Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

25 October 2022 [shall come into force on 29 October 2022].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 374

Adopted 15 June 2021

**Procedures for the Acquisition of the Status and Oversight of Recognised Entities**

*Issued pursuant to*

*Section 117.2, Paragraph six and Section 117.7, Paragraph one, Clause 3 of the law On Aviation*

**I. General Provisions**

1. This Regulation prescribes:

1.1. the conformity requirements for an entity recognised by *valsts aģentūra “Civilās aviācijas aģentūra”* [State agency Civil Aviation Agency] (hereinafter – the Civil Aviation Agency) and the procedures for the acquisition of the status of a recognised entity, for the restriction, amendment, and cancellation of its operation;

1.2. the procedures by which the Civil Aviation Agency shall conduct the oversight of recognised entities.

2. This Regulation shall be applicable to the recognised entities that:

2.1. conduct the remote pilot theoretical knowledge examination in the Open A2 sub-category;

2.2. conduct the remote pilot theoretical knowledge examination for the operation of unmanned aircraft in the specific category;

2.3. conduct the remote pilot practical training and evaluation of skills for the operation of unmanned aircraft in the specific category.

2.4. [25 October 2022]

[*25 October 2022*]

3. The status of a recognised entity shall be granted for an indefinite period.

4. The Civil Aviation Agency shall publish on its website information on the name and field of activity of a recognised entity as soon as such information is at the disposal of the Civil Aviation Agency.

5. Decisions of the Civil Aviation Agency which have been taken in accordance with this Regulation may be appealed in accordance with the procedures laid down in the Administrative Procedure Law.

6. The documents developed by the European Union Aviation Safety Agency for the application of the requirements laid down in Article 8 of 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 published on the website of the Civil Aviation Agency.

7. Approval of a recognised entity, amendment of the conditions for a certificate of a recognised entity, and evaluation of a recognised entity according to the monitoring cycle shall be a paid service in accordance with the price list of public paid services of the Civil Aviation Agency.

**II. Requirements for a Recognised Entity and the Procedures for the Recognition Thereof**

8. The status of a recognised entity may be obtained by:

8.1. a legal person whose principal place of business is the Republic of Latvia;

8.2. a natural person who has registered in the Republic of Latvia in the status of a sole proprietorship or self-employed person.

8.1If the person referred to in Sub-paragraph 8.1 or 8.2 of this Regulation intends to perform the activities referred to in Sub-paragraph 2.3 of this Regulation, it shall be considered an unmanned aircraft operator in the specific category.

[*25 October 2022*]

9. In order to obtain the status of a recognised entity, an applicant shall submit the following to the Civil Aviation Agency according to the intended field of activity:

9.1. a submission for obtaining the status of a recognised entity (Annex 1);

9.2. documents confirming that the applicant has the following personnel:

9.2.1. the accountable manager;

9.2.2. the observer of the course of the theoretical knowledge examination (if applicable);

9.2.3. the practical skills training instructor and the skills assessor (if applicable);

9.3. a document confirming the right of use to premises where the activities referred to in Paragraph 2 of this Regulations will take place (if applicable);

9.4. a manual containing the following information:

9.4.1. the organisational structure;

9.4.2. the fields and procedures of activity;

9.4.3. the description of the staff capacity required for the field of activity, of the maintenance and examination of the field of activity;

9.4.4. the description of premises where the planned activities will take place (if applicable);

9.5. the description of equipment or systems to be used for the theoretical knowledge examination.

