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CONSOLIDATED WORDING

No. 49/1997 Coll.

ACT

of 6 March 1997

on Civil Aviation and on amendment of Act No. 455/1991 Coll., Trade Licensing Code, as amended by subsequent regulations

as amended by:

Act No. 189/1999 Coll.,
Act No. 146/2000 Coll.,
Act No. 258/2002 Coll.,
Act No. 167/2004 Coll.,
Act No. 413/2005 Coll.,
Act No. 186/2006 Coll.,
Act No. 225/2006 Coll.,
Act No. 124/2008 Coll.,
Act No. 274/2008 Coll.,
Act No. 227/2009 Coll.,
Act No. 281/2009 Coll.,
Act No. 301/2009 Coll.,
Act No. 407/2010 Coll.,
Act No. 137/2011 Coll.,
Act No. 375/2011 Coll.,
Act No. 127/2014 Coll.,
Act No. 250/2014 Coll.,
Act No. 298/2016 Coll.,
Act No. 319/2016 Coll.,
Act No. 183/2017 Coll.,
Act No. 261/2017 Coll., and
Act No. 225/2017 Coll.

No. 49/1997 Coll.

ACT

of 6 March 1997

on Civil Aviation and on amendment of Act No. 455/1991 Coll., Trade Licensing Code, as amended by subsequent regulations

The Parliament has adopted this Act of the Czech Republic:

PART ONE

GENERAL PROVISIONS

Section 1

Subject of Regulation

(1) This Act incorporates the relevant regulations of the European Union,¹⁾ follows directly applicable regulations of the European Union,^{1a)} and in the area of civil aviation regulates:

- a) conditions for construction and operation of aircraft,
- b) conditions for establishment, operation and certification of airports,
- c) conditions for air structures,
- d) conditions for work of aviation personnel,
- e) conditions for airspace use,
- f) conditions for provision of air services,
- g) conditions for operation of aviation activities,
- h) scope of and conditions for aviation protection,
- i) conditions for use of sport flying devices,
- j) scope of and conditions for public administration exercise.

(2) This Act in a limited extent applies to military aviation in the matters relating to aviation personnel, military airports and air structures, use of airspace, provision of air services and operation of aviation activities.

Section 2

Basic Terms

(1) Civil aviation means aviation activities operated in the Czech Republic by civil aircraft of any nationality for civil purposes, as well as aviation activities operated by aircraft of the Czech Republic abroad for civil purposes, as well as operation of civil airports and provision of air services in the territory of the Czech Republic.

(2) Aircraft means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. For the purposes hereof, an aircraft shall not mean a model aircraft whose maximum takeoff weight does not exceed 25 kg.

(3) Aeronautical product (hereinafter the "product") within the meaning of this Act means an aircraft, aircraft engine or aircraft propeller.

(4) Aircraft parts and appliances mean any instrument, equipment, mechanism, part, apparatus, appurtenance or aggregate, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight and is installed in or attached to the aircraft. It includes parts of an airframe, engine or propeller.

(5) Aeronautical ground facility means a hardware device that is placed on the ground and serves to facilitate air traffic.

(6) Airspace of the Czech Republic is the space above the territory of the Czech Republic to a height that can be used for air traffic.

(7) Airport is an area with defined dimensions and suitably adapted, which includes the air structures and facilities, permanently designated for the takeoff and landing of aircraft and aircraft movement associated therewith.

(8) Airport land is any land on which the airport is located, or a part thereof.

(9) Commercial air transport means the transport of persons, animals, baggage, mail or other cargo by aircraft for a consideration.

(10) Air carrier means a person authorized to operate commercial air transport under a licence or another similar authorization.

(11) Domestic air carrier means an air carrier which is a holder of the licence to operate commercial air transport, issued by a competent administrative body in the Czech Republic.

(12) Air carrier of another Member State means an air carrier which is a holder of the licence to operate commercial air transport, issued by a competent authority of another EU Member State, another state of the European Economic Area or the Swiss Confederation.

(13) Third country air carrier means an air carrier which is a holder of the licence or another similar document to operate commercial air transport, issued by a competent authority of the country that is not an EU Member State, a state of the European Economic Area or the Swiss Confederation.

(14) Series of nonscheduled flights means execution of more than 3 flights during 2 consecutive calendar months.

Section 3

Establishment of Civil Aviation Authority

(1) The Civil Aviation Authority, an administrative body for the exercise of state administration in the area of civil aviation is established with registered office in Prague (hereinafter the "Authority"). The Authority reports to the Ministry of Transport.

(2) The Authority is managed by the director, whose selection, appointment and dismissal are governed by the Civil Service Act.

(3) The Authority cooperates with the European Aviation Safety Agency (hereinafter the "Agency") pursuant to a directly applicable regulation of the European Communities^{1c)}. The scope and conditions of the cooperation are further regulated by the agreement concluded between the Authority and the Agency.

(4) In case the Authority performs activities for the Agency, it is obliged to open a special account for revenues from such activities and to keep separate accounting of costs and revenues. The funds from the account may only be used by the Authority towards enhancement of qualification of its employees, purchase of technical equipment and funding other needs necessary for the performance of activities for the Agency. The funds that have not been utilized in the calendar year concerned shall become state budget revenue. The Authority is obliged to publish the statement of account for the calendar year concerned in the method enabling remote access^{1d)} within 6 months of the end of the calendar year concerned.

(5) The Authority fulfils the tasks of the national supervisory authority under a directly applicable regulation of the European Union^{1e)}.

(6) The Authority may through its decision authorize a legal person complying with the conditions set out by a directly applicable regulation of the European Union^{1f)} to fulfil tasks in the area of assessment of conformity or suitability of use of constituents as well as the verification of systems of the European Air Traffic Management network. The Authority may withdraw the authorization under the terms of a directly applicable regulation of the European Union^{1f)}.

(7) The Authority supervises fulfilment of duties of the air carrier concerning compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights under a directly applicable regulation of the European Union^{1g)} and handles complaints for breaching such duties.

(8) The Authority supervises fulfilment of duties of

- a) airport operators and air carriers concerning the rights of disabled persons and persons with reduced mobility and orientation under a directly applicable regulation of the European Union^{1h)},
- b) air carriers on informing air passengers under a directly applicable regulation of the European Union¹ⁱ⁾.

(9) In case the duties set out in paragraph 8a) and b) pertain to a tour operator or a travel agency operator, their fulfilment is supervised by the municipal trade licensing office.

(10) If the matter is urgent and if it is necessary for the fulfilment of an obligation ensuing from a directly applicable regulation of the European Union, the Authority may, until the approval of its organisational structure and its changes by the Civil Service Act, provisionally act as if the proposed organisational structure or its change was approved; this does not apply if it would result in the termination of the civil service.

(11) The Authority is an authority concerned³⁸⁾ for assessing of maturity of energy infrastructure projects of common interest.

PART TWO

AIRCRAFT REGISTER, ELIGIBILITY OF PRODUCTS, AIRCRAFT PARTS AND APPLIANCES FOR USE IN CIVIL AVIATION

CHAPTER I

AIRCRAFT REGISTER

Section 4

Aircraft Register

(1) The Aircraft Register of the Czech Republic (hereinafter the "Aircraft Register") is a record of aircraft, excluding sport flying devices, operated by a natural person with permanent residence or a legal person with registered office in the Czech Republic. The Aircraft Register is maintained by the Authority.

(2) The Aircraft Register is a publicly accessible list. Each person is entitled to inspect the Aircraft Register and request a copy or extract of the data entered, or a confirmation that the data are not present in the Aircraft Register. The following information about an aircraft is entered into the Aircraft Register:

- a) information about its owner, namely:
 - 1. name and surname, address of residence and date of birth, if the owner is a natural person, or
 - 2. business name or a name and identification number, if any, if the owner is a natural person conducting business or a legal person,
- b) information about its operator, namely:
 - 1. name and surname, address of residence and date of birth, if the owner is a natural person, or
 - 2. business name or a name and identification number, if assigned, if the owner is a natural person conducting business or a legal person,
- c) aircraft registration mark,
- d) aircraft type and serial number and other basic technical data set out by an implementing legal regulation,
- e) establishment of a lien on the aircraft, aircraft engines and propellers, spare parts for the aircraft, its parts and appliances,
- f) aircraft address, if assigned,
- g) date of entry to and deletion from the Aircraft Register.

(3) An entry to the Aircraft Register may only be made with respect to an aircraft that has not been entered to an aircraft register of another country.

(4) The Authority may, upon request, assign a preliminary aircraft registration mark prior to the entry of an aircraft to the Aircraft Register. The decision on the preliminary assignment of the aircraft registration mark shall expire after 6 months of the date of its legal force. The requisites are set out in an implementing legal regulation.

(5) An aircraft acquires the Czech Republic nationality upon the entry to the Aircraft Register.

(6) The Authority shall assign the aircraft registration mark and shall issue a certificate of aircraft registration upon the entry to the Aircraft Register. The certificate of aircraft registration attests the aircraft ownership.

Section 5

(1) The application for entry of an aircraft to the Aircraft Register is filed by its owner or operator.

(2) The requisites of the application for entry of an aircraft to the Aircraft Register and documents to be attached to the application are set out in an implementing legal regulation.

Section 5a

(1) The application for entry of a lien on the aircraft is filed by the aircraft owner together with the pledgee.

(2) The requisites of the application for entry of a lien to the Aircraft Register and documents to be attached to the application are set out in an implementing legal regulation.

(3) If the conditions for the entry of a lien to the Aircraft Register have been met, the Authority shall make the entry and notify the applicant and the pledgor.

(4) A contractual lien on an aircraft is established as of the date of entry of the lien to the Aircraft Register, according to the order of applications delivered. Contractual liens entered to the Aircraft Register before the effective date of this Act, if still existing, shall be deemed liens established as of the date of entry to the Aircraft Register.

(5) The person to whom the entry to the Aircraft Register pertains must not object that the entry does not correspond to the real situation against a person who acts in good faith in the entry of the lien on the aircraft in the Aircraft Register.

Section 5b

(1) Any contract on the transfer of title to an aircraft must be made in writing. The transfer of the title to and lien on the aircraft entered in the Aircraft Register shall become effective as of the date of entry to the Aircraft Register.

(2) The approval of the pledgee must be obtained in order to transfer the title to a pledged aircraft.

(3) In the course of execution of a decision, the pledgee whose lien is entered in the Aircraft Register is entitled to claim preferential satisfaction from the sale of the aircraft defeating another pledgee unless the lien of the other pledgee was entered to the Aircraft Register earlier or unless the other pledgee has the retention right to the aircraft.

Section 6

(1) The operator of an aircraft registered in the Aircraft Register, the owner of the aircraft, the pledgee and the persons to whom the entry in the Aircraft Register pertains are obliged to promptly report and document to the Authority any changes to the information entered to the Aircraft Register, and in the case of a legal person, its assigned company identification number, unless it was included in the application for entry to the Aircraft Register.

(2) The Authority shall delete the aircraft from the Aircraft Register upon a request of the aircraft operator or owner or upon its own initiative, if it finds out that the conditions set out for the entry of the aircraft to the Aircraft Register have changed or ceased to exist. If the aircraft operator is not identical with the aircraft owner, the deletion from the Aircraft Register may only be made upon the consent of the owner. In case the aircraft is not sold as part of execution of a decision, the Authority may delete the aircraft from the Aircraft Register only if all holders of rights pertaining to the aircraft have expressed their consent thereto. The Authority shall inform the aircraft operator of the deletion from the Aircraft Register and in case the operator is not identical with the aircraft owner, it shall also inform the owner.

Section 6a

The Authority shall delete the lien on the aircraft from the Aircraft Register upon a request of the pledgee or upon its own initiative on the basis of a document evidencing the termination of the lien. The Authority shall inform the aircraft owner, the pledgor, in case the pledgor is not identical with the aircraft owner, and the pledgee of the deletion of the lien from the Aircraft Register.

Section 6b

(1) The provisions of Sections 5a and 6a shall apply accordingly to the establishment of a lien on aircraft engines and propellers, spare parts for the aircraft, its parts and appliances and to the entry of such liens to the Aircraft Register as well as to their deletion from the Aircraft Register.

(2) The owner of aircraft engines and propellers, spare parts for the aircraft, its parts and appliances which are encumbered with a lien entered in the Aircraft Register must secure their

- a) storage in the warehouse separately from other spare parts,
- b) visible labelling as encumbered with a lien, bearing the name, business name or title of the pledgee and the Aircraft Register in which the lien is entered.

CHAPTER II

APPROVAL OF PRODUCT TYPE, AIRCRAFT AIRWORTHINESS AND ELIGIBILITY OF PARTS, APPLIANCES AND AERONAUTICAL GROUND FACILITIES

Section 7

Product type approval

(1) The product type is approved by the Authority on the basis of an application by the manufacturer, importer or another legal or natural person that demonstrates legal interest in the approval of an aircraft type or its parts. The only participant to the proceedings on the product type approval is the applicant.

(2) For the purposes of product type approval, within one month of the application delivery, the Authority shall specify

- a) all the regulations applicable to the approval of the type by an international treaty, which is part of legislation (hereinafter the "regulatory basis"), against which the product type shall be approved, this after hearing the opinion of the applicant,

b) date until which the specified regulatory basis may be applied for the approval of the product type.

(3) The Authority may request documents necessary for the type approval from the applicant in the course of the approval process.

(4) The Authority shall approve the product type on the basis of results of assessment and verification of conformity of the properties of the aircraft and its parts with the requirements for product safety and environmental compliance of aircraft operation set out in the regulatory basis (hereinafter the "assessment and verification of conformity"), which shall be submitted by the applicant. In the approval process for an aircraft type or its parts, the Authority proceeds in accordance with the regulatory basis. The assessment and verification of conformity shall be procured by the applicant at the Authority at its own expense. The Authority may authorize a legal person to perform the assessment and verification of conformity.

(5) The Authority shall issue the decision on the product type approval no later than within 3 years of the initiation of the proceedings; the period may extend to 5 years in particularly complex cases.

(6) The manufacturer is obliged to manufacture products according to the type approved or recognized by the Authority and to prove the conformity of the product with the approved or recognized type.

(7) The manufacturer is obliged to monitor its product in operation and to adopt measures for the maintenance or restoration of the aircraft airworthiness on the basis of performed analyses.

(8) The requisites of the application for the product type approval, documents to be attached to the application and the method of the product type approval are set out in an implementing regulation.

Section 8

Aircraft Airworthiness

(1) The Authority decides on the eligibility for a flight of the aircraft (hereinafter the "airworthiness") on the basis of the application of

- a) the manufacturer, importer or another legal or natural person that demonstrates legal interest, if this is a new aircraft,
- b) the operator, if the aircraft has been operated.

The Authority shall issue the certificate of airworthiness certifying the approval of the aircraft airworthiness.

(2) The airworthiness approval by the Authority shall be contingent upon the conformity of the aircraft with the approved type and verification of its airworthiness. The verification of airworthiness shall be procured by the applicant at its own expense. The Authority may authorize a legal or natural person to assess and verify airworthiness.

(3) The conditions for the airworthiness of individual types of aircraft in terms of their construction, technical specifications and use are set out in an implementing regulation.

Section 9

Airworthiness of Custom-Made Products

Airworthiness of custom-made products shall be approved by the Authority on the basis of an application by the manufacturer, importer or another legal or natural person that demonstrates legal interest in the approval. The Authority shall issue the certificate of airworthiness certifying the approval of the aircraft airworthiness. The Authority shall issue the certificate of airworthiness in case the requirements for product safety and environmental compliance of aircraft operation are met.

Section 10

Airworthiness Reviews

(1) Aircraft registered in the Aircraft Register are subject to airworthiness reviews, procured by the aircraft operator at its own expense at the Authority. The Authority may authorize a legal or natural person to review airworthiness.

(2) In case the Authority determines that the aircraft does not meet airworthiness conditions, it shall suspend the certificate of airworthiness until the defect in airworthiness has been remedied.

(3) In the event of ascertaining permanent lack of airworthiness, the Authority shall decide on the lack of airworthiness and shall revoke the certificate of airworthiness.

(4) The scope and method of performing reviews shall be set out in an implementing regulation.

Section 11

Operation of Foreign Aircraft

Aircraft that is registered in the Aircraft Register of another country and is operated by a natural person with permanent residence in the Czech Republic or by a legal person with registered office in the Czech Republic, may be operated in the airspace of the Czech Republic if the aircraft type and its airworthiness has been approved by another state and if the Authority acknowledges the certificate of the aircraft type approval and certificate of airworthiness issued by another state as valid under an international treaty that is part of legislation or under a directly applicable regulation of the European Union^{1c)}.

Section 12

(1) In the airspace of the Czech Republic, it is forbidden to operate an aircraft

- a) that fails to possess a valid certificate of airworthiness or whose certificate of airworthiness issued by another state has not been recognized by the Authority as valid,
- b) that has not been issued a certificate of registration in the Aircraft Register or an aircraft register of another country,
- c) whose technical and operational condition fails to meet the requirements for aviation safety and environmental protection set out in an implementing regulation.

(2) The aircraft operator is obliged to

- a) maintain the airworthiness,
- b) ensure that any aircraft it operates is brought for an airworthiness review in accordance with a requirement set out in an implementing regulation,
- c) upon request, provide to the aircraft manufacturer the list of defects affecting the aircraft technical condition, this once in a calendar year,
- d) have a liability insurance policy for the entire period of the aircraft operation, which covers liability for damage from the aircraft operation with paid premium,
- e) keep records on the aircraft operation.

(3) The method of record-keeping regarding the aircraft operation is specified in an implementing regulation.

Section 12a

(1) The Authority collects and processes all the data relevant to aviation safety, related to the technical and operational condition of aircraft (hereinafter the "aircraft technical condition") landing in the Czech Republic and registered in the aircraft register of a country that is not a Member State of the European Union.

(2) Data under paragraph 1 include in particular data

- a) from records on the aircraft operation,
- b) from pilots' reports,
- c) obtained by a legal or natural person entitled to perform maintenance and repairs of products, aircraft parts and appliances under Section 17,
- d) obtained from investigation of causes of accidents and incidents,
- e) obtained from natural and legal persons or from administrative bodies,
- f) on flight ban imposed after the aircraft ramp inspection under Section 91a paragraph 6,
- g) on measures imposed on the aircraft operator or adopted by the aircraft operator, aiming at the remedy of defects of the aircraft technical condition, ascertained during the aircraft ramp inspection under Section 91a paragraph 6.
- h) on repeated identification of defects of the aircraft technical condition,
- i) on exchange of information with the competent authority of the state in whose territory the aircraft operator has its registered office or place of business.

(3) The provisions of paragraph 1 do not apply to state aircraft under the international treaty that is part of legislation^{1j)}, and to aircraft that do not serve for commercial air transport and whose maximum takeoff weight is lower than 5,700 kg.

(4) Each person possessing data under paragraph 1 is obliged to submit them to the Authority upon request. The Authority shall determine a reasonable period for the submission of data.

(5) On the basis of data under paragraph 1, the Authority shall prepare a report without undue delay, which shall be promptly referred to the European Commission and upon request to the competent authorities of EU Member States and the Agency. In case such data lead to the suspicion of endangering aviation safety, the Authority shall promptly hand over the report to all competent authorities of EU Member States and to the European Commission.

(6) The Authority staff are obliged to maintain confidentiality of all the data related to the aircraft technical condition, which have been provided by the competent authorities of EU Member States. The confidentiality obligation does not apply to mutual exchange of information between administrative bodies in the process of securing aviation safety.

(7) The template of the report under paragraph 5 is included in an implementing legal regulation.

