Republic of Latvia

Cabinet

Regulation No. 437

Adopted 29 June 2021

**Procedures for the Certification and Oversight of Unmanned Aircraft System Operators of the Specific Category**

*Issued pursuant to*

*Section 117.3, Paragraph three and Section 117.7, Clause 1 of the law On Aviation*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the procedures by which the State agency Civil Aviation Agency (hereinafter – the Civil Aviation Agency) shall issue and amend authorisations for the operation of unmanned aircraft of the specific category and light unmanned aircraft system operator certificates (LUC), and also extend, restrict, withdraw, or suspend their operation;

1.2. the procedures by which the Civil Aviation Agency shall perform the conformity assessment of declarations for the operation of unmanned aircraft systems in the specific category;

1.3. the procedures by which the Civil Aviation Agency shall exercise oversight of unmanned aircraft system operators of the specific category.

2. An authorisation for the operation of an unmanned aircraft of the specific category shall be issued for a period of up to two years and the authorisation shall be extended for a period not exceeding the initial period of validity of the authorisation for the operation of an unmanned aircraft of the specific category.

3. The documents drawn up by the European Aviation Safety Agency for the application of Articles 10, 11, 12, 13, 18, 19 of and Annex to Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (hereinafter – Regulation No 2019/947) – Acceptable Means of Compliance and Guidance Material (hereinafter – the AMC) – have been translated into Latvian and are published on the website of the Civil Aviation Agency. Prior to submitting the submission referred to in Paragraph 5 of this Regulation, the applicant has the obligation to become acquainted with the AMC.

4. If the services provided by the Civil Aviation Agency referred to in this Regulation are paid services, the applicant has the obligation to pay for the service in accordance with the laws and regulations regarding the price list for public paid services of the Civil Aviation Agency before receipt of the service.

**II. Procedures for Issuing Authorisations for the Operation of Unmanned Aircraft of the Specific Category and Light Unmanned Aircraft System Operator Certificates (LUC)**

5. The applicant who wishes to receive:

5.1. an authorisation for the operation of unmanned aircraft of the specific category shall submit to the Civil Aviation Agency the submission referred to in point 2 and the documents and information referred to in point 3 of UAS.SPEC.030 of Part B of Annex to Regulation No 2019/947;

5.2. a light unmanned aircraft system operator certificate (LUC) shall submit to the Civil Aviation Agency the submission referred to in point 2 and the documents and information referred to in point 3 of UAS.LUC.010 of Part C of Annex to Regulation No 2019/947.

6. If the applicant has not submitted all the documents and information referred to in Paragraph 5 of this Regulation according to the scope of the intended operation or the submitted documents and information are not sufficient to assess the conformity of the applicant with the requirements laid down in Regulation No 2019/947, the Civil Aviation Agency shall request the applicant to submit the missing information in writing within five working days after receipt of the request.

7. The Civil Aviation Agency shall take the decision on refusal to issue:

7.1. an authorisation for the operation of an unmanned aircraft of the specific category if the applicant:

7.1.1. has not submitted all the documents referred to in Sub-paragraph 5.1 of this Regulation;

7.1.2. does not conform to the requirements laid down in this Regulation and Part B of Annex to Regulation No 2019/947;

7.2. a light unmanned aircraft system operator certificate (LUC) if the applicant:

7.2.1. has not submitted all the documents referred to in Sub-paragraph 5.2 of this Regulation;

7.2.2. does not conform to the requirements laid down in this Regulation and Part C of Annex to Regulation No 2019/947.

8. An unmanned aircraft system operator of the specific category shall submit the following to the Civil Aviation Agency:

8.1. the submission referred to in point UAS.SPEC.030(2) of Part B of Annex to Regulation No 2019/947 to make the necessary changes in the authorisation for the operation of an unmanned aircraft of the specific category or to extend the period of validity of the authorisation for the operation of an unmanned aircraft of the specific category;

8.2. the submission referred to in point UAS.LUC.010(2) of Part C of Annex to Regulation No 2019/947 for the necessary changes in the light unmanned aircraft system operator certificate (LUC) in the cases referred to in point UAS.LUC.070 of Part C of Annex to Regulation No 2019/947.