[*25 October 2022*]

10. The applicant who wishes to perform the activities referred to in Sub-paragraph 2.3 of this Regulation shall, in addition to the documents referred to in Paragraph 9 of this Regulation, submit the following to the Civil Aviation Agency:

10.1. the documents confirming the qualification of the staff referred to in Sub-paragraph 9.2.3 of this Regulation;

10.2. the declaration in accordance with the laws and regulations governing the qualification requirements for remote pilots if the applicant wishes to provide the remote pilot practical training and the evaluation of skills for the activities subject to the standard scenarios, as defined in Appendix 1 of the Annex to Regulation No 2019/947;

10.3. the declaration (Annex 2) if the applicant wishes to provide the remote pilot practical training and the evaluation of skills for the operation of unmanned aircraft in the specific category, and this is envisaged in the safety assessment of flights;

10.4. the authorisation for the operation of unmanned aircraft, certificate, proof of completeness of the operational declaration if it has been issued by another European Union Member State;

10.5. the operations manual referred to in point 11 of Appendix 3 of Annex to Regulation No 2019/947;

10.6. the operations manual developed in accordance with point 11 of Appendix 3 of Annex to Regulation No 2019/947;

10.7. the insurance policy.

[*25 October 2022*]

11. An applicant who wishes to conduct the remote pilot theoretical knowledge examination for the operation of unmanned aircraft in the Open A2 sub-category and in the specific category shall use the examination questions approved by the Civil Aviation Agency.

[*25 October 2022*]

12. An observer for the course of the remote pilot classroom theoretical knowledge examinations may be a person who has attained at least 18 years of age.

13. [25 October 2022]

14. [25 October 2022]

15. A person who corresponds to the requirements referred to in point 4 of Appendix 3 of Annex to Regulation 2019/947 may be appointed as the practical skills training instructor and the practical skills assessor.

[*25 October 2022*]

16. The following person may be appointed as the accountable manager of the recognised entity:

16.1. who has been granted the right of signature according to the articles of association of a legal person;

16.2. who has not been the accountable manager within the last three years in the recognised entity the activity of which has been suspended, revoked, or restricted due to committed violations or non-compliance in the field of unmanned aircraft flight safety.

17. According to the field of activity of the recognised entity, the recognised entity shall have the following premises at its disposal:

17.1. that are suitable for performing planned activities (if applicable);

17.2. that are equipped for providing the theoretical knowledge examination and the remote pilot practical training and assessment of skills (if applicable).

[*25 October 2022*]

18. If the submission contains incomplete information, not all the documents referred to in Paragraphs 9 and 10 of this Regulation (if applicable) have been submitted, or the submitted documents contain incomplete information, the Civil Aviation Agency shall request the applicant to clarify the information provided and submit the missing documents within 10 working days from the day of sending the request.

[*25 October 2022*]

19. If additional information is required during examination of the documents referred to in Paragraphs 9 and 10 of this Regulation (if applicable), the Civil Aviation Agency may conduct an on-site inspection of the applicant.

20. The Civil Aviation Agency shall take the decision to grant the status of a recognised entity if the applicant:

20.1. has submitted all the documents referred to in Paragraphs 9 and 10 of this Regulation (if applicable);

20.2. corresponds to the requirements referred to in this Chapter.

21. The Civil Aviation Agency shall take the decision to refuse to grant the status of a recognised entity if the applicant:

21.1. has failed to submit all the documents referred to in Paragraphs 9 and 10 of this Regulation (if applicable);

21.2. does not correspond to the requirements referred to in this Chapter.

22. The recognised entity shall, not later than 10 days before the planned changes, inform the Civil Aviation Agency of changes in the documents referred to in Paragraphs 9 and 10 of this Regulation (if applicable), submitting a relevant submission (Annex 1).

[*25 October 2022*]

23. The Civil Aviation Agency shall, within one months after receipt of the submission of the recognised entity by which the recognised entity has notified the changes, examine the relevant submission and take one of the following decisions:

23.1. to approve the changes submitted if the recognised entity has submitted all the documents referred to in Paragraphs 9 and 10 of this Regulation (if applicable) and corresponds to the requirements referred to in this Chapter;

23.2. to refuse to approve the changes submitted if the recognised entity has failed to submit any of the documents referred to in Paragraphs 9 and 10 of this Regulation (if applicable) or does not correspond to the requirements referred to in this Chapter.

24. Any changes in the field of activity of the recognised entity may only be implemented after they have been approved by the Civil Aviation Agency.

**III. Procedures for the Oversight of Recognised Entities**

25. The Civil Aviation Agency shall, at least once every two years, conduct the oversight of the recognised entity according to the conformity monitoring programme prepared by the Civil Aviation Agency.

26. The Civil Aviation Agency shall, according to the conformity monitoring programme:

26.1. assess the conformity of the activity of the recognised entity, the operations manual, and other documents referred to in this Regulation with this Regulation and the laws and regulations governing the field of activity of the recognised entities;

26.2. conduct planned and, if necessary, unplanned audits and inspections of the recognised entity. The Civil Aviation Agency shall determine their need and frequency on the basis of a safety risk assessment. The recognised entity shall be notified of the commencement of the planned audit or inspection not later than 10 working days before the beginning of the audit or inspection;

26.3. prepare a level 2 non-compliance report if it is established that the recognised entity does not correspond to this Regulation or other laws and regulations governing the field of activity of the recognised entities, the conditions contained in the submission referred to in Paragraph 9 of this Regulation and accompanying documents, or in the declaration referred to in Appendix 6 of Annex to Regulation No 2019/947, and this could lower the flight safety level or hazard flight safety;

26.4. prepare a level 1 non-compliance report if it is established that the recognised entity does not correspond to this Regulation or other laws and regulations governing the field of activity of the recognised entities, the conditions contained in the submission referred to in Paragraph 9 of this Regulation and accompanying documents, or in the declaration referred to in Appendix 6 of Annex to Regulation No 2019/947, and this significantly lowers the flight safety level or seriously hazards flight safety.

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

27.1. the inspectors of the Civil Aviation Agency are not provided with access to the premises or documents of the recognised entity during the working hours of the recognised entity and after two written requests;

27.2. knowingly false information has been provided in the submission of the recognised entity and accompanying documents, or in the declaration referred to in Appendix 6 of Annex to Regulation No 2019/947;

27.3. the Civil Aviation Agency has evidence of unlawful use of the status of a recognised entity or the declaration referred to in Appendix 6 of Annex to Regulation No 2019/947;

27.4. the recognised entity does not have the accountable manager who corresponds to the requirements laid down in this Regulation.

28. The Civil Aviation Agency shall prepare a level 2 non-compliance report if the non-compliance established is not classified as a level 1 non-compliance.

29. The Civil Aviation Agency shall, each year by 15 January, inform the recognised entities of the audits and inspections planned in the compliance monitoring programme referred to in Paragraph 26 of this Regulation, indicating the dates of carrying them out.

30. The recognised entities may, within 10 working days after receipt of the information referred to in Paragraph 29 of this Regulation, inform the Civil Aviation Agency in writing of the need to determine other dates for the planned audits and inspections, providing proper justification.

31. If the Civil Aviation Agency has prepared:

31.1. a level 2 non-compliance report – the recognised entity 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 abovementioned time period, taking into account the nature of the non-compliance, the Civil Aviation Agency has the right to extend the time period to remedy the identified non-compliance for a period of up to three months after assessment of the non-compliance plan re-submitted by the recognised entity. If the recognised entity has failed to perform the analysis of causes of the identified non-compliance, has failed to develop the corrective action plan, or has failed to remedy the identified non-compliance within the abovementioned period, the Civil Aviation Agency shall classify it as a level 1 non-compliance;

31.2. a level 1 non-compliance report – the Civil Aviation Agency shall, according to the flight safety risk, restrict for a period of up to six months the activity of the recognised entity and indicate the established non-compliances that need to be addressed by the recognised entity. The recognised entity shall, upon completion of the audit or inspection, submit for assessment, within the period specified by the Civil Aviation Agency but not exceeding 15 days, the analysis of the causes of the established non-compliance and the plan to remedy the non-compliance.

32. The Civil Aviation Agency shall cancel the status of a recognised entity if it:

32.1. has failed to remedy the non-compliances established by the Civil Aviation Agency within six months after restriction of the activity thereof;

32.2. has failed to commence any of the planned activities indicated in the submission for obtaining the status of a recognised entity within 24 months after obtaining the status of a recognised entity.

33. The Civil Aviation Agency shall prepare the final audit report not later than within 10 working days after completion of the audit.

