Republic of Latvia

Cabinet

Regulation No. 469

Adopted 22 August 2023

**Regulations Regarding the Carriage of Passengers, Baggage, and Cargo by Air**

*Issued pursuant to*

*Section 84 of the law On Aviation*

**I. General Provisions**

1. The Regulation prescribes the procedures for the carriage of passengers, baggage, and cargo by air (hereinafter – the carriage by air).

2. Terms used in the Regulation:

2.1. **air taxi service** – non-scheduled carriage by air performed on demand with an aircraft with the maximum passenger seating configuration of not more than 19;

2.2. **serial carriage by air** – more than four non-scheduled carriages by air to the same destination within six months;

2.3. **single permit for carriage by air** – a permit for non-scheduled carriage by air which is issued to an air carrier for performing carriage by air not more than four times with a specific flight schedule;

2.4. **general permit for carriage by air** – a permit for non-scheduled carriage by air which is issued to an air carrier for performing serial carriage by air with or without a flight schedule.

3. The permits for scheduled and non-scheduled carriage by air referred to in this Regulation shall be issued by the Aviation Department of the Ministry of Transport (hereinafter – the Aviation Department).

4. In accordance with Article 15(2) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, a Community air carrier shall perform the carriage by air between the Republic of Latvia and any other European Union Member State, a country of the European Economic Area, or the Swiss Confederation without a permit issued by the Aviation Department.

5. The Aviation Department shall process the personal data specified in Sub-paragraphs 16.1.6, 16.8, 23.1.4, 23.6, 24.1.4, and 24.8 of this Regulation in order to comply with the legal obligation set out in Article 3d of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine.

6. Documents submitted by an air carrier shall be retained for two years from the day of the receipt of the application or notification.

**II. Scheduled Carriage by Air**

7. Scheduled carriage by air between the Republic of Latvia and a country other than a European Union Member State, a country of the European Economic Area, or the Swiss Confederation (hereinafter – the third country) shall be performed in accordance with international agreements in the field of air transport to which the Republic of Latvia and the relevant third country are parties.

8. If the Republic of Latvia has not entered into an international agreement in the field of carriage by air with the country of registration of the air carrier, the Aviation Department shall, upon agreement with the responsible aviation authority of the relevant country of registration of the air carrier, decide on the issuance of the permit for scheduled carriage by air.

9. If an air carrier wishes to commence scheduled carriage by air between the Republic of Latvia and the third country, it shall, at least 30 days before commencement of the planned carriage by air, submit the necessary documents to the Aviation Department unless such documents are already at the disposal of the Aviation Department:

9.1. an application indicating the following:

9.1.1. information on the air carrier (name, address, telephone number, electronic mail address, point of contact in the Republic of Latvia);

9.1.2. the type of flight;

9.1.3. the season of carriage by air;

9.1.4. the route and time of carriage by air;

9.1.5. the flight number;

9.1.6. the type, nationality, and registration number of the aircraft;

9.2. a copy of the operating licence or equivalent document of the air carrier;

9.3. a copy of the air operator certificate;

9.4. a copy of the permit issued by the European Aviation Safety Agency to an air carrier registered in the third country in accordance with Article 3 of Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (hereinafter – Regulation No 452/2014);

9.5. a copy of the aviation security programme of the air carrier registered in the third country;

9.6. a copy of the aircraft insurance policy or other evidence of valid insurance, as required in Article 5(1) of Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators (hereinafter – Regulation No 785/2004);

9.7. a copy of the authorisation for a commercial contract (code-share or wet lease) from the responsible institutions.

10. The Aviation Department shall, within 10 working days from the day when the application is submitted, take the decision to issue the permit for scheduled carriage by air or to refuse to issue the permit for scheduled carriage by air.

