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22 October 2019 [shall come into force on 25 October 2019].

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. 394

Adopted 3 July 2018

**Procedures for the Performance of Aerial Work**

*Issued pursuant to*

*Section 91, Paragraphs two and three of the law On Aviation*

**I. General Provisions**

1. This Regulation prescribes:

1.1. the requirements for the performance of aerial work for an aircraft operator not subject to 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);

1.2. the procedures for the performance of aerial work in the Republic of Latvia.

[*22 October 2019*]

2. The terms used in this Regulation conform to the terms used in the following Regulations:

2.1. Article 3 of Regulation No 2018/1139;

2.2. Article 2 of and Annex I to Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (hereinafter – Regulation No 965/2012).

[*22 October 2019*]

3. Requirements of this Regulation shall not be applicable to:

3.1. unmanned aircraft operations;

3.2. non-commercial aerial work performed with aircraft that are not complex motor-powered aircraft;

3.3. competition flights and aviation shows where flights are performed with aircraft that are not complex motor-powered aircraft, provided that the payment or other type of remuneration received for the performance of such flights does not exceed the amount of direct flight costs;

3.4. drop of parachutists, towing of sailplanes, or aerobatic flights performed with aircraft that are not complex motor-powered aircraft by a training organisation whose principal place of business is in the Republic of Latvia and which conforms to the requirements of Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, or by an organisation established to promote aviation sports, provided that any type of payment or other remuneration received for the performance of such flights does not exceed the amount of direct flight costs.

[*22 October 2019*]

4. Aerial work may be performed within the territory of the Republic of Latvia by an aircraft operator who conforms to the following:

4.1. the requirements laid down in Annexes III and VIII to Regulation No 965/2012;

4.2. the requirements laid down in Chapter II of this Regulation.

5. Aerial work shall be classified into the following groups based on the purpose thereof, performance conditions, and technology:

5.1. agriculture;

5.2. construction;

5.3. photography;

5.4. topographic surveying;

5.5. observation and patrolling;

5.6. aerial advertising;

5.7. drop of parachutists;

5.8. towing of sailplanes;

5.9. performance of aerobatic flights.

[*22 October 2019*]

6. High-risk aerial work shall be the following:

6.1. aerial work planned to be performed by flying with an aircraft below the minimum altitude specified in point SERA.3105 of Annex to 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);

6.2. helicopter external sling load operations carried out over villages, cities, and assemblies of people (for example, beaches);

6.3. aerial work during which a task specialist is suspended under a helicopter (for example, when transporting a task specialist to areas that are otherwise difficult to reach, also during evacuation, taking people from mountains, ship, etc.);

6.4. towing of aerial advertisement with an aircraft;

6.5. aerial work during which it is necessary to drop from an aircraft or pick up on an aircraft persons who are not flight crew members (for example, to drop power line workers on electric power poles);

6.6. aerial work related to the transportation of dangerous goods;

6.7. other aerial work identified by the aircraft operator as high-risk activities when conducting a risk assessment.

7. The Civil Aviation Agency shall supervise the aircraft operator in accordance with the supervision programme. During the supervision programme, the Civil Aviation Agency shall:

7.1. conduct planned and unplanned audits and inspections of the aircraft operator;

7.2. draw up a level 2 finding if it establishes that the activity of the aircraft operator does not conform to the requirements laid down in the declaration and accompanying documents, and this could significantly lower the safety level or hazard flight safety;

7.3. draw up a level 1 finding if it establishes that the activity of the aircraft operator does not conform to the requirements laid down in the declaration and accompanying documents, and this significantly lowers the safety level or seriously hazards flight safety.

8. The Civil Aviation Agency shall:

8.1. draw up a level 1 finding in the following cases:

8.1.1. if after receipt of two written requests the aircraft operator fails to ensure that inspectors of the Civil Aviation Agency have access to sites and premises related to the performance of aerial work;

8.1.2. if knowingly false information has been provided in the aerial work declaration, accompanying documents, and also in the application for a permit for performing high-risk aerial work and accompanying documents;

8.1.3. if the permit for performing high-risk aerial work is used unlawfully;

8.1.4. if the aircraft operator does not have an accountable manager;

8.2. draw up a level 2 finding for other non-compliances that are not classified as level 1 findings immediately after detection thereof.

9. If the Civil Aviation Agency has drawn up:

9.1. a level 2 finding, the aircraft operator shall remedy the identified non-compliance within six months from the moment of receipt of the notification. If the aircraft operator fails to remedy the identified non-compliance within the specified deadline, it shall be classified as a level 1 finding;

9.2. a level 1 finding, the aircraft operator is prohibited from performing aerial work.

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

**II. Requirements for the Aircraft Operator for the Performance of Aerial Work**

11. The requirements of this Chapter shall be applicable to the aircraft operators who operate the aircraft referred to in Annex I to Regulation No 2018/1139 for the performance of aerial work.

[*22 October 2019*]

12. Prior to the commencement of aerial work, the aircraft operator shall assess the risks related to the complexity of the work to be performed in order to identify potential threats.

13. Based on the risk assessment, the aircraft operator shall develop operational procedures (Annex 1) that correspond to the aerial work to be performed, the procedures for the performance thereof, and the aircraft used, and shall submit them to the Civil Aviation Agency for approval. The operational procedures shall be accompanied by the documentation of the risk assessment.

14. The Civil Aviation Agency shall, within 20 working days after receipt of the operational procedures submitted by the aircraft operator, examine and approve them if they include all the necessary information and the development thereof is based on the results of the risk assessment.

15. If changes are required to the operational procedures, the operator shall comply with the requirements referred to in Paragraph 13 of this Regulation. All changes to the operational procedures shall be approved by the Civil Aviation Agency.

16. The aircraft operator whose principal place of business is in the Republic of Latvia and whose operational procedures have been approved shall submit the following to the Civil Aviation Agency prior to the commencement of aerial work:

16.1. the declaration (Annex 2);

16.2. the operations manual (Annex 3).

17. After receipt of the documents referred to in Paragraph 16 of this Regulation, the Civil Aviation Agency shall:

17.1. inform the aircraft operator of the receipt of the documents within 10 working days;

17.2. include the aircraft operator in the supervision programme;

17.3. supervise the aircraft operator in accordance with the procedures laid down in Paragraphs 7 and 9 of this Regulation.

18. The aircraft operator whose principal place of business is not in the Republic of Latvia shall submit to the Civil Aviation Agency the documents that confirm the competence of the aircraft operator to perform aerial work, as determined by an institution supervising civil aviation in another country.

19. In order to obtain a permit for performing high-risk aerial work, the aircraft operator shall, not later than 30 days prior to the commencement of the respective work, submit to the Civil Aviation Agency the following documents:

19.1. an application for the permit (Annex 4);

19.2. operational procedures (Annex 1);

19.3. documentation of the risk assessment.

20. After receipt and evaluation of the documents referred to in Paragraph 19 of this Regulation, the Civil Aviation Agency shall take the decision to issue or refuse to issue the permit for performing high-risk aerial work in accordance with the procedures laid down in the Administrative Procedure Law.

21. The Civil Aviation Agency shall take the decision to refuse to issue the permit for performing high-risk aerial work if:

21.1. the documentation referred to in Paragraph 19 of this Regulation is incomplete and the aircraft operator has not clarified it within the period specified by the Civil Aviation Agency;

21.2. the flight crew members or task specialists indicated in the application do not have the appropriate qualification for performing specific aerial work;

21.3. the aircraft intended to be operated for performing high-risk aerial work has operational limitations specified by the manufacturer thereof.

22. The Civil Aviation Agency shall issue the permit for performing high-risk aerial work for an indefinite period.

23. Aircraft operators have the following obligations:

23.1. immediately inform the Civil Aviation Agency of any changes to the documents referred to in Paragraphs 13, 16, and 19 of this Regulation;

23.2. retain the documents referred to in Paragraphs 13, 16, and 19 of this Regulation for at least three years after they have expired.

24. The Civil Aviation Agency shall take the decision to suspend the permit for performing high-risk aerial work for up to six months if a level 2 finding has been drawn up to the aircraft operator and it is directly related to the performance of high-risk aerial work.

25. The Civil Aviation Agency shall take the decision to cancel the permit for performing high-risk aerial work if:

25.1. the aircraft operator has failed to remedy the identified non-compliances within the period referred to in Paragraph 24 of this Regulation;

25.2. a level 1 finding has been drawn up to the aircraft operator.

**III. Procedures for the Performance of Aerial Work in the Republic of Latvia**

26. Prior to the commencement of the specific aerial work, the aircraft operator shall obtain the permit for the use of airspace in accordance with the laws and regulations regarding the use of the airspace of the Republic of Latvia for specific activities.

27. Aircraft operations for the performance of aerial work, except for the case referred to in Sub-paragraph 6.1 of the Regulation, shall be performed in accordance with the visual flight rules specified in point SERA.5005 of Annex to Regulation No 923/2012 or the instrument flight rules specified in point SERA.5015 of the same Regulation.

28. The aircraft operator shall perform aerial work in accordance with the operational procedures referred to in Paragraph 13 of this Regulation.

29. The aircraft operator shall ensure that privacy of people is not violated when performing the aerial work referred to in Sub-paragraph 5.3 of this Regulation.

**IV. Closing Provision**

30. Cabinet Regulation No. 557 of 4 July 2006, Procedures for Performance of Aerial Work (*Latvijas Vēstnesis*, 2006, No. 108; 2008, No. 113), is repealed.

Prime Minister Māris Kučinskis

Minister for Transport Uldis Augulis

**Annex 1**

Cabinet Regulation No. 394

3 July 2018

**Information to be Included in the Operational Procedures**

1. Scope of operations and its complexity.

2. Information on the aircraft and its equipment.

3. Composition of the flight crew, necessary qualification and experience.

4. Qualification of the task specialist, necessary training, and duties.

5. Aircraft performance.

6. Standard operational procedures, including cooperation with the task specialist.

7. Actions in non-standard and/or emergency situations.

8. Equipment necessary at the aerodrome or operating site.

9. Documentation to be stored and storage period.

Minister for Transport Uldis Augulis

**Annex 2**

Cabinet Regulation No. 394

3 July 2018

**Declaration of the Performance of Aerial Work**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Aircraft Operator** | Name/given name, surname | | | | | |
| Legal address | | | | | |
| Telephone | | | | | |
| E-mail | | | | | |
| **Information on the aircraft to be operated** | Owner | | | | | |
| Aircraft type, registration mark and number, primary location of the aircraft | | | | | |
| Name of the continuing airworthiness management organisation | | | | | |
| **Information on flight crew members** | Given name, surname | Certificate (licence) | | | Medical certificate | |
| type | No. | qualification, validity | No. | validity |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| **Information on the Operation** | Type of operation (aerial work) | | | | | |
| Start date of operation | | | | | |
| Operating site | | | | | |
| Contracting authority and contact information | | | | | |
| Planned flight altitudinal boundaries | | | | | |
| Take-off and landing spots, aerodrome | | | | | |
| Short description of operation | | | | | |
| **Accompanying documents** | Information on the permit for high-risk aerial work (where applicable, append the permit) | | | | |  |
| Operations manual, operational procedures, and documentation of risk assessment | | | | |  |
| Aircraft Registration Certificate\* | | | | |  |
| Airworthiness certificate\* | | | | |  |
| Compulsory insurance documents related to civil aviation operations | | | | |  |
| Other | | | | |  |
| **Statements** | All flights will be performed in accordance with the operations manual and operational procedures | | | | |  |
| All operated aircraft have a valid airworthiness certificate | | | | |  |
| All flight crew members have undergone the training, as specified in the operations manual | | | | |  |
| All changes in operation that affect the information included in this declaration will be notified to the competent institution | | | | |  |
| The operator confirms that the information included in this declaration is correct | | | | |  |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | |  |  |  |  |  | | given name, surname |  | signature |  | date | | | | | | | |
| Note:  \*Documents need not be submitted if the operated aircraft has been registered with the Civil Aviation Aircraft Register of the Republic of Latvia. | | | | | | |

Minister for Transport Uldis Augulis

**Annex 3**

Cabinet Regulation No. 394

3 July 2018

**Information to be Included in the Operations Manual**

**I. General Information**

1. Administration and control of the operations manual.

2. Organisational structure and duties of the aircraft operator.

3. Description of the flight monitoring system implemented by the operator.

4. Description of the organisational management system.

5. Composition of the flight crew and the method for determining it.

6. Description of the licenses, qualifications, and competencies required for the performance of duties of the operating personnel.

7. Health requirements established for crew members.

8. Flight and duty time limitations and rest requirements.

9. Aircraft operational procedures.

10. Information, instructions, and general guidelines for the transportation of dangerous goods.

11. Safety instructions, guidelines, procedures, training, and responsibility.

12. Actions in the case of accidents and incidents, and reporting procedures.

13. Air navigation services and procedures.

14. Description of operating lease and leasing.

**II. Operational Matters of the Aircraft Related to Aircraft Type**

1. General information, including the description of the units of measurement to be used.

2. Description of operational limitations.

3. Standard operational procedures.

4. Actions in non-standard and/or emergency situations.

5. Aircraft performance.

6. Data and instructions necessary for the pre-flight phase and flight planning.

7. Instructions and data for the calculation of weight and balance.

8. Procedures and regulations to be followed when loading, unloading, and securing cargo in the aircraft.

9. Configuration deviation list of the aircraft.

10. Minimum equipment list.

11. Survival and emergency equipment, including oxygen.

12. Emergency evacuation procedures.

13. Description of aircraft systems, control devices, and signals, and operational instructions.

**III. Information and Instructions on the Route, Operating Site, and Aerodromes to be Used**

1. Instructions and information related to communications, navigation, and aerodromes or operating sites.

2. Minimum flight level, absolute altitude.

3. Operational minimums for departure, destination, and alternate aerodromes.

4. Communications equipment and means of navigation.

5. Data on the runway or final approach and take-off areas and equipment at the airfield or operating site.

6. Landing, go-around, and departure procedures, including noise reduction procedures.

7. Communication failure procedures.

8. Search and rescue facilities in the area over which the aircraft is to fly.

9. Aeronautical charts that must be present on the aircraft in relation to the type of flight and the route to be flown, including the method for verifying the validity of these charts.

10. Availability of aeronautical information and MET services.

11. Communication or navigation procedures on the route.

12. Description of the aerodrome or operating site.

13. Special limitations of the aerodrome or operating site.

**IV. Description of Training**

1. Description of training programmes and examinations for all employees entrusted with operational duties in relation to the preparation and performance of flight.

2. Content of the training programmes and examination plan.

3. Procedures for conducting training and examinations, including procedures applied when personnel do not meet or maintain the required standards.

4. Documentation to be stored and storage period.

Minister for Transport Uldis Augulis

**Annex 4**

Cabinet Regulation No. 394

3 July 2018

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Pieteikums paaugstināta riska speciālo aviācijas darbu atļaujas saņemšanai**  **Application for High Risk Specialised Operations**   |  | | --- | | Gaisa kuģa ekspluatanta nosaukums, juridiskā adrese, tālruņa numurs, e-pasta adrese:  Name of operator, registered office, phone, e-mail address: | | Ekspluatanta kontaktpersona (vārds, uzvārds/amats/e-pasta adrese/tālruņa numurs):  Operator’s contact person (name, surname/position/e-mail address/phone): | | Paaugstināta riska speciālo aviācijas darbu veids:  Type of high risk specialized operation: | | Paredzētā darbības vieta un sākuma datums:  Place of activity and start date: | | Gaisa kuģa tips(-i), reģistrācija(-as) un galvenā bāze:  Type(s) of aircraft, registration(s) and main base: | | Pārvaldības sistēmas apraksts, tostarp organizācijas struktūra. Atsauce uz lidojumu veikšanas rokasgrāmatu:  Description of the management system, including organisational structure. Reference to the operations manual: | | Riska novērtējuma dokumentācija un saistītās standarta ekspluatācijas procedūras. Atsauce uz dokumentiem:  Risk assessment documentation and related standard operating procedures. Reference to the documents: | | Apkalpes locekļu un funkciju speciālistu veiktā apmācība, lai viņi varētu pildīt savus uzdevumus, kā arī vajadzīgā kvalifikācija un amats personām, kas apmāca apkalpes locekļus un funkciju speciālistus. Atsauce uz dokumentiem:  Training of crew members and function specialists to enable them to complete their tasks as well as the required qualifications and position for training personnel. Reference to the documents: | | Esmu pārbaudījis visu kompetentajai iestādei nosūtīto informāciju un to atzinis par atbilstīgu piemērojamām prasībām.  I have checked all information sent to the competent authority and found it compliant with applicable requirements.    **Atbildīgā persona:**  Responsible person:    **Vārds, uzvārds:**  Name, surname:    **Paraksts:**  Signature:    **Datums:**  Date: | |  |

Minister for Transport Uldis Augulis