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits

**Annex 1**

Cabinet Regulation No. 374

15 June 2021

[*25 October 2022*]

**Submission for Obtaining the Status of a Recognised Entity**

|  |
| --- |
|  Initial recognition/  Submission regarding changes |
| The intended date of commencement of activity (dd/mm/yyyy) |

|  |
| --- |
| **Legal person/natural person who has registered in the Republic of Latvia in the status of a sole proprietorship or self-employed person** |
| Name |   |
| Registration number |   |
| Address of the principal place of business and actual address |   |
| Telephone |   |
| E-mail |   |
| **Contact person** |
| Given name, surname |   |
| Grades/capacities |   |
| Telephone |   |
| E-mail |   |
| **Document confirming payment for the paid service of the Civil Aviation Agency** |
| Payment number |   |
| Payment date |   |

|  |  |
| --- | --- |
| No. | **Planned field of activity** |
| 1. | Conducting of the remote pilot theoretical knowledge examination in the Open A2 sub-category |  |
| 2. | Conducting of the remote pilot theoretical knowledge examination for the operation of unmanned aircraft in the specific category |  |
| 3. | Assessment of the remote pilot practical training and skills for the operation of unmanned aircraft in the specific category |  |

|  |
| --- |
| **Personnel of the recognised entity** |
| **Accountable manager\*** |
| Given name, surname |   |
| Telephone |   |
| E-mail |   |
| Employment contract |  full-time/ part-time |
|   |
| **Observer for the course of the classroom theoretical knowledge examinations** |
| Given name, surname |   |
| Telephone |   |
| E-mail |   |
| Employment contract |  full-time/ part-time |
| **Practical skills training instructor** |
| Given name, surname |   |
| Telephone |   |
| E-mail |   |
| Qualification |   |
| Employment contract |  full-time/ part-time |
| **Practical skills assessor** |
| Given name, surname |   |
| Telephone |   |
| E-mail |   |
| Qualification |   |
| Employment contract |  full-time/ part-time |

|  |
| --- |
| **Operating (practice) site(s) to be used (if applicable)** |
| No. |   |   |
| 1. |   |   |
| 2. |   |   |
| 3. |   |   |
| 4. |   |   |

|  |  |  |
| --- | --- | --- |
| I, |   | the accountable manager |
| (given name, surname) |   |
|   | of the recognised entity, |
| (name) |   |
| confirm that all the persons referred to in the application comply with the applicable requirements and that all the information provided therein is complete and correct. |

|  |  |  |
| --- | --- | --- |
|   |   |   |
| (date\*\*) |   | (signature\*\*) |

Notes.

1. \* Please, supplement accordingly if deputies have been appointed for the abovementioned personnel.

2. \*\* The details of the document “date” and “signature” need not be completed if the electronic document has been drawn up in conformity with the laws and regulations regarding the drawing up of electronic documents.

**Annex 2**

Cabinet Regulation No. 374

15 June 2021

[*25 October 2022*]

**Declaration for the Remote Pilot Practical Training and Assessment of Skills**

|  |
| --- |
| The intended date of commencement of activity (dd/mm/yyyy) |

|  |  |
| --- | --- |
| Data protection | The personal data contained in this declaration shall be processed by the competent authority in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). They shall be processed to carry out the execution and management of oversight activities and related subsequent measures in accordance with Regulation (EU) 2019/947. If you need additional information on the processing of your personal data or you wish to exercise your rights (for example, to access inaccurate or incomplete data or correct them), please contact the point of contact of the competent authority. The applicant has the right to submit a complaint to the national data protection supervisory authority at any time regarding the processing of personal data |
| Identification of the entity |   |
| Given name, surname, telephone number, and e-mail address of the responsible person |   |
| I hereby declare that: | – I comply with the requirements laid down in Appendix 3 of Annex to Regulation (EU) 2019/947, and– when operating an unmanned aircraft system in relation to training activities, if so provided by the flight safety assessment, I comply with all applicable provisions of Regulation (EU) 2019/947, including the requirements and restrictions specified in the operational authorisation |
| Date |   | Signature or another proof |   |