11. The Aviation Department shall take the decision not to issue the permit for scheduled carriage by air, to revoke the issued permit for scheduled carriage by air, or to issue the permit for scheduled carriage by air, specifying the frequency of and time or capacity restrictions on carriage by air if any of the following conditions exists:

11.1. the conditions of international agreements in the field of air transport to which the Republic of Latvia and the relevant third country are parties are not complied with;

11.2. the air carrier has not fulfilled the requirements of the laws and regulations in the field of aviation safety;

11.3. the air carrier does not comply with the financial and civil sanctions provided for in the United Nations Security Council resolutions or the sanctions provided for in European Union regulations;

11.4. the application contains intentionally false information or all necessary documents have not been submitted;

11.5. an operating ban has been imposed on the air carrier in accordance with Articles 3(1) and 6(1) and (2) of Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC (hereinafter – Regulation No 2111/2005);

11.6. the air carrier from the third country does not meet the conditions referred to in Article 3 of Regulation No 452/2014;

11.7. the air carrier which intends to carry cargo or carries cargo from the third country other than those specified in the list of countries included in Attachment 6-Fi or 6-Fii of Annex to Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (hereinafter – Regulation 2015/998) does not meet the requirements referred to in point 6.8 of Annex to the abovementioned Regulation;

11.8. the performance of carriage by air does not conform to the interests of national security.

12. The Aviation Department shall, in accordance with the procedures laid down in the Law on Notification, notify the air carrier of the decision taken in accordance with Paragraph 11 of this Regulation. The Aviation Department shall, within five days, inform the State agency Civil Aviation Agency, *valsts akciju sabiedrība “Latvijas gaisa satiksme”* [State joint-stock company Latvian Air Traffic], and *valsts akciju sabiedrība “Starptautiskā lidosta “Rīga””* [State joint-stock company Riga International Airport] of the decision taken in accordance with Paragraph 11 of this Regulation.

**III. Non-Scheduled Carriage by Air**

13. A permit for non-scheduled carriage by air shall be required for the following:

13.1. a Community air carrier if it wishes to perform carriage by air between the Republic of Latvia and the third country, except for the air taxi services referred to in Chapter IV of this Regulation;

13.2. an air carrier registered in the third country if it intends to perform carriage by air between the Republic of Latvia and the third country or between the Republic of Latvia and another country of the European Economic Area or the Swiss Confederation, except for the air taxi services referred to in Chapter IV of this Regulation.

14. The permits for non-scheduled carriage by air referred to in this Chapter shall be valid for six hours before the planned flight and 96 hours after the planned flight, counting from the planned time of landing at an airport of the Republic of Latvia or the planned departure time from an airport of the Republic of Latvia.

15. The Aviation Department may issue the following permits for non-scheduled carriage by air:

15.1. a single permit for carriage by air;

15.2. a general permit for carriage by air.

16. If the air carrier wishes to obtain the single permit for carriage by air, it shall, at least two working days before commencement of the carriage by air, submit the necessary documents to the Aviation Department unless such documents are already at the disposal of the Aviation Department:

16.1. an application indicating the following:

16.1.1. information on the air carrier (name, address, telephone number, electronic mail address);

16.1.2. information on the representative submitting the application on behalf of the air carrier (name, address, telephone number, electronic mail address);

16.1.3. the type and purpose of flight;

16.1.4. the number of passengers or the type and quantity of cargo;

16.1.5. the full route and time of carriage by air;

16.1.6. information on the customer of the carriage by air (name, address, telephone number or given name, surname);

16.1.7. the flight number;

16.1.8. the type, nationality, and registration number of the aircraft;

16.2. a copy of the operating licence or equivalent document of the air carrier;

16.3. a copy of the air operator certificate;

16.4. a copy of the permit which has been issued by the European Aviation Safety Agency to the air carrier registered in the third country in accordance with Article 3 of Regulation No 452/2014;

16.5. a copy of the aircraft registration certificate;

16.6. a copy of the aircraft insurance policy or other evidence of valid insurance, as required in Article 5(1) of Regulation No 785/2004;

16.7. a copy of the certificate of aircraft airworthiness;

16.8. a passenger manifest (given name, surname, date of birth, nationality of the passenger, type and number of the travel document used);

16.9. a copy of the charter agreement for carriage by air.

17. If the air carrier wishes to obtain the general permit for carriage by air, it shall, at least 10 working days before commencement of the carriage by air, submit the necessary documents to the Aviation Department unless such documents are already at the disposal of the Aviation Department:

17.1. an application indicating the following:

17.1.1. information on the air carrier (name, address, telephone number, electronic mail address);

17.1.2. information on the representative submitting the application on behalf of the air carrier (name, address, telephone number, electronic mail address);

17.1.3. the type of flight;

17.1.4. the full route and time of carriage by air;

17.1.5. information on the customer of the carriage by air (name, address, telephone number);

17.1.6. the flight number;

17.1.7. the type, nationality, and registration number of the aircraft;

17.2. a copy of the operating licence or equivalent document of the air carrier;

17.3. a copy of the air operator certificate;

17.4. a copy of the permit which has been issued by the European Aviation Safety Agency to the air carrier registered in the third country in accordance with Article 3 of Regulation No 452/2014;

17.5. a copy of the aviation security programme of the air carrier registered in the third country;

17.6. a copy of the aircraft registration certificate;

17.7. a copy of the aircraft insurance policy or other evidence of valid insurance, as required in Article 5(1) of Regulation No 785/2004;

17.8. a copy of the certificate of aircraft airworthiness;

17.9. a copy of the charter agreement for carriage by air;

17.10. a copy of the authorisation for a commercial contract (code-share or wet lease) from the responsible institutions.

18. An air carrier which has been registered in the third country and wishes to obtain the general permit for carriage by air for the commencement of carriage by air between the Republic of Latvia and another country other than the country of registration of the air carrier shall, before commencement of the planned carriage by air, submit the following documents in addition to the application to the Aviation Department:

18.1. a letter of the competent authority of the country of registration of the air carrier, requesting a permission for the air carrier of this country to perform carriage by air on a specific route between the Republic of Latvia and the relevant country;

18.2. a letter of the responsible aviation authority of the country of registration of the air carrier and of the country to which the air carrier intends to perform non-scheduled carriage by ai, certifying that the respective aviation authority guarantees similar rights for air carriers registered in the Republic of Latvia to perform serial non-scheduled carriage by ai on an equivalent route.

19. Air carriers registered in the Republic of Latvia which perform carriage by air on routes where the air carrier registered in the third country wishes to obtain the general permit for carriage by air shall, upon request of the Aviation Department, provide an opinion on the impact of serial carriage by air on scheduled carriage by air.

20. The Aviation Department shall notify the decision to issue the permit for non-scheduled carriage by air or to refuse to issue the permit for non-scheduled carriage by air not later than 24 hours before the planned flight if all necessary documents have been submitted on time.

21. The Aviation Department shall take the decision not to issue the permit for non-scheduled carriage by air, to revoke the issued permit for non-scheduled carriage by air, or to issue the permit for non-scheduled carriage by air, specifying the frequency of and time or capacity restrictions on carriage by air if any of the following conditions exists:

21.1. the air carrier has not fulfilled the requirements of the laws and regulations in the field of aviation safety;

21.2. the air carrier does not comply with the financial and civil sanctions provided for in the United Nations Security Council resolutions or the sanctions provided for in European Union regulations;

21.3. serial carriage by air disrupts the scheduled carriage by air performed by the air carriers registered in the Republic of Latvia;

21.4. it is established that the country where the air carrier has been registered does not provide fair and equal opportunities to an air carrier registered in the Republic of Latvia in order for such air carrier to able to offer carriage by air on specific routes;

21.5. the application contains intentionally false information or all necessary documents have not been submitted;

21.6. an operating ban has been imposed on the air carrier in accordance with Articles 3(1) and 6(1) and (2) of Regulation No 2111/2005;

21.7. the air carrier from the third country does not meet the conditions referred to in Article 3 of Regulation No 452/2014;

21.8. the air carrier which intends to carry cargo or carries cargo from the third country other than those specified in the list of countries included in Attachment 6-Fi or 6-Fii of Annex to Regulation 2015/1998 does not meet the requirements referred to in point 6.8 of Annex to the abovementioned Regulation;

21.9. it has been established that carriage by air has not been performed on the specific route within 30 days since the issuance of the general permit for carriage by air;

21.10. the performance of carriage by air does not conform to the interests of national security.

22. The Aviation Department shall, in accordance with the procedures laid down in the Law on Notification, notify the air carrier of the decision taken in accordance with Paragraph 21 of this Regulation. The Aviation Department shall, within five days, inform the State agency Civil Aviation Agency, the State joint-stock company Latvian Air Traffic, and the State joint-stock company Riga International Airport of the decision taken in accordance with Paragraph 21 of this Regulation.

**IV. Air Taxi Services**

23. A Community air carrier which intends to provide air taxi services between the Republic of Latvia and the third country shall, at least one hour before the commencement of the planned carriage by air, send the necessary documents to the Aviation Department unless such documents are already at the disposal of the Aviation Department:

23.1. a notification indicating the following:

23.1.1. information on the air carrier (name, address, telephone number, electronic mail address);

23.1.2. information on the representative submitting the notification on behalf of the air carrier (name, address, telephone number, electronic mail address);

23.1.3. the full route and time of the carriage by air;

23.1.4. information on the customer of the carriage by air (name, address, telephone number or given name, surname);

23.1.5. the flight number;

23.1.6. the type, nationality, and registration number of the aircraft;

23.2. a copy of the operating licence or equivalent document of the air carrier;

23.3. a copy of the air operator certificate;

23.4. a copy of the aircraft registration certificate;

23.5. a copy of the aircraft insurance policy or other evidence of valid insurance, as required in Article 5(1) of Regulation No 785/2004;

23.6. a passenger manifest (given name, surname, date of birth, nationality of the passenger, type and number of the travel document used).

24. An air carrier registered in the third country which intends to provide air taxi services between the Republic of Latvia and the third country or between the Republic of Latvia and another country of the European Economic Area or the Swiss Confederation shall, at least one hour before the commencement of the planned carriage by air, send the necessary documents to the Aviation Department unless such documents are already at the disposal of the Aviation Department:

24.1. a notification indicating the following:

24.1.1. information on the air carrier (name, address, telephone number, electronic mail address);

24.1.2. information on the representative submitting the notification on behalf of the air carrier (name, address, telephone number, electronic mail address);

24.1.3. the full route and time of the carriage by air;

24.1.4. information on the customer of the carriage by air (name, address, telephone number or given name, surname);

24.1.5. the flight number;

24.1.6. the type, nationality, and registration number of the aircraft;

24.2. a copy of the operating licence or equivalent document of the air carrier;

24.3. a copy of the air operator certificate;

24.4. a copy of the permit which has been issued by the European Aviation Safety Agency to the air carrier registered in the third country in accordance with Article 3 of Regulation No 452/2014;

24.5. a copy of the aircraft registration certificate;

24.6. a copy of the certificate of aircraft airworthiness;

24.7. a copy of the aircraft insurance policy or other evidence of valid insurance, as required in Article 5(1) of Regulation No 785/2004;

24.8. a passenger manifest (given name, surname, date of birth, nationality of the passenger, type and number of the travel document used).

25. If the air carrier establishes that some information has changed after submission of the notification of the air taxi service, the air carrier shall immediately submit a correction of the previous notification.

26. The Aviation Department shall, not later than within three working days, evaluate conformity of the information provided in the notification of the air taxi service and the documents with the laws and regulations in the field of aviation.

27. If the Aviation Department establishes any non-conformities in the submitted notification, it shall contact the submitter of the notification and request the elimination thereof within five working days.

28. The Aviation Department shall take the decision not to allow a specific aircraft of the respective air carrier (according to its registration number) to provide air taxi services for a period of up to one year if any of the following conditions exists:

28.1. the air carrier has not fulfilled the requirements of the laws and regulations in the field of aviation safety;

28.2. the air carrier does not comply with the financial and civil sanctions provided for in the United Nations Security Council resolutions or the sanctions provided for in European Union regulations;

28.3. the notification contains intentionally false information or all necessary documents have not been submitted;

28.4. an operating ban has been imposed on the air carrier in accordance with Articles 3(1) and 6(1) and (2) of Regulation No 2111/2005;

28.5. the air carrier from the third country does not meet the conditions referred to in Article 3 of Regulation No 452/2014.

29. The Aviation Department shall, in accordance with the procedures laid down in the Law on Notification, notify the air carrier of the decision taken in accordance with Paragraph 28 of this Regulation. The Aviation Department shall, within five days, inform the State agency Civil Aviation Agency, the State joint-stock company Latvian Air Traffic, and the State joint-stock company Riga International Airport of the decision taken in accordance with Paragraph 28 of this Regulation.

**V. Closing Provisions**

30. The permits for carriage by air issued before the day of coming into force of this Regulation shall be valid until expiry of the term of validity of the respective permit for carriage by air.

31. Cabinet Regulation No. 280 of 23 March 2010, Regulations Regarding Carriage of Passengers, Baggage, and Cargo by Air (*Latvijas Vēstnesis*, 2010, No. 49; 2016, No. 189), is repealed.

Prime Minister, acting for the Minister for Foreign Affairs A. K. Kariņš

Minister for Transport J. Vitenbergs