Section 13

(1) The assessment and verification of product conformity, assessment and verification of airworthiness and airworthiness reviews may be performed for the needs of the Authority by a legal or natural person that has been authorized by the Authority to that end.

(2) The assessment and verification of product conformity, assessment and verification of airworthiness and airworthiness reviews mean works through which the properties of an aircraft and its parts are ascertained for the purposes of

- a) product type approval,
- b) approval of a custom-made aircraft or its parts,
- c) approval of airworthiness,
- d) airworthiness reviews.

(3) The assessment and verification of conformity of aeronautical ground facilities during development, design, production, construction and operation may be performed for the needs of the Authority by a legal or natural person that has been authorized by the Authority to that end.

Section 14

(1) The Authority may authorize a legal or natural person, which

- a) has the technology and infrastructure for the assessment and verification of product conformity, assessment and verification of product airworthiness and product airworthiness inspections or for the assessment and verification of conformity of aeronautical ground facilities during development, design, production, construction and operation,
- b) shall ensure that activities under clause a) are performed by professionally qualified natural persons who are bound by the confidentiality obligation concerning classified information and trade secret.

(2) The Authority checks whether the authorized legal or natural person complies with requirements that served as the basis for the authorization. If such requirements are not complied with, the Authority shall suspend or withdraw the authorization of the legal or natural person.

Section 15

Test Flights

(1) A prototype aircraft, an aircraft that has not been issued the certificate of airworthiness, or an aircraft that fails to meet the conditions for airworthiness due to changes in its purpose of use, or an aircraft that lost its airworthiness may be used for test flights only with the consent of the Authority.

(2) The Authority shall grant consent to the test flights after the verification of conditions set out in the implementing regulation for test flights.

Section 16

Aircraft Parts and Appliances, Aeronautical Ground Facilities

(1) Aircraft parts and appliances and aeronautical ground facilities determined by an implementing regulation may only be used in civil aviation in case that eligibility for civil aviation was approved or recognized by the Authority. Costs related to the issue of the certificate of eligibility of an aircraft part and appliance and of an aeronautical ground facility shall be borne by the applicant.

(2) The requisites of the application for approval of eligibility of aeronautical products for use in civil aviation and technical conditions for aircraft parts and appliances and aeronautical ground facilities are set out in an implementing regulation.

Section 17

(1) The development, design, production, testing, installation, maintenance, repairs, modifications and design changes to products, aircraft parts and appliances and aeronautical ground facilities determined by an implementing regulation may be performed by a legal or natural person authorized for this activity through an approval issued by the Authority or the Agency or by another Member State under a directly applicable regulation of the European Union^{1c)} or recognized under a special legal regulation^{1k)}.

(2) The Authority shall grant the approval under paragraph 1 to a legal or natural person meeting the following requirements:

- a) it has the technology for the development, design, production, installation, repairs, testing, or maintenance of products, aircraft parts and appliances and aeronautical ground facilities,
- b) it ensures that the development, design, production, installation, repairs, testing, or maintenance of products, aircraft parts and appliances and aeronautical ground facilities are performed by professionally qualified natural persons.

(3) The requisites of the application for an approval for the development, design, production, installation, repairs, testing, or maintenance of products, aircraft parts and appliances and aeronautical ground facilities, the conditions for granting an approval and expertise of the natural persons who perform the development, design, production, installation, repairs, testing, or maintenance of products, aircraft parts and appliances and aeronautical ground facilities, are set out in an implementing legal regulation.

CHAPTER III

ADMINISTRATION OF AIRCRAFT ADDRESSES

Section 17a

(1) Aircraft address is an electronic identification code used for international identification of aircraft, sport flying devices (Section 81) and other devices determined by the implementing legislation (hereinafter the "coded device") for the needs of civil and military aviation.

(2) The Ministry of Transport administers aircraft addresses assigned to the Czech Republic by an international organisation pursuant to the international treaty that is part of legislation^{1j)}. The administration of aircraft addresses means designing a plan for the distribution of aircraft addresses (hereinafter the "plan") and inspection of efficient use of the distributed addresses. The parts of the plan that relate to aircraft and coded devices used for military purposes are prepared by the Ministry of Transport in cooperation with the Ministry of Defence. The parts of the plan that relate to aircraft operated by the Police of the Czech Republic (hereinafter "police aircraft") are prepared by the Ministry of Transport in cooperation with the Ministry of Interior.

(3) The Ministry of Transport determines the quantities of aircraft addresses for civil aircraft, military aircraft, police aircraft, customs aircraft, sport flying devices and coded devices.

Section 17b

(1) The Authority decides on the assignment of aircraft addresses on the basis of the application of

- a) aircraft operator,
- b) user of a sport flying device, or
- c) coded device operator.

(2) The decision on the assignment of an aircraft address is contingent upon the free capacity of aircraft addresses in accordance with the plan, the assignment of the aircraft registration mark or entry of a sport flying device in the Register of Sport Flying Devices under Section 84b or upon demonstrating the purposefulness of assigning an aircraft address to a coded device.

(3) Only one aircraft address may be assigned, always to one aircraft, sport flying device or coded device.

(4) Aircraft addresses for military aviation are assigned and withdrawn by the Ministry of Defence according to the plan. The Ministry of Defence shall promptly notify the Authority of the assignment or withdrawal of an aircraft address under the first sentence. The provisions of Sections 17b and 17c apply accordingly to the assignment or withdrawal of an aircraft address by the Ministry of Defence.

(5) Aircraft addresses for the needs of police flights are assigned and withdrawn by the Ministry of Interior according to the plan. The Ministry of Interior shall promptly notify the Authority of the assignment or withdrawal of an aircraft address under the first sentence. The provisions of paragraphs 1 to 4 and Section 17c apply accordingly to the assignment or withdrawal of an aircraft address by the Ministry of Interior.

(6) The requisites of the application for assignment of an aircraft address and the list of documents to be attached to the application are set out in an implementing legal regulation.

Section 17c

(1) Aircraft operators, users of sport flying devices and operators of coded devices are obliged to use the aircraft address in accordance with the decision on its assignment. The Authority checks the use of aircraft addresses assigned by the Authority.

(2) Aircraft operators, users of sport flying devices and operators of coded devices are obliged to promptly notify the Authority of a change in facts that formed the basis for the assignment of the aircraft address.

(3) The Authority shall withdraw the aircraft address

- a) on deletion of the aircraft from the Aircraft Register,
- b) on deletion of the sport flying device from the records under Section 84b, and/or
- c) if the coded device has ceased to be used for the purpose for which the aircraft address was assigned.

Section 17d

(1) The Authority keeps the list of all aircraft addresses assigned according to the plan. This list is kept in the written and electronic form by the Authority.

(2) The Authority shall disclose information from the list of assigned aircraft addresses to the Ministry of Transport, a person authorized to provide air traffic services (Section 46) and a person authorized to keep records of sport flying devices under Section 82 paragraph 1.

(3) The Authority shall provide information from the list of assigned aircraft addresses to a person that demonstrates legal interest.

(4) The requisites and method of keeping the list of assigned aircraft addresses are set out in an implementing legal regulation.

PART THREE

AVIATION PERSONNEL

CHAPTER I

GENERAL PROVISIONS CONCERNING AVIATION PERSONNEL

Section 18

(1) Aviation personnel mean natural persons performing activities to secure safe and smooth air traffic. Natural persons who participate in the flight on board an aircraft and engage in activities to secure safe flight or activities related to the maintenance of their qualification or activities performed for the purpose of monitoring the flight or airworthiness, are aircrew.

(2) Aviation personnel includes

- a) flight crew,
- b) cabin crew,
- c) ground personnel.

(3) Work of aviation personnel may be performed by persons who are professionally qualified, medically fit and have a valid licence to perform the work concerned. Work of cabin crew may be performed by persons who are specified in a directly applicable regulation of the European Union; performance of such work is not subject to a licence.

(4) Work of flight crew may be performed for an air carrier on the basis of an employment relationship or a contract under the Civil Code; this contract shall be in writing.

(5) The Authority keeps records of aviation personnel. This provision does not apply to cabin crew.

Section 19

Aviation Personnel Licensing

(1) The personnel licences are issued by the Authority, which also recognizes the validity of a licence issued by another state.

(2) The Authority shall issue the licence to an applicant who has demonstrated competence to perform the relevant work of aviation personnel through an examination and who has demonstrated medical fitness.

(3) The Authority shall suspend the licence and order the review of competence or medical fitness of a member of aviation personnel in case such person shows shortcomings that may threaten air traffic safety, in the course of performing the licenced activities. Depending on the results of competence review or medical fitness review, the Authority may restrict or prohibit the activity that is the subject of the licence. In the event of prohibition, the Authority shall revoke the licence.

(4) Licenced aviation personnel must not perform work that is the subject of the licence if they are aware of an illness of any change in the health condition that would restrict or exclude the performance of such work.

Section 19a

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Section 20

Competence of Aviation Personnel

(1) The examination may be taken by an applicant who has achieved the necessary qualification.

(2) The applicant for work as a member of aviation personnel must pass the prescribed instruction and training prior to taking the examination. The command of Czech language is part of the competence of an applicant for the licence of the air traffic controller in accordance with the directly applicable regulation of the European Union regulating licensing and conditions of performance of work of the air traffic controller¹⁶⁾.

(3) Details of categories of aviation personnel, necessary qualifications, range of expertise needed for different types of competence, method and scope of instruction and training, examinations, types of licences and conditions for the extension of licence validity are set out in an implementing regulation.

Section 21

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Section 22

Medical Fitness of Aviation Personnel

(1) The applicant for work as a member of aviation personnel or the licence holder applying for the extension of licence validity must demonstrate medical fitness.

(2) A medical report¹ⁿ⁾ on medical fitness on the basis of a medical examination under a special regulation is issued by

- a) a designated health care provider through a physician appointed by the Authority,
- b) a health care provider through a physician appointed by the Authority,

(3) Medical assessor for the purposes of this Act means a physician appointed by the Authority, unless this Act or the related implementing regulation or a directly applicable regulation of the European Union stipulates that the medical assessor shall be a physician qualified in the field of general medicine. The costs of examining medical fitness and issuing the medical report under paragraph 2 are borne by the employer in the amount exceeding costs covered by public health insurance.

(4) The Authority appoints the health care provider on the basis of its written application and proof of its physicians' qualification for independent performance of profession under a special act¹⁵⁾ and upon agreement with the Ministry of Defence and the Ministry of Health, and appoints the physician mentioned in paragraph 3 on the basis of his/her written application and proof of qualification for independent performance of profession under a special act¹⁵⁾.

(5) An operator of aviation activities is obliged to procure occupational medical services for its employees performing the work of aviation personnel at the health care provider¹ⁿ⁾ whose physicians are knowledgeable in the field of aviation medicine.

(6) In case the medical assessor ascertains such change in the health condition of a holder of licence for aviation personnel that results in a change or loss of his/her fitness to hold the licence, the health care provider is obliged to issue a new report on medical fitness and send it to the Authority.

(7) The report on medical fitness must not be older than three months of the date of issue.

(8) Types of examination, details concerning medical fitness of aviation personnel, details of the appointment of a legal person to assess knowledge of aviation medicine, and deadlines for demonstrating the knowledge of aviation medicine are set out in an implementing regulation.

CHAPTER II

RULES FOR DUTY AND REST OF AIRCREWS

Section 22a

(1) In order to secure civil air traffic safety, the Ministry of Transport, through an implementing legal regulation, determines the rules for the maximum time on duty, flight duty period, flight duration, minimal requirements for rest including rest when several time zones are crossed, principles of split duty, use of augmented and double crew and rules for appointing standby crew members (hereinafter the "flight safety standard" (prescriptive fatigue management regulation)).

(2) Domestic air carriers and aerial work operators determine, in accordance with the flight safety standard, the rules for the maximum time on duty, flight duty period, flight duration, minimal requirements for rest including rest when several time zones are crossed, principles of split duty, use of augmented and double crews and rules for appointing standby crew members (hereinafter the "operator's flight safety standard").

(3) Approval of the operator's flight safety standard, including its possible amendments prior to their effective date, is decided by the Authority on the basis of an application of a domestic air carrier or aerial work operator. Prior to the approval of the operator's flight safety standard, the Authority shall verify the internal control system of the domestic air carrier or aerial work operator which ensures the compliance therewith. In the event that serious shortcomings of the internal control system are ascertained, the Authority shall reject the application of the air carrier or aerial work operator for the approval of the operator's flight safety standard.

(4) In the event of rejection of the application filed by the domestic air carrier for the approval of the operator's flight safety standard, the Authority shall initiate the proceedings for revocation of the air operator certificate. In the event of rejection of the application filed by the aerial work operator for the approval of the operator's flight safety standard, the Authority shall initiate the proceedings for revocation of the aerial work operator permit.

(5) On the basis of a reasoned request of the domestic air carrier or aerial work operator, the Authority may approve an exception from the operator's flight safety standard for an individual flight.

Section 22b

Domestic air carriers or aerial work operators are obliged to

- a) secure the compliance with limits determined under the flight safety standard,
- b) keep records of time on duty, flight duty period, flight duration and their extensions, and the period of rest and its reductions,
- c) within 28 days of the moment of extension of the maximum flight duty period by more than 1 hour, or reduction of the period of rest by more than 1 hour, submit a copy of the record documenting the circumstances with their justification to the Authority.

Section 22c

(1) Aircrew members are obliged to

- a) comply with the operator's flight safety standard,
- b) keep records of his/her time on duty, flight duty period, flight duration and their extensions, and the period of rest and its reductions,
- c) submit records under clause b) to the domestic air carrier or aviation works operator before each exercise of flight duty, in case he/she performs the work of an aircrew member for more air carriers or aerial work operators.

(2) An aircrew member is not allowed to perform flight duty if he/she is aware that his/her fatigue or health condition could pose a threat to air traffic safety.

(3) The pilot-in-command is obliged to submit the record of flight duty period extension or rest period reduction after the flight termination to the domestic air carrier or aerial work operator.

CHAPTER III

MILITARY AVIATION PERSONNEL

Sections 22d to 22m

deleted

Section 23

The provisions of this part of the Act also apply to military aviation personnel, except for the provisions of Sections 22a, 22b and 22c. The competence of the Authority is exercised by the Ministry of Defence in issues concerning military aviation personnel.

PART FOUR

AIRPORTS AND AIR STRUCTURES

CHAPTER I

TYPES OF AIRPORTS

Section 24

(1) Airports are classified

- a) according to facilities, operating conditions and basic designation to
 1. domestic airports designed and equipped to handle domestic flights which do not cross the national borders of the Czech Republic and flights which do not cross the external borders¹⁰⁾ (hereinafter the "domestic flights"),
 2. international airports, i.e. customs airports designed and equipped to handle both domestic and internal flights, and flights which cross the external borders under a different legal regulation¹⁰⁾.
- b) according to nature and user base to
 1. civil airports, i.e. airports for the needs of civil air transport; these are public airports accepting all aircraft to the extent of their technical and operational capacity; and private airports which accept all aircraft, including the aircraft of airport users designated by the Authority upon proposal by the operator, to the extent of their technical and operational capacity, upon prior agreement between the aircraft operator or pilot-in-command and the private airport operator,
 2. military airports, i.e. airports for the needs of armed forces of the Czech Republic and other legitimate users authorized by the Ministry of Defence.

(2) This Act shall apply also to the use of a military airport for civil air traffic.

Section 25

(1) The Authority decides on the determination of an airport type and its change on the basis of an application of the airport operator after the assessment of technical and operational conditions set for the airport type concerned. A decision of the Authority determining an airport as an international airport serves as the basis for setting the boundaries of the customs zone around a customs airport under a special regulation²⁾.

(2) In issuing the decision under paragraph 1, whereby an airport is determined as an international airport with the external border, the Authority is bound by the opinion of the Ministry of Interior issued under a special legal regulation¹⁰⁾. In case the Authority obtains the opinion of the Ministry of Interior stating that the safety conditions of an international airport under a special legal regulation¹⁰⁾ are not met, it shall initiate proceedings on a change of the airport type.

(3) Technical and operational conditions of the respective types of airports and details of the application content under paragraph 1 are set out in an implementing regulation.

(4) Veterinary authorities shall secure the veterinary inspection at the border veterinary station at international airports, if such inspection has been approved by the competent authority of the European Union.

Section 25a

Airport Register

(1) The Authority keeps the airport register, which is published in the method enabling remote access. The Authority shall enter the airport to the register within three days of the legal force of the decision whereby the airport type has been determined.

(2) The following information about an airport is entered into the airport register:

- a) airport identification,

- b) airport operator and its accountable representative, if any,
- c) airport type,
- d) airport lands,
- e) information of existing easements to the airport lands,
- f) date the airport entry to and deletion from the airport register.

(3) The Authority shall delete the airport from the airport register in case the airport ceases to exist.

CHAPTER II

AIRPORT OPERATION

Section 25b

Duties of Airport Owner

(1) The airport owner is obliged to secure the operation of the airport.

(2) In case the owner is unable to operate the airport, it is obliged to offer the airport operation to the state. The owner files a written offer at the Ministry of Transport within 60 days of the day when it learns of the fact under the first sentence, however, no later than 60 days before the termination of the airport operation, unless the owner is simultaneously its operator.

(3) If required by the public interest, the Ministry of Transport shall secure the airport operation pursuant to a written contract concluded with the airport owner for the period during which the owner is unable to secure its operation through its own resources or through a third-party operator.

Airport Operation

Section 26

(1) Operation of an airport means activities which secure

- a) takeoff and landing of aircraft and aircraft movement associated therewith,
- b) protection and treatment of aircraft,
- c) realization of aviation activities,
- d) order, safety, airport rescue and firefighting services,
- e) protection from acts of unlawful interference that may threaten the safety of civil aviation,
- f) maintenance and development of the airport in accordance with the conditions set for the airport operation.

(2) Technical and operational conditions for the airport operation are set out in an implementing regulation.

Section 27

(1) An airport may be operated by a legal person with registered office or a natural person with permanent residence in the Czech Republic pursuant to a permit. The permit to operate aerodrome may be issued by the Authority on the basis of a written application.

(2) The permit may be issued provided that

- a) the natural person and its accountable representative, if any, have reached 18 years of age, are legally fully competent, are of good repute and at least one of them has the relevant competency,
- b) all natural persons who form the statutory body of a legal person or are members of the statutory body, have reached 18 years of age, are legally fully competent, are of good repute and at least one member of the statutory body or the accountable representative of the legal person has the relevant competence.

(3) The Authority shall issue the permit to operate aerodrome preferentially to the applicant that proves it is the owner of the majority area of airport lands. The original airport operator is entitled to claim compensation from the applicant under the first sentence. The amount of compensation shall be determined in particular with regard to the amount and duration of investment expended in connection with the airport.

Section 28

Good Repute

(1) A person who has been finally and conclusively convicted of a crime whose merits are related to the airport operation or a person who has been finally and conclusively convicted of another wilful crime is not considered a person with good repute in case there are concerns that the person would commit the same or a similar act again during the airport operation, unless the person is considered not to have been convicted of the crime.

(2) For the purpose of finding out whether the person under Section 27 paragraph 2a) and b) meets the condition of good repute, the Authority shall request the extract from the Penal Register under a special legal regulation^{1m)}. The request for the extract from the Penal Register and the extract itself are filed and issued in the electronic form in the method enabling remote access.

Section 29

heading deleted

Competence is demonstrated by a document confirming secondary or higher vocational education attained or a document of university education completed through study in the Master's programme in the fields of economics, technical sciences and technology or law, and a document of at least five-year professional experience in civil aviation management.

Section 30

Application for Permit to Operate Aerodrome

(1) The application for the permit to operate aerodrome must contain

- a) business name or name, registered office and legal form of a legal person and its identification number, if assigned, or name and permanent residence of a natural person, his/her business name and birth certificate number,
- b) identification of the airport owner, in the method under clause a), unless the future operator is simultaneously the airport owner.

(2) The application for the permit to operate aerodrome must be supported with

- a) a certified copy of the contract or memorandum of association of a legal person; legal persons incorporated in the companies register shall submit the certificate of incorporation,
- b) a document demonstrating the competence,
- c) a document proving that the applicant is the owner of the airport or it has another legal relation to the airport, and a document proving the consent of the airport owner to the airport operation, unless the owner is simultaneously the airport operator.

Section 30a

Easement Related to Airport Operation

(1) On the basis of a petition of the operator of an airport that has existed since 31 December 2009, the court shall decide on the establishment of easement for the purpose of the airport operation to the airport land, on which the airport or its part existing since 31 December 2009 is situated. The establishment of easement for the purpose of the airport operation is admissible only if there is public interest in its establishment prevailing over the existing rights of the airport land owner and if the airport operator has failed to acquire the right to the airport land by agreement.

(2) The owner of the land to which the easement has been established is entitled to compensation from the airport operator. The compensation for the establishment of easement for the purpose of the airport operation shall be determined by the court as an annual fulfilment in the amount corresponding to the usual rent for the land in the given area. The compensation is mature no later than by 31 December of the relevant calendar year, unless otherwise stipulated in the decision on the establishment of easement. The owner of the land to which the easement has been established and the airport operator may agree on a different amount of the annual fulfilment and its earlier maturity in writing. Upon an application of the airport operator or the owner of the land to which the easement was established, the court shall decide on adjustment of the compensation in case the circumstances, under which the compensation was determined or agreed, have substantially changed.

(3) The court shall decide on the cancellation of easement

- a) upon the petition of the airport operator,
- b) if the airport has been unoperated for one year,
- c) if the airport ceases to exist.

(4) The easement shall also expire if the airport operator fails to settle the compensation within 90 days of the date of maturity

of the annual fulfilment.

(5) If it is sufficient for meeting the purpose of the easement by establishing the easement to only a part of the airport land, the court shall decide on the easement establishment to only such part of the land that is designated on the basis of the geometric plan made at the expense of the airport operator. This shall not apply if such procedure would depreciate the part of the land that is not encumbered with easement.

Section 31

(1) The airport operator is obliged to

- a) document to the Authority the compliance with conditions set for the airport operation as of the date of airport operation commencement,
- b) operate the airport in compliance with the valid permit to operate aerodrome,
- c) in the period of six months prior to the envisaged termination of the airport operation to notify the Authority of its intention to terminate the operation and to notify the airport owner, in the same period, unless the operator is simultaneously the airport owner. If this is the international public airport operator, the period extends to twelve months.

(2) The airport operator is entitled to give orders to operators of aviation activities, passengers and other persons participating in the airport operation and air traffic, in order to secure safe operation and coordinate activities taking place in the airport.

Section 32

(1) Upon a written request of the airport operator or of air carriers undertaking more than half of takeoffs or landings at the airport during the previous calendar year, or at its own initiative, the Authority may decide, under conditions set out in a directly applicable regulation of the European Union^{2a)} that the airport be designated as a schedules facilitated or a coordinated airport. In case the request is filed by the European Commission under a directly applicable regulation of the European Union,^{2a)} the Authority proceeds accordingly. The requisites of the request of the airport operator or of air carriers under the first sentence are set out in an implementing legal regulation.

(2) In the case of coordinated airports, the Authority shall appoint a natural person with permanent residence in the Czech Republic or a legal person with registered office in the Czech Republic (hereinafter the "coordinator") to allocate slots to air carriers and supervise their use, this under conditions set out in a directly applicable regulation of the European Union^{2a)}. Within three months of its appointment and under conditions set out in the directly applicable regulation of the European Union^{2a)}, the coordinator shall establish the coordinating committee as the advisory body of the coordinator.

(3) The coordinator shall allocate slots on the basis of written requests in accordance with the directly applicable regulation of the European Union^{2a)}. The requisites are set out in an implementing legal regulation.

(4) The coordinator is obliged to have liability insurance for damage caused by the performance of its work at the latest on the date of commencement of its work.

(5) In the case of schedules facilitated airports, the Authority shall appoint a natural person with permanent residence in the Czech Republic or a legal person with registered office in the Czech Republic to assess flight schedules of air carriers and to issue corresponding recommendations, under conditions set out in the directly applicable regulation of the European Union^{2a)}.

Section 33

(1) In case the operational condition of the airport or a part thereof fails to comply with safe operation of the airport, the Authority may decide on the suspension of operation of the airport or its part.

(2) The decision may apply only to certain types of aircraft or certain types of flights.

Section 34

The permit to operate aerodrome shall expire

- a) by the decision of the Authority on revocation of the permit, if the airport operator has ceased to meet the conditions for the permit issuance, seriously breached the provisions of this Act or filed a petition for revocation of the permit to operate aerodrome,
- b) by lapse of the period of the permit validity,
- c) as of the date of dissolution of the legal person or after 30 days of the death of the natural person that is the permit holder,
- d) as of the date of legal force of the decision to grant the permit to operate aerodrome to the applicant that proves it is the owner of the majority area of airport lands.

Certification of Airports

Section 34a

(1) Operation of an international public airport is contingent on its certification.

(2) Operation of an international public airport is certified by the Authority upon an application of the airport operator. The application shall be attached a duplicate of the airport manual prepared by the operator, which contains technical and operational data about the airport operator and the airport operated by such person.

(3) In the airport manual, the airport operator records changes in information contained therein. The airport operator shall notify the Authority of changes in information mentioned in the airport manual no later than within 5 business days of the date of the change; the notice shall be attached the duplicate of the record of changes in the airport manual.

(4) The requisites of the airport manual are set out in an implementing legal regulation.

Section 34b

(1) In the process of airport certification, the Authority ascertains whether all facilities, equipment, operational procedures and safety management system as well as air services provided at the airport, as mentioned in the airport manual, comply with aviation regulations. The Authority also ascertains whether the airport operator and airport personnel, mentioned in the airport manual, comply with the requirements for competence for the operation of an airport and its maintenance, stipulated by aviation regulations.

(2) The Authority shall issue the decision on the airport certificate approval without undue delay, however, no later than within 1 year of the commencement of the proceedings.

Section 34c

(1) In case the Authority ascertains that a public international airport fails to meet the conditions for certification during the operation, it shall order the airport operator to remedy the ascertained shortcomings and shall determine a reasonable period, which must not exceed 6 months.

(2) In case the airport operator fails to remedy the ascertained shortcomings in the prescribed period, the Authority shall withdraw the airport certificate. An appeal against the decision on withdrawal of the airport certificate does not have the suspensive effect.

Section 34d

The certificate may also be issued for a public domestic airport. The provisions of Section 34a paragraphs 2 to 4, Sections 34b and 34c shall apply accordingly.

CHAPTER III

AREAS FOR TAKEOFF AND LANDING, AIR STRUCTURES

Section 35

Areas for Takeoff and Landing

(1) The areas defined in the land use documentation or the land use decision for a territory,³⁾ designated for aircraft takeoff and landing and related activities may be used for takeoff and landing only under conditions set out in an implementing regulation.

(2) Any areas that ensure safe takeoff and landing may be used to takeoff and landing of specified types of aircraft in the course of defined aviation activities.

(3) The characteristics of areas and definition of aircraft types and aviation activities for which any areas may be used are set out in an implementing regulation.

Section 36

Air Structure

(1) Air structure means

- a) a runway used for the takeoff and landing of aircraft without regard to its technical construction,
- b) runways and areas for aircraft movement and parking connected with their takeoff and landing without regard to their technical construction, and
- c) a structure serving to facilitate air traffic.

(2) The special building office⁴⁾ for air structures is the Authority.

(3) The Authority as the special building office shall also assess, within an approval process under the Building Code, operational capability of an air structure with regard to air traffic safety.

CHAPTER IV

PROTECTION ZONES

heading deleted

Section 37

Protection Zones

(1) Protection zones are established around air structures. A protection zone is established by the Authority through a general measure under the Administrative Procedure Code after consultation with the land use office. The Authority determines the protection zone parameters and individual measures for the protection of air structures through the general measure under the second sentence.

(2) Protection zones of air structures are classified as protection zones of

- a) airports and
- b) aeronautical ground facilities.

(3) Protection zones of airports are classified as protection zones

- a) with a construction ban,
- b) with a height restriction,
- c) for protection from dangerous and deceptive lights,
- d) with a laser device ban,
- e) with restrictions on overhead high voltage and very high voltage lines,
- f) against aircraft noise^{4a)},
- g) against bird strikes.

(4) Protection zones of aeronautical ground facilities are classified as protection zones of

- a) radar aids,
- b) navigation aids,
- c) communication aids,
- d) aids for aeronautical meteorological service,
- e) aids for aeronautical information service,
- f) lights and marker radio beacons, and
- g) underground air structures.

Section 38

deleted

Section 39

deleted

Section 40

Establishment of facilities and performance of activities within protection zones of air structures are contingent on the consent of the Authority. The Authority shall grant the consent in case the facility or activity do not prevent air traffic or endanger its safety and in case the structure does not require protection from noise.

Section 41

(1) The consent of the Authority and the Ministry of Defence is required for placement of structures and facilities outside protection zones in case

- a) the height of the structure or facility exceeds 75 m above the ground,
- b) the structure or facility 30 meters and more tall, built on a natural or artificial elevation, exceeds the surrounding countryside by 75 meters and more,
- c) it is a facility that may endanger air traffic safety or interfere with functions of aircraft flight instruments and aeronautical ground facilities; this in particular concerns industrial plant facilities, high voltage and very high voltage lines, power engineering facilities, wind power plants and broadcasting stations.

