Republic of Latvia

Cabinet

Regulation No. 436

Adopted 29 June 2021

**Regulations Regarding the Qualification of Remote Pilots**

*Issued pursuant to*

*Section 117.2, Paragraphs three, four, and five of the law On Aviation*

**I. General Provisions**

1. The Regulation prescribes the procedures by which:

1.1. the State agency Civil Aviation Agency (hereinafter – the Civil Aviation Agency) shall provide online training course for remote pilots and issue proof of completion of an online theoretical knowledge examination to remote pilots;

1.2. the Civil Aviation Agency or a recognised entity thereof shall ensure the remote pilot classroom theoretical knowledge examination and issue the certificate of remote pilot competency, and also extend, restrict, revoke, or suspend its operation;

1.3. an entity recognised by the Civil Aviation Agency or the unmanned aircraft system operator shall ensure the remote pilot practical skill training and assessment and issue an accreditation of completion of the practical skill training, and also extend, restrict, revoke, or suspend its operation;

1.4. an entity recognised by the Civil Aviation Agency or the unmanned aircraft system operator shall submit a declaration to the Civil Aviation Agency on conformity with the requirements 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) and receive the proof of conformity from the Civil Aviation Agency.

2. The documents developed by the European Aviation Safety Agency for the application of Article 8 of Regulation No 2019/947, “Acceptable Means of Compliance and Guidance Material”, shall be translated into Latvian and published on the website of the Civil Aviation Agency.

3. If the services provided by the Civil Aviation Agency specified 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 of public paid services of the Civil Aviation Agency before receipt of the service.

**II. General Provisions for the Remote Pilot Theoretical Knowledge Examination and Practical Skill Assessment**

4. The applicant shall take the remote pilot theoretical knowledge examination independently, without the assistance of other persons or ancillary materials. It is prohibited to copy, photograph, film, or record the content of the theoretical knowledge examination in any other form and to distribute it further.

5. The remote pilot shall take the practical skill assessment independently. The remote pilot has the right to involve the support staff in the practical skill assessment if it is necessary for ensuring a flight of the relevant unmanned aircraft system.

6. The course of the remote pilot classroom theoretical knowledge examination shall be supervised by an observer of the examination appointed by the Civil Aviation Agency or an entity recognised by the Civil Aviation Agency (hereinafter – the recognised entity). The observer of the examination has the following obligations and rights:

6.1. before the examination, to inform the applicant of the rules of the examination and, if necessary, to reply to the questions of the applicant regarding the course of the examination;

6.2. to supervise the course of the examination and, if the applicant does not comply with the conditions of Paragraph 4 of this Regulation, to discontinue the participation of the applicant in the examination.

7. The Civil Aviation Agency and the recognised entity shall organise the remote pilot classroom theoretical knowledge examination:

7.1. in the premises of the Civil Aviation Agency or the recognised entity;

7.2. in other corresponding premises, if the Civil Aviation Agency or the recognised entity is organising a visiting examination.

8. Each question of the remote pilot theoretical knowledge examination shall be given four reply options (one – correct, three – incorrect). The time dedicated for the provision of replies shall be one minute for each question.

9. If the classroom theoretical knowledge examination or practical skill assessment has not been passed, re-taking of the classroom theoretical knowledge examination or practical skill assessment shall be permissible not earlier than on the following day after notification of the results.

10. The Civil Aviation Agency and the recognised entity shall cooperate in enforcement of this Regulation according to the agreement entered into.

11. Information on applying for the remote pilot classroom theoretical knowledge examination shall be published on the website of the Civil Aviation Agency and the recognised entity not later than five working days before the examination.

**III. Remote Pilot Online Training and Online Theoretical Knowledge Examination for the Subcategories A1 and A3 of the Open Category**

12. The Civil Aviation Agency shall ensure the course of the remote pilot online training and the online theoretical knowledge examination for the subcategories A1 and A3 of the open category (hereinafter – the subcategories A1 and A3) in the portal of services of the Civil Aviation Agency (hereinafter – the portal).

13. The Civil Aviation Agency shall prepare and maintain the materials of the remote pilot training and the questions of the online examination in accordance with the conditions of Part A, point UAS.OPEN.020(4)(b) and point UAS.OPEN.040(3) of Annex to Regulation No 2019/947.

14. Before taking the remote pilot online theoretical knowledge examination of the subcategories A1 and A3, the applicant shall register in the portal and obtain the remote pilot registration number.

15. The Civil Aviation Agency shall issue proof of completion of the online theoretical knowledge examination of the subcategories A1 and A3 passed within two working days after passing the examination, adding it in the portal in the account created by the remote pilot.

**IV. Remote Pilot Classroom Examination for the Subcategory A2 of the Open Category**

16. The Civil Aviation Agency shall prepare and maintain the questions of the remote pilot classroom theoretical knowledge examinations for the subcategory A2 of the open category (hereinafter – the subcategory A2) in accordance with the conditions of Part A, point UAS.OPEN.030(2)(c) of Annex to Regulation No 2019/947.

17. Before taking the classroom theoretical knowledge examination of the subcategory A2, the remote pilot shall:

17.1. fulfil the conditions of Part A, point UAS.OPEN.030(2)(a) and (b) of Annex to Regulation No 2019/947 and add a notification regarding completion of practical self-training in the portal in the account created by the remote pilot;

17.2. coordinate the time and location of the classroom examination with the Civil Aviation Agency or the recognised entity;

17.3. before commencing the examination, present a personal identification document.

18. If the course of the remote pilot classroom theoretical knowledge examination of the subcategory A2 is ensured by the recognised entity, it shall use the questions of the examination referred to in Paragraph 16 of this Regulation.

19. There shall be 30 questions in the remote pilot classroom theoretical knowledge examination of the subcategory A2.

20. The Civil Aviation Agency shall issue the certificate of remote pilot competency regarding a successfully passed remote pilot classroom theoretical knowledge examination of the subcategory A2 within two working days after passing the examination, adding it in the portal in the account created by the remote pilot.

**V. Remote Pilot Classroom Theoretical Knowledge Examination and Practical Skill Assessment of the Specific Category According to the Requirements laid down for Standard Scenarios**

21. The Civil Aviation Agency shall prepare and maintain the questions of the classroom theoretical knowledge examination in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947.

22. The Civil Aviation Agency or the recognised entity shall ensure the remote pilot classroom theoretical knowledge examination in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947.

23. The recognised entity or the unmanned aircraft system operator shall ensure the remote pilot practical skill training and assessment according to the activities to which the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947 apply.

24. In order to obtain the right to ensure the remote pilot practical skill training and assessment according to the activities to which standard scenarios apply, the recognised entity and the unmanned aircraft system operator shall fulfil the requirements of Appendix 3 of Annex to Regulation No 2019/947.

25. The Civil Aviation Agency shall, within two working days after receipt of the declaration submitted by the recognised entity or the unmanned aircraft system operator, inspect it and issue proof if the declaration of the recognised entity or the unmanned aircraft system operator contains all the information specified in Appendix 6 or 4 of Annex to Regulation No 2019/947.

26. The recognised entity and the unmanned aircraft system operator are entitled to ensure the remote pilot practical skill training and assessment in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947 when proof of the Civil Aviation Agency regarding conformity of the declaration with Appendices 6 and 4 of Annex to Regulation No 2019/947 has been received.

27. Before taking the classroom theoretical knowledge examination in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947, the remote pilot shall:

27.1. receive proof of completion of the remote pilot online theoretical knowledge examination of the subcategories A1 and A3 passed in accordance with the conditions of Part A, point UAS.OPEN.020(4)(b) and point UAS.OPEN.040(3) of Annex to Regulation No 2019/947 or the certificate of competency regarding the remote pilot classroom theoretical knowledge examination of the subcategory A2 passed in accordance with the conditions of Part A, point UAS.OPEN.030(2)(c) of Annex to Regulation No 2019/947;

27.2. coordinate the time and location of the classroom examination with the Civil Aviation Agency or the recognised entity;

27.3. before commencing the examination, present a personal identification document.

28. If the course of the remote pilot classroom theoretical knowledge examination is ensured by the recognised entity, it shall use the questions of the examination referred to in Paragraph 21 of this Regulation.

29. The number of questions in the remote pilot classroom theoretical knowledge examination in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947 shall be linked to the remote pilot qualification already obtained by the applicant in conformity with the following conditions:

29.1. there shall be 40 questions in the examination if the remote pilot has previously passed the remote pilot online theoretical knowledge examination of the subcategories A1 and A3 in accordance with the conditions of Part A, point UAS.OPEN.020(4)(b) and point UAS.OPEN.040(3) of Annex to Regulation No 2019/947;

29.2. there shall be 30 questions in the examination if the remote pilot has previously passed the remote pilot classroom theoretical knowledge examination of the subcategory A2 in accordance with the conditions of Part A, point UAS.OPEN.030(2)(c) of Annex to Regulation No 2019/947.

30. The certificate of competency which certifies the theoretical knowledge for the operation of unmanned aircraft systems in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947:

30.1. shall be issued by the Civil Aviation Agency to the remote pilot within two working days after passing the examination, adding it in the portal in the account created by the remote pilot;

30.2. shall be issued by the recognised entity to the remote pilot within two working days after passing the examination. The remote pilot shall add it in the portal in the account created by the remote pilot before commencing flights in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947.

31. The recognised entity or the unmanned aircraft system operator shall issue accreditation to the remote pilot of completion of the practical skill training of the operation of unmanned aircraft systems in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947 within two working days after passing the assessment. The remote pilot shall add it in the portal in the account created by the remote pilot before commencing flights in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947.

**VI. Conformity of the Remote Pilot Qualification of the Specific Category with the Operational Risk Assessment of Unmanned Aircraft Systems**

32. The recognised entity shall ensure the remote pilot classroom theoretical knowledge training and examination, and also the recognised entity or the unmanned aircraft system operator shall ensure the practical skill training and assessment insofar as it is necessary for the safety of operation of unmanned aircraft systems intended by the unmanned aircraft system operator so that the unmanned aircraft system operator could apply for the operational authorisation of the Civil Aviation Agency, fulfilling the conditions of Article 12(4)(b)(ii) of Regulation No 2019/947.

33. The practical skill training and assessment shall be conducted with an unmanned aircraft of the unmanned aircraft system operator or the remote pilot in conformity with the following conditions:

33.1. training and assessment of the skills with the unmanned aircraft of the remote pilot are conducted if it has been coordinated with the recognised entity or the unmanned aircraft system operator;

33.2. the recognised entity, the unmanned aircraft system operator, or the remote pilot has insured, in accordance with the laws and regulations regarding mandatory civil liability insurance for unmanned aircraft flights, the civil liability thereof against losses which might be caused to the health, life, property of a third party, and also the environment by the unmanned aircraft with which conducting of training and assessment of the skills are planned.

34. The recognised entity or the unmanned aircraft system operator shall issue the certificate of remote pilot competency of the specific category and the accreditation of completion of the practical skill training for the conformity of the theoretical knowledge and practical skills with the requirements referred to in Paragraph 32 of this Regulation to the remote pilot within two working days after passing the classroom theoretical knowledge examination or the practical skill assessment. The remote pilot shall add the certificate in the portal in the account created by the remote pilot before commencing flights according to the certificate of competency or the accreditation of completion of the practical skill training.

**VII. Extension, Restriction, Revocation, or Suspension of the Term of Validity of the Certificate of Competency and the Accreditation of Completion of the Practical Skill Training**

35. The Civil Aviation Agency shall extend, for the time period of five years, the certificate of remote pilot competency of the subcategory A2 for the classroom theoretical knowledge examination passed if the remote pilot has fulfilled one of the following conditions:

35.1. the remote pilot has fulfilled the requirements of Part A, point UAS.OPEN.070(2) of Annex to Regulation No 2019/947 before expiry of the term of validity of the certificate of competency;

35.2. the remote pilot has fulfilled the requirements of Part A, point UAS.OPEN.070(3) of Annex to Regulation No 2019/947 after expiry of the term of validity of the certificate of competency.

36. The Civil Aviation Agency shall extend, for the time period of five years, the certificate of remote pilot competency which certifies the theoretical knowledge of the remote pilot in accordance with the standard scenarios defined in Appendix 1 of Annex to Regulation No 2019/947 if the remote pilot has fulfilled one of the following conditions:

36.1. before expiry of the term of validity of the certificate of competency, the remote pilot has fulfilled the requirements of Appendix 1, Chapter I, point UAS.STS-01.020(3) or Chapter II, point UAS.STS-02.020(10) of Annex to Regulation No 2019/947 accordingly;

36.2. after expiry of the term of validity of the certificate of competency, the remote pilot has fulfilled the requirements of Appendix 1, Chapter I, point UAS.STS-01.020(4) or point UAS.STS-02.020(11) of Annex to Regulation No 2019/947 accordingly.

37. Refresher training of the theoretical knowledge and skills shall be ensured by:

37.1. the Civil Aviation Agency or the recognised entity in accordance with the conditions of Part A, point UAS.OPEN.070(2)(b) of Annex to Regulation No 2019/947;

37.2. the recognised entity in accordance with the conditions of Appendix 1, Chapter I, point UAS.STS-01.020(3)(b) and Chapter II, point UAS.STS-02.020(10)(b) of Annex to Regulation No 2019/947.

38. The recognised entity or the unmanned aircraft system operator accordingly shall issue the certificate of remote pilot competency of the specific category referred to in Chapter VI of this Regulation for the classroom theoretical knowledge examination passed and the accreditation of completion of the practical skill training for a time period of not less than two years.

39. The recognised entity or the unmanned aircraft system operator may extend the term of validity of the certificate of competency and the accreditation of completion of the practical skill training referred to in Paragraph 38 of this Regulation if the following conditions are complied with:

39.1. if the certificate of competency has been issued for a time period exceeding five years, the remote pilot refreshes the theoretical knowledge in training not less than once in five years;

39.2. if the total duration of flights completed by the remote pilot within the last year is less than six hours, unless a higher number of hours has been specified in the accreditation of completion of the practical skill training, the remote pilot shall re-take the practical skill assessment.

40. The unmanned aircraft system operator may revoke the accreditation of completion of the practical skill training referred to in Paragraph 38 of this Regulation in the following cases:

40.1. the unmanned aircraft system operator has changed the activity to such type which does not provide for the use of unmanned aircrafts, the completion of flights does not require the accreditation acquired previously, or an accreditation of different content is necessary;

40.2. in exercising the privilege given by the accreditation of completion of the practical skill training, the remote pilot has acted negligently which has resulted in an incident or a civil aviation accident;

40.3. the remote pilot has committed a violation of the laws and regulations governing the field of unmanned aircrafts which endangers flight safety or security, causes threats to the public or national security;

40.4. the remote pilot has not taken the necessary measures within the time period stipulated by the unmanned aircraft system operator in order to renew the operation of the accreditation of completion of the practical skill training;

40.5. the remote pilot refuses the use of the accreditation of completion of the practical skill training in writing and requests that it is revoked.

41. The unmanned aircraft system operator may restrict the accreditation of completion of the practical skill training referred to in Paragraph 38 of this Regulation and leave it valid in a part insofar as it conforms to the actual qualification level of the remote pilot or the qualification level of the remote pilot necessary for the unmanned aircraft system operator.

42. The unmanned aircraft system operator may take the decision to suspend the operation of the accreditation of completion of the practical skill training referred to in Paragraph 38 of this Regulation and issued to the remote pilot for the time period until the cases referred to in Sub-paragraphs 40.2, 40.3, and 40.4 of this Regulation are assessed or the remote pilot takes measures to eliminate the deficiencies established by the unmanned aircraft system operator. Afterwards the unmanned aircraft system operator shall renew the operation of the accreditation issued to the remote pilot, restrict or revoke the accreditation.

43. The refresher training of theoretical knowledge referred to in Sub-paragraph 39.1 of this Regulation and the practical skill assessment referred to in Sub-paragraph 39.2 of this Regulation shall be ensured by:

43.1. the recognised entity;

43.2. the unmanned aircraft system operator referred to in Chapter VI of this Regulation.

44. The Civil Aviation Agency may take the decision to revoke the certificate of competency issued by the Civil Aviation Agency or the recognised entity or the accreditation of completion of the practical skill training issued by the recognised entity if:

44.1. the remote pilot does not conform to the requirements laid down in this Regulation and in Article 8 of Regulation No 2019/947;

44.2. in exercising the privilege given by the certificate of competency or the accreditation of completion of the practical skill training, the remote pilot has acted negligently which has resulted in an incident or a civil aviation accident;

44.3. the remote pilot has committed a violation of the laws and regulations governing the field of unmanned aircrafts which endangers flight safety or security, causes threats to the public or national security;

44.4. within the scope of the process of supervision, the Civil Aviation Agency establishes that the recognised entity has not adequately ensured the course of training, assessments, or examinations, qualifying it as a level 1 non-conformity;

44.5. the remote pilot has not taken the necessary measures within the time period stipulated by the Civil Aviation Agency in order to renew the operation of the certificate of competency or the accreditation of completion of the practical skill training;

44.6. the remote pilot has obtained the certificate of competency or the accreditation of completion of the practical skill training by deceit;

44.7. the remote pilot refuses the use of the certificate of competency or the accreditation of completion of the practical skill training in writing and requests that it is revoked.

45. The Civil Aviation Agency may take the decision to restrict the operation of the certificate of competency or the accreditation of completion of the practical skill training issued to the remote pilot and to leave it in effect in a part insofar as it conforms to the qualification level which the Civil Aviation Agency or the recognised entity has ensured in training or which the remote pilot has certified in the classroom theoretical knowledge examination or the practical skill assessment.

46. The Civil Aviation Agency may take the decision to suspend the operation of the certificate of competency or the accreditation of completion of the practical skill training issued by the Civil Aviation Agency or the recognised entity to the remote pilot for a time period until the cases referred to in Sub-paragraphs 44.1, 44.2, 44.3, 44.4, 44.5, and 44.6 of this Regulation are assessed or the remote pilot takes measures to eliminate the deficiencies established by the Civil Aviation Agency. Afterwards the Civil Aviation Agency shall renew the operation of the certificate of competency or the accreditation issued to the remote pilot, restrict or revoke the certificate of competency or the accreditation.

47. The Civil Aviation Agency may suspend the operation of the accreditation of completion of the practical skill training referred to in Chapter VI and issued to the remote pilot of the unmanned aircraft system operator if, within the scope of the supervision measure, the Civil Aviation Agency establishes that the unmanned aircraft system operator has not adequately ensured the course of training or assessments, qualifying it as a level 1 non-conformity. The operation of the accreditation issued to the remote pilot of the unmanned aircraft system operator is suspended for a time period until the unmanned aircraft system operator has taken the measures to eliminate the deficiencies established.

**VIII. Closing Provisions**

48. On the basis of Article 21(1) of Regulation No 2019/947, the decision of the Civil Aviation Agency on passing the remote pilot theoretical knowledge examination and the practical skill assessment with the term of validity indicated therein until 1 July 2021 which has been taken on the basis of Paragraph 57 of Cabinet Regulation No. 368 of 13 August 2019, Procedures for the Completion of Flights of Unmanned Aircrafts and Aircrafts of Other Type, (hereinafter – Regulation No. 368) shall be in effect until 1 January 2022.

49. In the case referred to in Article 22(a) of Regulation No 2019/947, it shall be permitted, until 1 January 2023, to complete flights with an unmanned aircraft the maximum take-off mass of which, including the useful mass, is 250 g and more for the remote pilot who has:

49.1. become acquainted with the instructions given by the manufacturer of the unmanned aircraft system;

49.2. completed an online training course and passed the online theoretical knowledge examination in accordance with Part A, point UAS.OPEN.020(4)(b) of Annex to Regulation No 2019/947.

50. On the basis of Article 21(1) and Article 22(b) of Regulation No 2019/947, the level of competence for remote pilots is considered, until 1 January 2022, as at least equivalent to the level specified in Part A, point UAS.OPEN.030(2) of Annex to Regulation No 2019/947 if:

50.1. the remote pilot has received the decision of the Civil Aviation Agency on passing the theoretical knowledge examinations and the practical skill assessments in accordance with Paragraph 57 of Regulation No. 368;

50.2. the remote pilot has additionally completed an online training course and passed the online theoretical knowledge examination in accordance with Part A, point UAS.OPEN.020(4)(b) of Annex to Regulation No 2019/947.

51. On the basis of Article 21(2) of Regulation No 2019/947, remote pilots whose level of competence may be considered equivalent in accordance with Paragraph 51 of this Regulation have the right, until 31 December 2021, to obtain the certificate referred to in Part A, point UAS.OPEN.030(2) of Annex to Regulation No 2019/947 at the Civil Aviation Agency without taking an additional examination.

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

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits