civil traffic |  |  |  |  |
|  | Visual meteorological conditions (SERA.5005 (f)) | 150m/ 500ft | 450m exceptions only for explicitly designated circumstances | 150m/ 500ft | 150m/500ft |
|  | Instrument flight (SERA.5015 (b)) | 300m/ 1000ft | 300m  Map with area see <https://wetten.overheid.nl/BWBR0010215/2014-12-12> | 300m/ 1000ft | 300m/1000ft |
| 2.2 | Military traffic (not covered by SERA) | - | 450m <https://www.waddenzee.nl/themas/militaire-activiteiten/beleid/> | 300m/1000ft; but in exceptional cases, 150m/500ft possible  -> most parts of SH National Park is a “Coastal Area” for military air traffic (since 2002)  - jets 1000m/3000ft  - propeller-driven aircraft 600m/2000 ft |  |
| 2.3 | Drones; add link |  | Drones are allowed to fly at a maximum height of 120 metres.  Exemption are possible with licence from the province based on the Nature Protection Act.  No secific policy for drones above the Wadden Sea  Considering whether rules for drones are best placed in the aviation regulations or the nature regulations, or that the two can be combined.  <https://www.agendavoorhetwaddengebied2050.nl/fileadmin/content/ga_wadden2050/pdf/Agenda-voor-het-Waddengebied-2050.pdf> p68 | Forbidden in the German Wadden Sea National Parks <http://www.nds-voris.de/jportal/?quelle=jlink&query=WattenmeerNatPG+ND&psml=bsvorisprod.psml&max=true&aiz=true>  In justified individual cases, a fee-based exemption may be applied for.  (https://www.nationalpark-wattenmeer.de/wissensbeitrag/drohnen-verboten/) | No private flights.  Temporary commercial licenses available. |
| 3. | Voluntary agreements in place: Yes/No?; add links if Yes |  |  | No | No |
| 4. | Research/Monitoring of effects (not older than 10 years): Yes/No?; add links if Yes |  |  | Yes, extensive observations (SH National Park)  -> results not published | No |
| 5. | Competent authority for flight restrictions |  |  | Federal Ministry of Transport and Digital Infrastructure and for the federal states (e.g. for applications for exemption concerning drones)  - SH: State Office for Road Construction and Transport  - LS: State Authority for Road Construction and Transport  - HH: Authority for Economy and Innovation, Aviation Supervision Team | Danish traffic agency |