9. The Civil Aviation Agency shall examine the submission referred to in Sub-paragraph 8.1 or 8.2 of this Regulation and take one of the following decisions:

9.1. to approve the submitted changes if the unmanned aircraft system operator of the specific category has submitted the documents and information referred to in Paragraph 5 of this Regulation in accordance with the conditions of Paragraph 8 of this Regulation and conforms to the requirements laid down in Chapter II of this Regulation;

9.2. to refuse approval of the submitted changes if the unmanned aircraft system operator of the specific category has not submitted the documents and information referred to in Paragraph 5 of this Regulation in accordance with the conditions of Paragraph 8 of this Regulation and does not conform to the requirements laid down in Chapter II of this Regulation.

10. The changes submitted by the unmanned aircraft system operator of the specific category may only be implemented after approval thereof by the Civil Aviation Agency.

**III. Procedures by which an Unmanned Aircraft System Operator of the Specific Category shall Submit to the Civil Aviation Agency an Operational Declaration of Compliance with the Standard Scenarios Specified in Regulation No 2019/947 and Procedures for the Approval Thereof by the Civil Aviation Agency**

11. An applicant who wishes to conduct unmanned aircraft operations of the specific category according to the standard scenarios as defined in Appendix 1 to Annex to Regulation No 2019/947 in accordance with points UAS.SPEC.020(1) and (2) of Part B of Annex to Regulation No 2019/947 and according to Appendix 2 to Annex to Regulation No 2019/947 shall submit an operational declaration through the service portal of the Civil Aviation Agency (hereinafter – the portal).

12. After receipt of an operational declaration, the Civil Aviation Agency shall, without delay but not later than within two working days, verify the declaration in accordance with point UAS.SPEC.020(3) of Part B of Annex to Regulation No 2019/947.

13. The applicant may commence the unmanned aircraft operations of the specific category according to the standard scenarios as defined in Appendix 1 to Annex to Regulation No 2019/947 in accordance with points UAS.SPEC.020(1)(a) and (b) of Part B of Annex to Regulation No 2019/947 once the applicant has received through the portal the approval of the operational declaration submitted to the Civil Aviation Agency in respect of receipt and completeness thereof.

**IV. Procedures for the Oversight of an Unmanned Aircraft System Operator of the Specific Category who has Obtained an Authorisation for the Operation of Unmanned Aircraft of the Specific Category or a Light Unmanned Aircraft System Operator Certificate (LUC), or has Submitted to the Civil Aviation Agency a Declaration of Compliance with the Standard Scenarios Specified in Regulation No 2019/947**

14. The Civil Aviation Agency shall exercise oversight of operators of unmanned aircraft system operators of the specific category in accordance with the compliance monitoring programme specified in Article 18(i) of Regulation No 2019/947.

15. When implementing the compliance monitoring programme, the Civil Aviation Agency shall:

15.1. assess the compliance of unmanned aircraft system operators of the specific category with the conditions of the authorisation, certificate, and the declarations submitted for the operation of an unmanned aircraft of the specific category, with the manuals and procedures for an unmanned aircraft system operator of the specific category, with the requirements of Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (hereinafter – Regulation No 2018/1139), and also Regulation No 2019/947 and this Regulation;

15.2. conduct planned and, as necessary, unplanned audits and inspections of unmanned aircraft system operators of the specific category. The necessity and frequency thereof shall be determined by the Civil Aviation Agency on the basis of the safety risk assessment of unmanned aircraft system operators of the specific category conducted by the Civil Aviation Agency. The unmanned aircraft system operator of the specific category shall be notified of the start of the planned audit or inspection not later than 10 working days before the start of the audit or inspection;

15.3. prepare a level 2 non-compliance report if it is established that the unmanned aircraft system operator of the specific category does not comply with the authorisation, certificate, or the declarations submitted for the operation of an unmanned aircraft of the specific category, with the manuals and procedures for an unmanned aircraft system operator of the specific category, and also with the requirements of Regulation No 2018/1139, Regulation No 2019/947, and this Regulation, and this could affect the level of flight safety or endanger flight safety;

15.3. prepare a level 1 non-compliance report if it is established that the unmanned aircraft system operator of the specific category does not comply with the authorisation, certificate, or the declaration submitted for the operation of an unmanned aircraft of the specific category, with the manuals and procedures for an unmanned aircraft system operator of the specific category, and also with the requirements of Regulation No 2019/1139, Regulation No 2019/947, and this Regulation, and this significantly reduces the level of flight safety or significantly endangers flight safety.

16. The Civil Aviation Agency shall prepare a level 1 non-compliance report if:

16.1. the inspectors of the Civil Aviation Agency are not provided with access to the premises or documents of the unmanned aircraft system operator of the specific category during the working hours of the unmanned aircraft system operator of the specific category and after two written requests;

16.2. knowingly false information is provided in the submission or declaration of the unmanned aircraft system operator of the specific category and in the documents attached thereto;

16.3. the Civil Aviation Agency has evidence of unlawful use of the authorisation, certificate, or declaration for the operation of an unmanned aircraft of the specific category;

16.4. the unmanned aircraft system operator of the specific category does not have an accountable manager.

17. The Civil Aviation Agency shall prepare a level 2 non-compliance report if the non-compliance is not classified as a level 1 non-compliance immediately following the detection thereof.

18. The Civil Aviation Agency shall, by 15 January of each year, inform the unmanned aircraft system operator of the specific category of the audits and inspections planned in the compliance monitoring programme referred to in Paragraph 15 of this Regulation, indicating the dates of conducting them.

19. Within 10 working days after receipt of the information referred to in Paragraph 18 of this Regulation, the unmanned aircraft system operator of the specific category may inform the Civil Aviation Agency in writing of the necessity to determine other dates for the planned audits and inspections, giving substantiated reasons therefor.

20. If the Civil Aviation Agency has prepared:

20.1. a level 2 non-compliance report – the unmanned aircraft system operator of the specific category shall, upon completion of the audit or inspection, submit for assessment, within the time period specified by the Civil Aviation Agency not exceeding 15 days, the analysis of the causes of the identified non-compliance and the plan to remedy the non-compliance, and shall remedy the identified non-compliance within three months after receipt of the non-compliance report. After expiry of the aforementioned time period, taking into account the nature of the non-compliance, the Civil Aviation Agency has the right, following the assessment of the non-compliance plan submitted repeatedly by the unmanned aircraft system operator of the specific category, to extend the time period to remedy the identified non-compliance for a period of up to three months. If the unmanned aircraft system operator of the specific category has not performed the analysis of the causes of the identified non-compliance, has not developed the plan to remedy the non-compliance, or has failed to remedy the identified non-compliance within the aforementioned time period, the Civil Aviation Agency shall classify the non-compliance as a level 1 non-compliance;

20.2. a level 1 non-compliance report – the Civil Aviation Agency shall, according to the flight safety risk, restrict or suspend for a period of up to six months the authorisation, certificate, or the declaration for the operation of an unmanned aircraft of the specific category and indicate the identified non-compliances that need to be addressed by the unmanned aircraft system operator of the specific category. The unmanned aircraft system operator of the specific category shall, upon completion of the audit or inspection, submit for assessment, within the time period specified by the Civil Aviation Agency but not exceeding 15 days, the analysis of the causes of the identified non-compliance and the plan to remedy the non-compliance.

21. The Civil Aviation Agency shall withdraw the authorisation, certificate, or the declaration for the operation of an unmanned aircraft of the specific category if the unmanned aircraft system operator has failed to remedy the non-compliance identified by the Civil Aviation Agency within six months after restricting or suspending the authorisation, certificate, or the declaration for the operation of an unmanned aircraft of the specific category.

22. The Civil Aviation Agency shall prepare the final audit or inspection report within 10 working days after completion of the audit.

**V. Closing Provisions**

23. High risk authorisations for the operation of unmanned aircraft with the period of validity specified therein until 1 July 2021 which have been issued in accordance with Cabinet Regulation No. 368 of 13 August 2019, Procedures for the Performance of Flights of Unmanned Aircraft and Aeroplanes of Another Type, shall be valid until 31 December 2021.

24. The Regulation shall come into force on 1 July 2021.

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits