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

21 April 2020 [shall come into force on 24 April 2020];

13 December 2022 [shall come into force on 16 December 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. 26

Adopted 12 January 2016

**Procedures for Airspace Management, the Airspace Structure, and Procedures for the Change Thereof**

*Issued pursuant to*

*Section 39, Paragraph two of the law On Aviation*

**1. General Provisions**

1. The Regulation prescribes the procedures for the management of the flexible use of airspace, the airspace structure, and the procedures for the change thereof in the Republic of Latvia.

2. The terms used in this Regulation correspond to the terms used in the following European Union legal acts:

2.1. Article 2 of Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (hereinafter – Regulation No 549/2004);

2.2. Article 2 of Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (hereinafter – Regulation No 2150/2005);

2.3. Article 3 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);

2.4. Article 2 of Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (hereinafter – Regulation No 2017/373);

2.5. Article 2 of Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 (hereinafter – Regulation No 2019/123);

2.6. Article 2 of Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (hereinafter – Regulation No 255/2010);

2.7. Article 2 of Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (hereinafter – Regulation No 923/2012).

[*21 April 2020*]

3. The objective of the management of the flexible use of airspace is to ensure most effectively the use of airspace elements by different airspace users for their temporary needs of the use of airspace.

4. The airspace management shall be implemented in accordance with the regulation laid down in Article 2(7) of Regulation No 549/2004.

5. The airspace structure shall consist of the following elements:

5.1. control zone (CTR) – a controlled airspace established above an aerodrome with defined boundaries in the vertical and horizontal planes from the ground surface to a specific upper limit;

5.2. control area (CTA) – a controlled airspace established above the ground surface with defined boundaries in the vertical and horizontal planes;

5.3. terminal control area (TMA) – an airspace of defined dimensions established at the junctions of air traffic service routes in the vicinity of one or more aerodromes;

5.4. aerodrome traffic zone (ATZ) – an airspace of defined dimensions above an aerodrome and adjacent area thereof which is intended to guarantee the safety of air traffic at the aerodrome;

5.5. flight information region (FIR) – an airspace of defined dimensions where in-flight information and alerting services are provided;

5.6. airway – a controlled airspace in the form of a corridor or part thereof;

5.7. conditional route (CDR) – a route where air traffic services are provided and which can be planned and used under specific conditions;

5.8. danger area (D) – an airspace of defined dimensions within the borders of which activities dangerous to aircraft flights take place during a specific period;

5.9. restricted area (R) – an airspace of defined dimensions above land or territorial waters within the borders of which aircraft flights are restricted by specific conditions;

5.10. prohibited area (P) – an airspace of defined dimensions above land or territorial waters where aircraft flights are prohibited;

5.11. temporary reserved area (TRA) – an airspace of defined dimensions which is under the management of one aviation authority and is temporarily reserved for special activities of another aviation authority upon a mutual agreement. Other aircraft may perform transit flights through the abovementioned area with the permission of the air traffic controller;

5.12. temporary segregated area (TSA) – an airspace of defined dimensions which is under the management of one aviation authority and is temporarily segregated for special activities of another aviation authority upon a mutual agreement. It is prohibited for other aircraft to perform transit flights through the abovementioned area;

5.13. cross-border area (CBA) – a temporary reserved area (TRA) or temporary segregated area (TSA) of defined dimensions established over the territories of two or more countries;

5.14. traffic information zone (TIZ) – an uncontrolled airspace established above an aerodrome with defined boundaries from the ground surface in the vertical and horizontal planes where two-way radio communication is mandatory and services are provided by the air traffic information service operator;

5.15. traffic information area (TIA) – an uncontrolled airspace established above the traffic information zone (TIZ) with defined boundaries from the upper border of the traffic information zone (TIZ) in the vertical and horizontal planes where two-way radio communication is mandatory and services are provided by the air traffic information service operator.

6. The purpose of changing the airspace structure is to ensure equal opportunities for the use of airspace for all airspace users and also to increase the safety and efficiency of aircraft flights.

7. Flexible airspace structure elements shall be established in the terminal control area (TMA) not to impact the aircraft flight paths in the terminal control area (TMA) and not to reduce the safety and efficiency of aircraft flights.

8. Over explosive objects, national parks, nature reserves, and places of public events, it shall be permitted to impose restrictions on the airspace use for airspace users only to the minimum extent necessary to reduce the impact of noise and vibration caused by the aircraft.

[*13 December 2022*]

8.1 In case of the activities referred to in Article 4(1) of Regulation No 923/2012 or the safeguards referred to in Article 13 of Regulation No 549/2004 (hereinafter – the emergency), it shall be permitted to establish a danger area (D), a restricted area (R), and a prohibited area (P).

[*13 December 2022*]

9. When establishing a temporary reserved area (TRA), a temporary segregated area (TSA), a danger area (D), a restricted area (R), and a prohibited area (P), a buffer zone is placed within these areas to ensure safety of aircraft flights.

[*13 December 2022*]

**2. Airspace Structure and Procedures for the Change Thereof**

10. Boundaries in the vertical and horizontal planes shall be determined for each airspace structure element referred to in Paragraph 5 of this Regulation. In the horizontal plane, boundaries shall be determined in DMS format for geographic coordinates (degrees, minutes, seconds) which corresponds to the World Geodetic System WGS-84. In the vertical plane, boundaries shall be determined in metres and feet or flight levels, indicating the reference point for altitude (ground or water surface – SFC, mean sea level – MSL, or standard atmosphere – STD).

[*21 April 2020*]

11. [13 December 2022]

12. The Civil Aviation Agency shall change the airspace structure on its own initiative or at the suggestion of *valsts akciju sabiedrība “Latvijas gaisa satiksme”* [State joint-stock company Latvian Air Traffic] (hereinafter – the Latvian Air Traffic), the airport or aerodrome operator, the National Armed Forces, or another civil airspace user.

13. In order to change the airspace structure or to apply for the airspace use in respect of which the Civil Aviation Agency should assess the need for making changes to the airspace structure for flight safety purposes, the initiator shall submit a submission to the Civil Aviation Agency for changes to the airspace structure (Annex 1).

[*13 December 2022*]

14. The following shall be appended to the submission referred to in Paragraph 13 of this Regulation:

14.1. a description of the current situation, the justification of the need to change the airspace structure, and the objective of such changes;

14.2. in conformity with the information at the disposal of the initiator – a safety report on how the changes to the airspace structure will affect air traffic if it is intended to implement the changes in an uncontrolled airspace. The safety report shall include the following information:

14.2.1. a description of identified threats and associated risks if the applied airspace structure element overlaps with another airspace structure element in an uncontrolled airspace where flights are performed or is located within a distance of up to 5 nautical miles (9260 m) from it;

14.2.2. a description of measures intended for the mitigation of risks which has been agreed upon with the involved parties if the situation referred to in Sub-paragraph 14.2.1 of this Regulation is identified;

14.2.3. a description and evidence of measures that mitigate collision risks with uninvolved aircraft if it is intended to perform unmanned and remotely piloted aircraft flights within the airspace structure element;

14.2.4. an assessment of the impact of geographic location and meteorological conditions on the possibilities of using the applied airspace structure element (for example, location in the border area or within direct proximity to a controlled airspace, ability to transition from visual flight rules to instrument flight rules);

14.2.5. a list of measures for ensuring communications if it is necessary to ensure communications;

14.2.6. a description of risk mitigation measures if it is intended to perform flights within the applied airspace structure element at altitudes lower than those specified in points SERA.5005 and SERA.5015 of Annex to Regulation No 923/2012 and speeds lower than those specified in point SERA.6001 of Annex to Regulation No 923/2012;

14.3. documents confirming that the activities referred to in Paragraphs 9, 10, and 11 of Annex 1 to this Regulation have been carried out if it is marked in the submission that such activities are necessary, and documents confirming the veracity of the information referred to in Paragraphs 6, 7, 8, 12, and 13 of Annex 1 to this Regulation;

14.4. an agreement with local government institutions over the territories of which it is intended to establish the airspace structure element if the planned changes to the airspace structure or performance of flights envisage aircraft flights at altitudes lower than the minimum altitudes specified in points SERA.5005 and SERA.5015 of Annex to Regulation No 923/2012;

14.5. an agreement with a land owner if the planned changes to the airspace structure or performance of flights are related to the use of the ground surface (for example, descent of parachutists, cargo drop, air balloon race, aircraft aerobatic flights).

[*13 December 2022*]

15. The Civil Aviation Agency shall, within five working days after receipt of the submission referred to in Paragraph 13 of this Regulation (except for a submission which indicates the purpose “for military needs” and meets the criterion referred to in Sub-paragraph 14.4 of this Regulation), send information on changes to the airspace structure for agreement to the local government institutions over the territories of which it is intended to establish the airspace structure element if the planned changes to the airspace structure or use of airspace envisage aircraft flights at altitudes lower than the minimum altitudes specified in points SERA.5005 and SERA.5015 of Annex to Regulation No 923/2012.

[*13 December 2022*]

16. Local government institutions shall, within 10 working days after receipt of the information referred to in Paragraph 15 of this Regulation, submit to the Civil Aviation Agency an agreement or refusal to agree on the relevant changes to the airspace structure and a relevant justification. If the local government institutions have failed to provide the abovementioned opinion within 10 working days, the changes to the airspace structure shall be considered agreed upon.

17. If the planned changes to the airspace structure affect the airspace where the Latvian Air Traffic provides air traffic services, the Civil Aviation Agency shall, within five working days after receipt of the submission referred to in Paragraph 13 of this Regulation and initial assessment thereof whether the cases referred to in Sub-paragraphs 19.1, 19.2, and 19.3 of this Regulation are not established, send the submission to the Latvian Air Traffic and assign to assess the submission within 20 working days from receipt of the submission and to submit a notice of changes to the Civil Aviation Agency in accordance with the requirements laid down in point ATM/ANS.OR.A.045(a)(1)(2) of Annex III to Regulation No 2017/373. Expenditures related to the development and introduction of the abovementioned changes and procedures shall be covered by the initiator.

[*13 December 2022*]

18. The Civil Aviation Agency shall take the decision on changes to the airspace structure in accordance with the requirements laid own in point ATM/ANS.AR.C.025 of Regulation No 2017/373. The decision taken may be contested or appealed to the court in accordance with the procedures laid down in the Administrative Procedure Law.

[*21 April 2020*]

19. The decision to refuse to change the airspace structure shall be taken if:

19.1. the documents referred to in Sub-paragraphs 14.1, 14.2, 14.4, and 14.5 of this Regulation have not been submitted;

19.2. after assessing the refusal received from the local government institution to agree on the relevant changes to the airspace structure, it is recognised as justified;

19.3. the changes to the airspace structure requested in the submission of the initiator do not conform to national laws and regulations or European Union legal acts in the field of air navigation and air traffic management;

9.4. the procedure referred to in Sub-paragraph 17.1 of this Regulation has not been submitted or the safety assessment referred to in Sub-paragraph 17.2 of this Regulation indicates that the safety requirements and objectives of aircraft flights will not be met due to the changes to the airspace structure.

20. When taking the decision on the changes to the airspaces structure, the Civil Aviation Agency shall:

20.1. approve the procedures for using the relevant airspace structure element, if such are necessary during the change process of the airspace structure, or approve changes made by the Latvian Air Traffic which affect the services provided by the Latvian Air Traffic in accordance with the requirements laid down in point ATM/ANS.AR.C.025(a)(b) of Annex II to Regulation 2017/373;

20.2. instruct the initiator of changes to prepare and submit to the Latvian Air Traffic for publication the information on the changes to the airspace structure in the aeronautical information product in accordance with laws and regulations regarding the procedures for preparing and disseminating aeronautical information;

20.3. if the initiator of changes proposes temporary changes to the airspace structure and has not entered into a formal agreement with the Latvian Air Traffic in accordance with the laws and regulations regarding the procedures for preparing and disseminating aeronautical information, instruct the Latvian Air Traffic to prepare and submit for publication the information on the changes to the airspace structure in the aeronautical information product in accordance with the laws and regulations regarding the procedures for preparing and disseminating aeronautical information;

20.4. if the airspace element is established as a flexible airspace element in accordance with Paragraphs 22 and 23 of this Regulation, determine the priorities and criteria for the allocation thereof.

[*13 December 2022*]

20.1 In order to change the airspace structure in the cases specified in Paragraph 8.1 of this Regulation, the National Armed Forces or the State Border Guard shall propose to the Latvian Air Traffic to make changes to the airspace structure in accordance with the procedure established by the National Armed Forces, the State Border Guard, and the Latvian Air Traffic for the change to the airspace structure in emergencies which has been approved by the Civil Aviation Agency in accordance with the requirements laid down in Sub-paragraph 20.1 of this Regulation.

[*13 December 2022*]

20.2 If, in the cases referred to in Paragraph 8.1 of this Regulation, other activities involving the airspace use are performed within the airspace structure elements established specifically for such purposes in an uncontrolled airspace, the Latvian Air Traffic shall inform airspace users of the need to immediately discontinue activities within the airspace structure element, and the Aeronautical Search and Rescue Coordination Centre shall contact and coordinate release activities of the airspace structure element with the contact person of the relevant airspace structure element. The Latvian Air Traffic shall provide contact details of the relevant persons to the Aeronautical Search and Rescue Coordination Centre upon request.

[*13 December 2022*]

20.3 The Latvian Air Traffic shall prepare and disseminate the aeronautical information referred to in Paragraph 20.1 of this Regulation on the changes to the airspace structure in the aeronautical information product.

[*13 December 2022*]

20.4 The Latvian Air Traffic shall perform planning of the airspace structure in accordance with the requirements laid down in Article 3(8) of Regulation No 2017/373.

[*13 December 2022*]

**3. Airspace Management**

[*13 December 2022*]

21. The airspace management in respect of the airspace structure elements that are subject to the principle of the flexible use of airspace referred to in Article 7(1) of Regulation No 551/2004 shall be implemented in accordance with the requirements laid down in Articles 4, 5, and 6 of Regulation No 2150/2005, and it shall be divided into the following levels:

21.1. strategic airspace management;

21.2. pre-tactical airspace management;

21.3. tactical airspace management.

[*13 December 2022*]

22. The airspace structure elements that are used flexibly shall be:

22.1. temporary segregated area (TSA);

22.2. temporary reserved area (TRA);

22.3. conditional route (CDR).

23. Danger area (D) and restricted area (R) may be established both as a flexible airspace structure element and as a non-flexible airspace structure element.

24. Other airspace structure elements not referred to in Paragraphs 22 and 23 of this Regulation shall be non-flexible airspace structure elements.

**3.1. Management of the Flexible Use of Airspace**

[*13 December 2022*]

25. The Civil Aviation Agency shall implement the management tasks of the flexible use of airspace at the strategic level in accordance with the requirements laid down in Article 4(1) of Regulation No 2150/2005.

26. If the applied changes in the airspace management concern an airspace where areas assigned to the National Armed Forces are located and these areas overlap simultaneously with special aerial work, radio navigation equipment overflight, or aviation flying displays or flights at the aviation show in time and space, the Civil Aviation Agency shall coordinate the priority of the airspace use with the National Armed Forces.

[*13 December 2022*]

26.1 Other issues concerning military airspace users shall be handled by the Civil Aviation Agency at the strategic level upon consultation with the Group of Civil-military Airspace Planning and Coordination Experts (hereinafter – the group of experts).

[*13 December 2022*]

27. The group of experts shall consist of representatives delegated by the Ministry of Transport, the Ministry of Defence, the Civil Aviation Agency, and the National Armed Forces. The group of experts shall be chaired by a person authorised by the Ministry of Transport who shall ensure that minutes are taken at meetings of the group of experts and shall send the minutes of the meeting of the group of experts to the responsible authorities within 14 days.

28. The group of experts may invite other specialists for the performance of the work and also request the information necessary for the work from other State authorities the interests of which are affected by the use of airspace.

29. The group of experts shall take decisions on all matters within its competence by mutual agreement. Decisions of the group of experts shall be taken unanimously.

30. Meetings of the group of experts shall be held as follows:

30.1. the planned meetings – at least once every six months;

30.2. the extraordinary meetings:

30.2.1. if the authorised person referred to in Paragraph 27 of this Regulation has received a written submission from a member of the group of experts, justifying the need for a meeting due to any of the tasks referred to in Article 4(1) of Regulation No 2150/2005;

30.2.2. upon the initiative of the Civil Aviation Agency;

30.2.3. upon the initiative of the National Armed Forces regarding issues that concern military aviation.

31. The authorised person referred to in Paragraph 27 of this Regulations shall, not later than 30 days before the meeting of the group of experts, electronically inform members of the group of experts of the meeting, indicating the place, time, and agenda of the meeting.

32. The authorised person referred to in Paragraph 27 of this Regulations shall, not later than three working days in advance, electronically inform members of the group of experts of the place, time, and agenda of the extraordinary meeting.

33. The group of experts shall:

33.1. in accordance with the task specified in Article 4(1)(b) of Regulation No 2150/2005, review, at least once a year, the daily request for the airspace use by civil and military airspace users and the statistical data on the actual airspace use. During discussions, the group of experts shall agree on the need to make changes to the airspace structure elements of flexible use and the procedures for using them;

33.2. become engaged in the performance of the task specified in Article (4)(1)(a) and (g) of Regulation No 2150/2005 if:

33.2.1. it is necessary to change the distribution of competence among the responsible authorities at the strategic, pre-tactical, or tactical level of the airspace as specified in this Regulation;

33.2.2. in relation to the performance of the tasks defined at the strategic, pre-tactical, or tactical level of the airspace management, it is necessary to develop new external laws and regulations governing the implementation of the airspace management at the strategic, pre-tactical, or tactical level or to make amendments to the existing laws and regulations;

33.2.3. when reviewing the operational procedures approved for the airspace management at the pre-tactical or tactical level which are intended for military needs, it is established that they require changes;

33.3. become engaged in the performance of the task specified in Article (4)(1)(c), (d), (e), and (f) of Regulation No 2150/2005 if:

33.3.1. any disagreements arise between civil and military airspace users in respect of the use of airspace structure elements intended for the needs of the National Armed Forces;

33.3.2. the National Armed Forces apply for a new airspace structure element;

33.3.3. it is necessary to make changes in the procedures for using the airspace structure elements intended for the needs of the National Armed Forces;

33.3.4. it is planned to organise aviation events in the Latvian airspace during which the use of airspace structure elements can be affected;

33.4. become engaged in the performance of the task specified in Article (4)(1)(h), (i), (j), and (k) of Regulation No 2150/2005 if it is necessary to make changes to the cross-border airspace structure elements of flexible use or the procedures for using them;

33.5. agree on the types of means of communication and the technical solutions thereof to conduct operational exchange of information between the pre-tactical and tactical levels of airspace management in accordance with the legal framework of the single European sky, ensuring the safety level of aircraft flights.

34. Decisions taken by the group of experts shall be binding on the implementation of the pre-tactical and tactical airspace management.

**3.2. Management of the Flexible Use of Airspace at the Strategic Level**

[*13 December 2022*]

35. The pre-tactical level shall be the planning of daily use of the flexible airspace structure elements referred to in Paragraphs 22 and 23 of this Regulation and the allocation thereof to airspace users.

36. Airspace management at the pre-tactical level in accordance with the requirements laid down in Article 5 of Regulation No 2150/2005 shall be implemented by the Latvian Air Traffic in conformity with the requirements laid down in point ASM.TR.100 of Annex X to Regulation 2017/373. Issues concerning military activities in the airspace shall be handled at the pre-tactical level jointly by the Latvian Air Traffic and the National Armed Forces.

[*13 December 2022*]

37. At the pre-tactical level, the Latvian Air Traffic shall:

37.1. compile applications for the allocation of the flexible airspace structure elements referred to in Paragraphs 22 and 23 of this Regulation for the next planning period in the time period from 6:00 the following day to 6:00 AM the day after in Coordinated Universal Time (UTC);

37.2. analyse and take the decision to allocate a respective airspace structure element to the airspace user on the basis of the priorities and criteria for the airspace use established at the strategic level;

37.3. draw up a plan for the use of flexible airspace structure elements for the next planning period;

37.4. disseminate the plan for the use of the flexible airspace structure elements for the next planning period to all airspace users who have requested it by 15:00 in winter period and 14:00 PM in summer period in Coordinated Universal Time (UTC), each day;

37.5. compile and analyse the information submitted by airspace users on changes in the use of the allocated airspace structure element and take the decision to modify the parameters of the use of the allocated airspace structure element (for example, by reducing the time of use or decreasing the vertical height of use of the airspace structure element);

37.6. send the daily airspace use plan and the updated airspace use plan to the European Organisation for the Safety of Air Navigation in conformity with the requirements laid down in Article 6(5)(e) and (h) of Regulation No 255/2010;

37.7. prepare and issue a notice of the planned use of flexible airspace structure elements, taking into account the airspace use plan. The notice shall contain information on the introduction of any air navigation equipment, services, and regulations, changes therein, or information on dangers (NOTAM), and it shall be sent using electronic means of communication.

[*21 April 2020*]

38. The airspace user shall submit to the Latvian Air Traffic an application for the use of the flexible airspace structure elements referred to in Paragraphs 22 and 23 of this Regulation (Annex 2).

39. The airspace user may submit the application referred to in Paragraph 38 of this Regulation:

39.1. not earlier than six days before the planned use of the relevant airspace structure element;

39.2. not later than 11:00 in winter period and 10:00 in summer period in Coordinated Universal Time (UTC) on the day before the planned use of the relevant airspace structure element.

[*21 April 2020*]

40. If airspace users apply for one or several airspace structure elements that overlap in the planned activation space and time thereof or increase the workload of the air traffic control sector, the Latvian Air Traffic shall take the decision on the allocation of the airspace structure element according to the priorities and criteria established at the strategic level.

[*13 December 2022*]

40.1 If a civil airspace user and a military airspace user apply for one or several airspace structure elements that overlap in the planned activation space and time thereof or create any significant workload of the air traffic control sector, the Latvian Air Traffic shall allocate the airspace structure element to the military airspace user on a priority basis at the pre-tactical level, except for the following cases:

40.1 1. the planned allocation of the military zone, even when offering alternative times for use to airspace users, affects the air traffic flow to such an extent that it would be necessary to implement measures to manage the air traffic flow in accordance with Article 3(2) of Regulation No 255/2010;

40.1 2. the planned allocation of the military zone affects the airspace users who have been granted a higher priority by a decision of the Civil Aviation Agency in accordance with Paragraph 26 of this Regulation (for example, radio navigation equipment overflight work).

[*13 December 2022*]

41. If military airspace users concurrently apply for one or more airspace structure elements that overlap in the planned activation space and time thereof, the National Armed Forces shall decide on the allocation of the airspace structure element and immediately inform the Latvian Air Traffic of the decision taken.

[*13 December 2022*]

42. The Latvian Air Traffic may agree with the airspace user on different vertical boundaries for use of the respective airspace structure element within the dimensions established for this airspace structure element or on a different time if:

42.1. the airspace structure element has been allocated to another airspace user according to the priorities for the airspace use or it may not be used because another airspace structure element has already been allocated for use which overlaps in the planned activation space and time and the use procedures thereof do not provide for simultaneous use;

42.2. the planned activation space and time of the abovementioned airspace structure element overlaps with the time of use of an airspace structure element which has been established for temporary needs and the use procedures thereof do not provide for simultaneous use;

42.3. the use of the abovementioned airspace structure element in the applied space and time significantly affects the air traffic flow in any air traffic control sector.

[*13 December 2022*]

43. The Latvian Air Traffic shall refuse to allocate the airspace structure element to the airspace user if:

43.1. the deadline referred to in Paragraph 39 of this Regulation has not been complied with;

43.2. the applied flexible use element has been allocated to another airspace user or may not be used because it has already been allocated for use or a temporary airspace structure element has been established which overlaps in the planned activation space and time, and the agreement referred to in Paragraph 42 of this Regulations has not been reached;

43.3. the planned activities do not correspond to the intended purposes of the respective airspace structure element;

43.4. the application referred to in Paragraph 38 of this Regulation does not provide the mandatory information to be indicated and referred to in Annex 2 to this Regulation.

[*13 December 2022*]

**3.3. Management of the Flexible Use of Airspace at the Pre-tactical Level**

[*13 December 2022*]

44. Airspace management at the tactical level in accordance with the requirements referred to in Article 6 of Regulation No 2150/2005 shall be implemented by the responsible unit of the Latvian Air Traffic and the responsible unit of the National Armed Forces.

45. The responsible units of the Latvian Air Traffic shall activate and deactivate airspace structure elements that have been allocated for temporary use at the pre-tactical level.

46. The responsible unit of the Latvian Air Traffic may refuse to activate the use of an appropriate airspace element at the requested time if it significantly affects the actual air traffic situation (for example, if it is established that the use of the applied airspace structure element will affect the workload of the air traffic control sector or air traffic personnel in such a way that the use of the applied area may restrict the ability to effectively ensure the air traffic flow or resolve a specific air traffic situation).

47. The responsible unit of the Latvian Air Traffic may require the airspace user to discontinue the use of an appropriate airspace element if it significantly affects the actual air traffic situation (for example, if it is established that the use of the applied airspace structure element will affect the workload of the air traffic control sector or air traffic personnel in such a way that the use of the applied area may restrict the ability to effectively ensure the air traffic flow or resolve a specific air traffic situation).

48. If the use of an airspace structure element has been refused or discontinued in the cases specified in Paragraphs 46 and 47 of this Regulation, it shall not give the right to the airspace user to use this airspace element outside of the time allocated at the pre-tactical level.

**3.4. Management of the Flexible Use of Airspace at the Tactical Level**

[*13 December 2022*]

48.1 The unit of the Latvian Air Traffic which provides air traffic control services may agree with the military TRA or TSA user on extending the period of use or expanding the use of the TRA and TSA within their published boundaries beyond the time and altitude already approved at the pre-tactical level under the following conditions:

48.1 1. the extension of the time of use of the TRA or TSA is linked to the time allocated at the pre-tactical level and may not exceed one hour before or one hour after the time of use of the TRA or TSA specified at the pre-tactical level;

48.1 2. the extension of the time of use of the TRA or TSA may be granted by the Latvian Air Traffic within the TRA or TSA flight levels that are entirely located within the controlled airspace;

48.1 3. the changes in the use of the TRA or TSA do not affect the flights that are under or planned to be under control of the Latvian Air Traffic;

48.1 4. the airspace structure elements allocated at the pre-tactical level have priority over the use of the TSA or TRA coordinated at the tactical level;

48.1 5. if the TRA or TSA areas established for military purposes have not been reserved and have not been allocated at the pre-tactical level, the unit of the Latvian Air Traffic that provides air traffic control services may agree with the military airspace user on the use of these areas under the following conditions:

48.1 5.1. if these TRA or TSA areas are entirely located within the controlled airspace and they have been established for such cases;

48.1 5.2. the use of the TRA or TSA does not affect the flights that are under or planned to be under control of the Latvian Air Traffic;

48.1 5.3. the airspace structure elements allocated at the pre-tactical level and also the airspace structure elements established temporarily have priority over the use of such TSA or TRA coordinated at the tactical level.

[*13 December 2022*]

48.2 Users of the flexible airspace structure elements shall use the respective airspace element during the period from the activation thereof until deactivation, excluding the deactivation time value.

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48.3 Users of the airspace structure elements shall ensure the accessibility thereof by using at least one of the communication channels specified in Annex 1 or 2 to this Regulation or known (for example, radio frequency or telephone) and, in the emergency referred to in Paragraph 8.1 of this Regulation, after receipt of information from the National Armed Forces or the State Border Guard on the need to discontinue the activity thereof within the allocated airspace structure element, ensure that all users related to the use of the airspace structure element immediately discontinue their activities in the respective airspace structure element until the end of the emergency.

[*13 December 2022*]

48.4 The airspace user who has already been allocated an airspace structure element may refuse to use it, informing the Latvian Air Traffic of this fact.

[*13 December 2022*]

**4. Closing Provisions**

49. Cabinet Regulation No. 507 of 28 June 2011, Regulations Regarding the Airspace Management, Structure, and the Procedures for the Change Thereof (*Latvijas Vēstnesis*, 2011, No. 102), is repealed.

50. Cabinet Instruction No. 1 of 28 February 2012, Procedures for the Decision-making of the Group of Civil-military Airspace Planning and Coordination Experts (*Latvijas Vēstnesis*, 2012, No. 38), is repealed.

51. The expenditures provided for in Sub-paragraph 17.1 of this Regulation which are related to the development of the procedure for ensuring the use of an airspace structure element shall be applicable to the initiator referred to in this Sub-paragraph from 1 January 2017.

Prime Minister Laimdota Straujuma

Acting for the Minister for Transport, Minister for the Interior Rihards Kozlovskis

**Annex 1**

Cabinet Regulation No. 26

12 January 2016

[*13 December 2022*]

**Submission for Changes to the Airspace Structure1**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. Given name, surname (name) |  | | | |
| 2. Personal identity number (registration number) |  | | | |
| 3. Contact details |  | Address (declared place of residence or legal address) | |  |
|  | |
|  | |
| Telephone number | |
|  | |
| Fax number | |
|  | |
| E-mail address | |
|  | |
| Telephone number for ensuring the safety of an aircraft flight and for emergencies during the activation of the area | |
| 4. Description of the current situation, justification for the introduction of changes, and objective2 |  | For civil needs: | |  |
|  | establishment   change   closing |  |
|  |  |
|  |  |
| For military needs3: | |  |
|  | establishment   change   closing |  |
|  |  |
|  |  |
|  |  |
| 5. The airspace structure element subject to changes | Airway   Conditional route (CDR)   Permanent danger area (D)   Temporary danger area (D)   Permanent restricted area (R)   Temporary restricted area (R)   Prohibited area (P)   Temporary reserved area (TRA)   Temporary segregated area (TSA)   Cross-border area (CBA)   Control area (CTA)   Control zone (CTR)   Aerodrome traffic zone (ATZ)   Traffic information zone (TIZ)   Traffic information area (TIA)   Terminal control area (TMA)   Flight information region (FIR)   Other | | | |
| 6. The existing procedures for the use of the airspace structure element | Yes4   No | | | |
| 7. Physical parameters characterising the changes | Geometry of the horizontal plane boundaries of the airspace structure element  1. Circle   Radius \_\_\_\_\_\_\_\_\_\_\_\_\_ (nautical miles) and coordinates of the centre of the airspace structure element \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  2. Area  Geographic coordinates of the airspace structure element in the horizontal plane \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  3. Corridor  Coordinates of the points on the central axis of the corridor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  and the total width of the corridor \_\_\_\_\_\_\_\_\_\_\_\_\_ (nautical miles)  Note. Coordinates shall be indicated in the WGS-84 system in the format – degrees (DD)/minutes (MM)/seconds (SS), including also zero values (DDMMSS – latitude; DDDMMSS – longitude). Coordinates shall be indicated as a common coordinate pair (16 characters).  Example.   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | D | D | M | M | S | S | N | – | D | D | D | M | M | S | S | E |   Boundaries of the airspace structure element in the vertical plane  1. Upper boundary – altitude in the vertical plain (in feet or flight levels) and reference point for altitude (ground or water surface – SFC, mean sea level – MSL, or standard atmosphere – STD)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  2. Lower boundary – altitude in the vertical plane (in feet or flight levels) and reference point for altitude (ground or water surface – SFC, mean sea level – MSL, or standard atmosphere – STD)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Operational time (according to the Coordinated Universal Time (UTC)) and schedule (day/month/year)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Detailed depiction of the proposal for changes | | | |
| 8. Time of introducing changes to the airspace structure |  | Temporary:  from |  |  |
| to |  |
| Permanent (planned date of entry into effect according to the AIRAC cycle) | |
|  | |
|  | |
| 9. Consultations with the involved parties | Conducted4   Not conducted | | | |
| 10. Safety assessment conducted | Conducted4   Not conducted | | | |
| 11. Introduction of changes ensured with aeronautical, communication, and meteorological means | Yes4   No | | | |
| 12. Impact of changes on air traffic in an uncontrolled airspace | Yes4   No | | | |
| 13. Other information on the airspace structure element | Yes4   No | | | |
| 14. Formal agreement entered into with the Latvian Air Traffic on the procedures for providing aeronautical data and aeronautical information | Yes   No | | | |

Notes.

1 If the introduction of changes to the airspace structure and the procedures for the use thereof are functionally interconnected, a single submission shall be submitted for all changes.

2 Mark one or more objectives and describe the justification of the changes (for example, optimisation of the air traffic flow, aerobatic flights, or descent of parachutists, especially high sailplane flights, shooting and explosive activities, military training flights, low-altitude flights, air combat flights, reduction of the negative environmental or societal impact, increasing of the airspace capacity).

3 The Latvian National Armed Forces shall confirm that they assume responsibility for the activities conducted in the respective airspace structure element in accordance with the national laws and regulations and international legal acts.

4 The submission shall be accompanied by supporting documents.

**Annex 2**

Cabinet Regulation No. 26

12 January 2016

[*13 December 2022*]

**Application for the Use of the Airspace Structure Elements that Are Used Flexibly**

|  |  |
| --- | --- |
| 1. |  |
|  | (name of the airspace structure element of flexible use or area)1 |
| 2. |  |
|  | (planned type of use of the airspace element)3 |
| 3. |  |
|  | (requested vertical boundaries (upper and lower))1 |
| 4. |  |
|  | (date and activation time, and date and deactivation time by which the airspace use will be completed, excluding the end time value)1 |
| 5. |  |
|  | (aircraft type, number of aircraft, number of aircraft in the group)2 |
| 6. |  |
|  | (call sign or for military aircraft – registration number and transponder code)2 |
| 7. |  |
|  | (mission control unit or user, or representative of a group of users)  (telephone number and e-mail or fax)1 |
| 8. |  |
|  | (name of the unit, organisation or given name, surname, and position of the applicant)  (telephone number and e-mail or fax)1 |
| 9. |  |
|  | (if necessary, other information provided by the applicant)3 |
| 10. | Decision of the State joint-stock company Latvian Air Traffic |
|  |  |
| 11. |  |
|  | (given name, surname, position) |
| 12. |  |
|  | (other information) |

Notes.

1Mandatory information to be submitted.

2Mandatory information to be submitted if the activities within the area are related to aircraft the operations of which are intended in an airspace where air traffic control is provided.

3 Mandatory information to be submitted if it is stipulated in the conditions for the use of the airspace structure element or if the applicant deems it necessary in order to ensure safety of aircraft flights (for example, if it results from the flight safety conditions brought forward in the decision by the State agency Civil Aviation Agency).