(2) An operator of the transmission system for 110 kV and more lines and facilities (hereinafter the "lines") must provide the updated geographical coordinates for the location of transmission towers and a schematic diagram of the lines between them in an appropriate form, upon a request of a person that prepares the cartographic representation of the transmission system in connection with its subject of business or activity.

Section 42

An operator of an airport or other air structures is entitled to enter lands of others, also outside the protection zone upon prior provable notification of the owner, for the purpose of ensuring operation of airports and other air structures and if applicable, to remove obstacles hindering the operation of the airport and air structures. The operator must take care that the use of lands and structures located on them is disturbed in the least possible extent and that its entry and operations do not cause damage that could be prevented. The exercise of such entitlement must be limited to the necessary time and extent. The property owner is obliged to tolerate the restriction of ownership rights to its property during the exercise of such entitlement. The right to the compensation for damage under the Civil Code is not affected by the previous provision.

CHAPTER V

OPERATIONAL RESTRICTIONS TO REDUCE AIRPORT NOISE

Section 42a

(1) An airport operator specified by a directly applicable regulation of the European Union on establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at airports³⁵⁾ shall prepare for each calendar year a report containing data on traffic and noise situation at the airport and on established and intended measures to reduce noise and an assessment of their impacts (hereinafter the "the noise situation report") and shall send it to the Authority by the end of March of the following calendar year. For the processing of the noise situation report, the airport operator shall use the data obtained using the method according to the directly applicable regulation of the European Union on establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at airports³⁵⁾.

(2) If the noise hygienic limits laid down by the law regulating the protection of public health³⁶⁾ are exceeded for two consecutive calendar years, the airport operator shall supplement the noise situation report with information on the estimated number of persons exposed to noise in the previous two calendar years, the planned airport development, the anticipated noise situation at the airport, and on the possibilities of introducing new noise abatement measures and assessing their impacts. The airport operator shall update the noise situation report by the end of the calendar year in which it has sent it to the Authority.

(3) The information contained in the noise situation report and its supplementation is set out in an implementing legal regulation.

Section 42b

(1) If, in connection with the operation of an airport specified by a directly applicable regulation of the European Union on establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at airports³⁵⁾, the noise hygiene limits laid down by the law regulating the protection of public health³⁶⁾ are exceeded for three consecutive calendar years, the Authority shall decide by virtue of office and under the conditions laid down in this directly applicable regulation on the introduction of noise-related operating restrictions at such an airport.

(2) Participants in the proceedings to introduce noise-related operating restrictions at the airport are the only stakeholders defined by a directly applicable regulation of the European Union on establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at airports³⁵⁾; this does not apply if they are local residents, their representatives and local authorities (hereinafter the "local residents"). The Authority shall notify the parties of the initiation of the proceedings by means of a public notice. The proceedings shall be commenced on expiry of the period laid down in the notice of initiation; the period may not be less than 15 days from the date on which the notice of the opening of proceedings on the official notice board was published. Documents are served to the parties by a public notice; this does not concern the airport operator.

(3) The Authority shall indicate in the decision the date from which the noise-related operating restrictions are to be introduced at the airport.

(4) Before publishing the decision, the Authority shall publish on the official notice the concept of the operative part and the reasons for the decision, indicating the time limit, where and by how the parties to the proceedings can object and propose the completion of the proceedings, and local residents may make comments. After reviewing the objections and comments made to the drafting of the operative part and the reasons for the decision and the proposals for completing the proceedings, the Authority will republish the modified draft on the official board and send it to the competent authorities of the Member States of the European Union and to the European Commission in accordance with the directly applicable regulation of the European Union on establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at airports³⁵). No objections or no comments may be made to the republished concept of the operative part and the reasons for the decision; this also applies to proposals to supplement the proceedings.

(5) When required or permitted by the noise situation at the airport, the Authority will amend the decision by virtue of office. Paragraphs 2 to 4 shall apply, *mutatis mutandis*, in the proceedings for amending the decision. When the noise situation at the airport so permits, the Authority will repeal the decision. Paragraph 2 and the first sentence of paragraph 4 shall apply, *mutatis mutandis*, in the proceedings for repealing of the decision.

Section 42c

(1) Section 42b does not apply to the specified aircraft registered in the designated countries and meeting the requirements for the aircraft type approval under an international treaty that is part of legislation,

- a) in case they were operated at the airport from 1 January 1996 to 31 December 2001, and
- b) in case the operator after 31 December 2001 is a natural person with permanent residence or a legal person with registered office in a designated country.

(2) The list of designated countries is set out in an implementing legal regulation.

CHAPTER VI

PRICE FOR AIRPORT USE

Section 42d

(1) The provisions of this chapter shall apply to the stipulation of price for the use of an airport which

- a) handles more than 5 million passengers per calendar year, or
- b) handles the highest number of passengers per calendar year in case no other airport meets the condition under clause a).

(2) Each year, the Office for Access to Transport Infrastructure shall publish the list of airports which are subject to the provisions of this chapter, this in the method enabling remote access.

Section 42e

An airport operator must not discriminate any air carrier in the process of negotiating the price for the airport use. This does not hinder the differentiation of prices on the grounds of public interest, in particular with regard to airport safety, protection of the environment or human health, based on the criteria that are substantial, objectively measurable and related to the airport operation.

Section 42f

Each year, the airport operator shall invite air carriers using the airport to register for participation in the negotiation of the price for the airport use (hereinafter the "airport price list") in the method enabling remote access, and shall provide a reasonable period for registration, which shall not be shorter than 60 days. The air carriers that register upon the invitation of the airport operator shall, within the period under the first sentence, notify the operator of the information expected to be valid at least for the next 2 years, divided into the respective years in the following extent:

- a) the number of passengers, including transit passengers, and the expected number of takeoffs and landings at the airport,
- b) the composition and use of their fleet, and
- c) the requirements for airport activities and facilities that are included in the airport price list.

Section 42g

(1) Each year the airport operator shall discuss the airport price list with air carriers that registered upon its invitation and provided the requested information. This shall not apply if the airport operator agrees on different frequency of discussions with air carriers.

(2) For the purposes of discussing the airport price list, the airport operator shall provide to the Office for Access to Transport Infrastructure and air carriers that have registered upon its invitation information in the extent:

- a) airport price list, its components and method of calculation,

- b) airport activities and facilities that are included in the airport price list,
- c) funds from the public budgets allocated for the airport activities and facilities that were included in the airport price list in the previous calendar year,
- d) amount of costs on the airport activities and facilities that were included in the airport price list in the previous calendar year,
- e) amount of revenue connected with the payment of prices for the airport use in the previous calendar year,
- f) number of passengers and number of takeoffs and landings at the airport in the previous calendar year,
- g) scope of use of the airport facilities that was included in the airport price list in the previous calendar year,
- h) number of passengers and the number of takeoffs and landings at the airport, expected at least for the next 2 years, divided into the respective years,
- i) amount of costs on the airport activities and facilities that are included in the airport price list, expected at least for the next 2 years, divided into the respective years,
- j) amount of revenue connected with the payment of prices for the airport use, expected at least for the next 2 years, divided into the respective years.

(3) The airport operator shall provide the requested information at least 4 months prior to the day on which the airport price list validity shall commence. The airport operator may shorten the period if required by serious and justified circumstances.

(4) The information provided by the airport operator and air carriers for the purpose of discussing the airport price list must not be disclosed to third persons unless the provider of the information grants its consent; this provision shall not affect the duty to disclose the information to authorities competent under this Act or a special act.

(5) The air carrier may give its reasoned comments to the airport price list in a reasonable period determined by the airport operator. The airport operator shall deal with the comments in the manner aiming at agreement, if possible with regard to the use of the airport.

(6) The airport operator shall publish the airport price list after discussing it with air carriers. The airport price list may be used for the purposes of negotiating the price for the airport use no earlier than 2 months of the date of publication. In case the airport operator and air carriers do not reach agreement on the airport price list, the airport operator shall publish the reasons leading it to the rejection of the air carriers' comments.

Section 42h

The airport operator shall invite air carriers using the airport to register for participation in the negotiation of the airport development plan, in the method enabling remote access, in case the planned costs of the airport exceed 15 % of the annual turnover of the airport operator in the previous calendar year. It shall provide a reasonable period for registration, which shall not be shorter than 60 days. The airport operator shall discuss the airport development plan with air carriers that registered upon its invitation, this no later than prior to the commencement of implementation of such plan.

Section 42i

(1) Upon a request of an air carrier, the Office for Access to Transport Infrastructure shall decide whether the published airport price list, its components and method of calculation do not contravene Section 42e. The request may be filed no later than within 15 days of the date of publication of the airport price list by the airport operator.

(2) The request must contain information about the nature of the conflict of the published airport price list, its components or method of calculation with Section 42e, as well as evidence that proves the conflict. In case the request fails to contain the above information, the Office for Access to Transport Infrastructure shall ask the petitioner to supplement the request within 3 days of the delivery of the call. Should the petitioner fail to supplement the request, the Office for Access to Transport Infrastructure shall not deal with it and shall terminate the proceedings.

(3) Participants to the proceedings are the petitioner and the airport operator.

(4) In case the Office for Access to Transport Infrastructure decides that the published airport price list, its components or method of calculation are in conflict with Section 42e, the price list may not be used, and the airport operator shall repeatedly discuss the adjusted price list without undue delay.

(5) An appeal may not be filed against the decision under paragraph 4.

CHAPTER VII

Section 43

The provisions of Sections 26 and 35 to 42 also apply to military airports, military air structures and their protection zones. The competence of the Authority in issues of military airports, military air structures and their protection zones is exercised by the Ministry of Defence.

PART FIVE

USE OF AIRSPACE OF THE CZECH REPUBLIC AND AIR SERVICES

CHAPTER I

USE OF AIRSPACE OF THE CZECH REPUBLIC

Section 44

(1) The airspace of the Czech Republic is accessible to flights under the conditions set out in this Act, the international treaty binding on the Czech Republic and in compliance with the flight rules, which establish the procedures for flights in the airspace. The flight rules are set out in an implementing regulation.

(2) For the safe conduct of flights and efficient provision of air services, the Authority shall issue a general measure pursuant to the Administrative Procedure Code on the division of the Czech Republic airspace, in agreement with the Ministry of Defence and upon consultation with the person authorized to exercise state administration in the matters related to sport flying devices.

(3) Through the general measure issued under the Administrative Procedure Code, the Authority may restrict or prohibit the use of the Czech Republic airspace for a necessary period or permanently, with respect to flying over certain areas on the grounds of national defence, safety or environmental⁵⁾ reasons and protection of human health. The Authority shall issue the general measure under the first sentence in agreement with the Ministry of Defence and upon consultation with the person authorized to exercise state administration in the matters related to sport flying devices.

(4) In case that flights in the Czech Republic airspace are immediately and seriously endangered or if required by the particularly high public interest and if other procedure is excluded due to the danger in delay, the Authority through the general measure under the Administrative Procedure Code shall restrict or prohibit the use of the Czech Republic airspace or its part for a necessary period.

(5) Temporary reservation of a part of the Czech Republic airspace for flights of a single user or a category of users may be performed by

- a) a civil-military unit in charge of airspace management within the framework of provision of air navigation services, established by a person authorized to provide air navigation services on the basis of the decision of the Authority on setting the conditions for issuance of a certificate under a directly applicable regulation of the European Union^{5b)}, and by the Ministry of Defence, in case the period of reservation does not exceed 24 hours during three consecutive days of the date of reservation,
- b) a civil-military unit in charge of airspace management under clause a) in areas determined by procedure under paragraph 2.

(6) Through the general measure issued under the Administrative Procedure Code, the Authority may temporarily reserve a part of the Czech Republic airspace for flights of a single user or a category of users on the basis of a request by an airspace user, in case the period of reservation exceeds 24 hours during three consecutive days of the date of reservation, and if the reservation does not concern areas under paragraph 5b). The Authority shall issue the general measure under the first sentence in agreement with the Ministry of Defence and upon consultation with the person authorized to exercise state administration in the matters related to sport flying devices.

(7) The characteristics of parts of the Czech Republic airspace where flights may be restricted or prohibited, conditions for the restriction or prohibition, conditions for reservation of parts of the Czech Republic airspace and other requisites of the request under paragraph 6 are set out in an implementing legal regulation.

Section 44a

(1) The proposal for the general measure shall be delivered by the Authority through a public decree, published on its official noticeboard after the discussion with affected bodies mentioned in Section 44 paragraphs 2, 3 and 6 and a person authorized to provide air traffic services.

(2) Providers of air services and organisations associating airspace users in the Czech Republic or, if designated by the Authority, also other persons whose legitimated interests may be directly affected by the general measure, may file written reasoned objections against the proposal for the general measure under Section 44 paragraphs 2, 3 and 5.

(3) The general measure under Section 44 paragraphs 2, 3 and 5 shall be announced by the Authority through a public decree, published on its official noticeboard and after the legal force also in the Aeronautical Information Publication.

Section 44b

(1) The proposal for the general measure under Section 44 paragraph 4 is not published and comments or objections are not filed.

(2) The proposal for the general measure under Section 44 paragraph 4 with reasoning shall be sent by the Authority to the Ministry of Defence, the person authorized to exercise state administration in the matters related to sport flying devices and the person authorized to provide air traffic services, for expressing their opinion; a reasonable period therefor shall be provided. The Authority is obliged to consider such opinion as background information for adopting the general measure and to deal with it in its reasoning. In case the affected bodies do not express their opinion in the period provided, they are deemed to have expressed their consent to the proposal for the general measure.

(3) The general measure under Section 44 paragraph 4 shall be announced by the Authority through a public decree, published on its official noticeboard. The general measure shall become effective as of the date of announcement of the public decree.

Section 44c

If the use of the Czech Republic airspace with respect to flying over certain areas is permanently or temporarily dangerous, without the airspace use over such areas having been prohibited or restricted, the Authority shall publish such circumstance in the Aeronautical Information Publication or in another suitable manner.

CHAPTER II

AIR SERVICES

Subchapter 1

Section 45

Air Services

(1) Safety and continuity of flights in the airspace of the Czech Republic is ensured through air services.

(2) Air services include

- a) air traffic services including airport services,
- b) aeronautical telecommunication service,
- c) aeronautical meteorological service,
- d) aeronautical search and rescue service,
- e) aeronautical information service,
- f) pre-flight preparation and flight monitoring services,
- g) airport ground handling services,
- h) flight procedures design service.

(3) Each person is obliged to follow instructions of persons providing air traffic services, including airport services, during the airspace use.

(4) Characteristics of various types of air services and activities that ensure their provision are set out in an implementing regulation.

Subchapter 2

Air Traffic Services

heading deleted

Section 46

(1) Air traffic services for civil aviation may be provided by a legal person with registered office in the Czech Republic, authorized by the Authority. Airport services may also be provided by a natural person with permanent residence in the Czech Republic upon authorization.

(2) The Authority may authorize a legal or natural person with provision of air traffic services, provided that such person

- a) has the technology necessary for the provision of air traffic services,
- b) ensures the provision of air traffic services through ground personnel who is professionally qualified and medically fit,
- c) has a liability insurance policy with paid premium.

Section 47

(1) The authorized person is obliged to comply with rules and procedures of provision of air traffic services in the course of their provision.

(2) The technology necessary for the provision of air traffic services, and rules and procedures of their provision are set out in an implementing regulation.

Section 48

The Authority may revoke the authorization in case the person

- a) fails to provide air traffic services through the prescribed technology and professionally qualified ground personnel,
- b) fails to fulfil duties set out in rules and procedures of provision of air traffic services,
- c) applied for the revocation.

Subchapter 3

Aeronautical Telecommunication Service, Aviation Meteorological and Aeronautical Information Services, Pre-Flight Preparation and Flight Monitoring Services, Aeronautical Search and Rescue Service, and Flight Procedures Design Service

Section 49

(1) The aeronautical telecommunication service, aeronautical meteorological and aeronautical information services, pre-flight preparation and flight monitoring services, and flight procedures design service may be provided by a legal or natural person upon the prior consent of the Authority. The Authority shall grant the consent provided that the legal or natural person has the technology necessary for the provision of such services.

(2) The aeronautical search and rescue service is ensured by the Ministry of Transport in cooperation with the Ministry of Defence and the Ministry of Interior. The details of mutual cooperation in the provision of aeronautical search and rescue service are stipulated in the agreement concluded between the Ministry of Transport, the Ministry of Defence and the Ministry of Interior.

Subchapter 4

Air Navigation Services

Section 49a

(1) Air navigation services under the directly applicable regulation of the European Union regulating the creation of the single European sky and its operation¹⁷⁾ may be provided by a legal person holding a certificate issued under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾, unless stipulated otherwise in such directly applicable regulation. Air traffic services and meteorological services under the directly applicable regulation of the European Union regulating the creation of the single European sky and its operation¹⁷⁾ may be provided by the legal person under the first sentence that has been appointed by the Authority to that end. The provisions of Sections 46 to 49 shall not apply to the provision of air navigation services under the directly applicable regulation of the European Union regulating the creation of the single European sky and its operation¹⁷⁾.

(2) The Authority shall cancel the appointment for the provision of air traffic services or meteorological services, issued under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾, if the appointed person

- a) has ceased to hold the certificate issued under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾,
- b) fails to comply with the rules for the provision of air traffic services or meteorological services, issued under this Act, an international treaty that is part of legislation, or the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾, or
- c) applied for the cancellation of appointment.

(3) The person providing air navigation services shall disclose the operational data to the Ministry of Transport and the Authority, if stipulated by a directly applicable regulation of the European Union^{5c)}.

(4) Air traffic services and meteorological services may also be provided by a legal person that

- a) was appointed by a competent authority of another EU Member State to provide air traffic services or meteorological services under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾, and
- b) is a party to a contract concluded under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾, (hereinafter the "service use contract") with a person appointed by the Authority to provide air traffic services or meteorological services.

(5) The service use contract must be approved by the Authority in order to be effective. The request for approval of the service use contract is filed by the party which has been appointed by the Authority to provide air traffic services or meteorological services. The participants to the proceedings on the contract approval are only the contracting parties.

(6) The Authority may approve the service use contract if it is made in writing, contains the specification of the contracting parties, subject and purpose of the contract and in case its performance does not endanger air traffic safety.

(7) The service use contract concluded between the providers of air traffic services or meteorological services may only be amended by agreement of the contracting parties, to which the provisions of paragraphs 5 and 6 shall apply accordingly.

(8) The approval to provide air traffic services or meteorological services pursuant to the service use contract shall expire as of the date when the person providing such services ceased to meet the condition under paragraph 4a). The Authority shall revoke the approval to provide air traffic services or meteorological services pursuant to the service use contract, in case the person providing such services

- a) has ceased to meet the conditions under paragraph 4b), or
- b) fails to comply with the rules for the provision of air traffic services or meteorological services, issued under this Act, an international treaty that is part of legislation, or the directly applicable regulation of the European Union regulating the creation of the single European sky and its operation¹⁷⁾.

(9) The Authority submits annual reports to the European Commission in the area of provision of air navigation services in accordance with a directly applicable regulation of the European Union^{5e)}. For that purpose, the Authority is entitled to request information from persons providing air navigation services.

Section 49aa

Denial of Provision of Air Navigation Services

(1) A person providing air navigation services may refuse to provide it to the recipient who is provably in default of reimbursement of price to him/her or to the European Organisation for the Safety of Air Navigation (EUROCONTROL) for air navigation services provided by that person earlier, if

- a) the total sum of its unpaid due receivables is at least CZK 100,000, and
- b) the period of default is at least 3 months.

(2) The provision of air navigation services must not be denied if air traffic safety or continuity would be endangered, in particular if the aircraft operated by the recipient of such services is in flight.

(3) Unless agreed otherwise with the recipient, the person providing air navigation services shall resume the provision promptly after the recipient has paid all the due receivables related to the air navigation services provided earlier.

(4) The person providing air navigation services shall promptly give notice of the denial to

- a) the Authority,
- b) the operator of the airport at which it denied the provision of such service,
- c) the European Organisation for the Safety of Air Navigation (EUROCONTROL).

Subchapter 5

Ground Handling Services at Public Airports

Section 49b

heading deleted

(1) Ground handling services at a public airport^{5f)} (hereinafter "handling services") may be provided for other persons by a legal

or natural person including air carriers and airport operators; only air carriers may provide these services for their own need.

(2) Handling services may only be provided on the basis of a consent granted by the Authority.

Section 49c

Conditions for Granting Consent

(1) The Authority shall grant its consent to the provision of handling services on the basis of a written application, in case the applicant demonstrates that

- a) it is a natural person with permanent residence in the Czech Republic or a legal person with registered office in the Czech Republic,
- b) the natural person and its accountable representative, if any, have reached 18 years of age, are legally fully competent, are of good repute and have the relevant competency, in case the applicant is a natural person,
- c) the statutory body or a member of the statutory body have reached 18 years of age, are legally fully competent, are of good repute and at least one member of the statutory body has the relevant competency, in case the applicant is a legal person,
- d) has the technology necessary for the provision of handling services,
- e) has a liability insurance policy, covering liability for damage ensuing from the provision of handling services, with paid premium,
- f) has the funds necessary for the provision of handling services.

(2) The requisites of a written application for consent, details of the method of demonstrating sufficient funds for the handling services and requisites of the decision on granting the consent are set out in an implementing legal regulation.

Section 49d

Good Repute

(1) A person who has been finally and conclusively convicted of a crime whose merits are related to the provision of handling services or a person who has been finally and conclusively convicted of another wilful crime is not considered a person with good repute under Section 49c in case there are concerns, with respect to the nature of provision of handling services and the person of the applicant, that the person would commit the same or a similar act again during the provision of handling services, unless the person is considered not to have been convicted of the crime.

(2) For the purpose of finding out whether the person under Section 49c paragraph 1b) and c) meets the condition of good repute, the Authority shall request the extract from the Penal Register under a special legal regulation^{1m)}. The request for the extract from the Penal Register and the extract itself are filed and issued in the electronic form in the method enabling remote access.

Section 49e

heading deleted

Competence is demonstrated by the applicant through a document confirming university education completed in the fields of economics, technical sciences and technology or law, and a document of three-year professional experience in civil aviation management, or a document confirming secondary or higher vocational education in the fields of economics, technical sciences and technology or law, and a document of at least five-year professional experience in civil aviation management.

Section 49f

Safety Measures Regulating Handling Services

(1) For reasons of safety of civil aviation and operation of a public airport, the Authority may issue a measure regulating handling services with respect to handling baggage, cargo and mail, technical and operational handling of aircraft at the ramp, and handling aviation fuels and oils. Through a measure regulating handling services, the Ministry of Transport may take the following action for a public airport,

- a) which handles no less than three million passengers or 75 thousand tons of cargo per calendar year: to restrict the number of providers of handling services for other persons, however at least to two providers, of which one may be the airport operator,
- b) which handles no less than one million passengers or 25 thousand tons of cargo per calendar year: to reserve the provision of handling services for own use to a limited number of air carriers, however at least to two air carriers.

(2) The reasons for securing safety are defined in an implementing legal regulation.

Section 49g

Measures Regulating Handling Services Due to Airport Overload

(1) In the event of operational overload of a public airport, resulting in the restriction of usable space for the provision of handling services, the Authority may issue a measure regulating handling services. Through the measure regulating handling services due to the airport operational overload, the Ministry of Transport may take the following action for a public airport,

- a) which handles no less than three million passengers or 75 thousand tons of cargo per calendar year:
 - 1. to restrict the number of providers of handling services for other persons, consisting in passenger handling and supplying the aircraft galley with food and drinks,
 - 2. to reserve the provision of handling services for other persons, consisting in handling baggage, cargo and mail, technical and operational handling of aircraft at the ramp, and handling aviation fuels and oils, to a single provider of handling services,
- b) which handles no less than one million passengers or 25 thousand tons of cargo per calendar year:
 - 1. to reserve the provision of handling services for own use, consisting in passenger handling and supplying the aircraft galley with food and drinks, to a limited number of air carriers,
 - 2. to prohibit the provision of handling services by air carriers for their own use with respect to handling baggage, cargo and mail, technical and operational handling of aircraft at the ramp, and handling aviation fuels and oils, or to reserve their provision to a single air carrier.

(2) The reasons for airport operational overload are defined in an implementing legal regulation.

Section 49h

(1) The Authority shall state the following information in the general measure regulating handling services under Sections 49f and 49g:

- a) type of handling services affected by the measure,
- b) area of the public airport affected by the measure,
- c) strategy to manage the situation so that the restrictions may be lifted,
- d) date of introducing the measure,
- e) expected period of effectiveness of the measure.

(2) After the proceedings are initiated, the Authority shall notify the European Commission of the proposed measure, including the reasons for its introduction and date of expected introduction; it must do so at least four months before the date on which the measure is to be introduced. On the notification date, the proceedings shall be suspended for 3 months.

(3) In case the European Commission disagrees with the proposed measure, the Authority shall terminate the proceedings. In case the European Commission requests changes to the proposed measure, the Authority shall be bound thereby.

Section 49i

Air Carrier Committee

The Authority shall ensure the establishment of a committee of air carriers at public airports where the provision of handling services may be regulated by a measure under Section 49f paragraph 1 and Section 49g paragraph 1, consisting of representatives of the air carriers using the airport or representatives of organisations which represent them, this at the discretion of the air carriers.

Section 49j

Selection Procedure

(1) Where the provision of handling services is regulated by a measure under Section 49f paragraph 1a) or Section 49g paragraph 1a), the Authority shall announce the selection procedure in order to grant the consent thereto.

(2) The selection procedure is governed mutatis mutandis by the provisions on public tender under the Commercial Code. Conditions and organisation of the selection procedure and method of evaluating applications for provision of handling services shall be determined by the Authority after consultations with the public airport operator and air carrier committee and shall be published in the Aeronautical Information Publication. The conditions of the selection procedure must include the conditions for granting the consent set out in Section 49c. The conditions and organisation of the selection procedure are provided by the Authority for publication in the Official Journal of the European Union.

(3) After the assessment and evaluation of applications for consent in the selection procedure and after consultations with the public airport operator and air carrier committee, the Authority shall grant the consent to the provision of handling services to the applicant that best met the conditions set in the selection procedure.

(4) The consent to the provision of handling services on the basis of the selection procedure may be granted for the maximum period of

- a) 7 years if granted pursuant to the regulation measure under Section 49f paragraph 1,
- b) 3 years if granted pursuant to the regulation measure under Section 49g paragraph 1a) clause 1,
- c) 2 years if granted pursuant to the regulation measure under Section 49g paragraph 1a) clause 2,

(5) If the provision of handling services is regulated by the measure under Section 49f paragraph 1 and Section 49g paragraph 1, the public airport operator may provide handling services without a selection procedure at the airport operated by it, on the basis of a consent granted under Section 49b.

Section 49k

Consent

(1) The Authority shall grant the consent on the basis of a selection procedure in case the provision of handling services is regulated by the measure under Section 49f paragraph 1a) or Section 49g paragraph 1a) clause 1, in such manner that at least one of the providers of handling services for other persons is not managed by

- a) the airport operator, or
- b) the air carrier whose performance exceeded 25 % of passengers and cargo recorded at the airport in the calendar year preceding the year in which the consent to provide handling services for other persons was granted, or
- c) Ministry of Transport or the Authority.

(2) The Authority shall decide on granting the consent on the basis of the selection procedure within 120 days of the announcement of public tender.

Section 49l

Changes of Information

In case the conditions set out in Section 49c paragraph 1 change, the holder of the consent to the provision of handling services is obliged to notify the Authority of changes concerning information that formed the basis for granting the consent, and within 30 days of the date of the change to submit documents evidencing such changes to the Authority.

Section 49m

Revocation of Consent

The Authority shall revoke the consent granted for the provision of handling services in case the provider of such services

- a) breaches conditions set for the provision of handling services in the decision on granting the consent,
- b) has ceased to meet any of the conditions that formed the basis for granting the consent,
- c) applied for the revocation of consent,
- d) failed to fulfil the duty set out in Section 49l.

Section 49n

Access to Airport Facilities

A public airport operator is obliged to allow access to airport facilities to legal or natural persons providing handling services for the needs of other persons and to air carriers providing handling services for their own use, this in the extent necessary for the provision of such services. A public airport operator stipulates the price for the access to airport facilities and their use with the providers of handling services in accordance with price regulations.⁹⁾

Section 49o

Bookkeeping

A provider of handling services must keep separate accounting of costs, sales, and revenues with respect to the provision of such services. An airport operator must not transfer the funds obtained from the airport operation to the account of handling services. The keeping of separate accounts is supervised by the Authority.

CHAPTER III

Section 50

Flights of Military, Police and Customs Aircraft

(1) The flights of military, police and customs aircraft are governed by this Act, except for flights for the purposes of defence, training and national security.

(2) Flights in the common airspace are subject to single rules for military, police, customs and civil flights.

(3) If it is otherwise impossible to ensure the safety of persons, property or public order, the police aircraft may exceptionally divert from the flight rules in the necessary extent.

Section 51

Air Services for Military Purposes

(1) Air services for military purposes may be united with civil air services.

(2) Air traffic services for civil flights and military purposes must be coordinated and provided in synergy.

(3) Details of the mutual coordination and synergy in the provision of air traffic services and united air traffic services are set out in the agreement concluded between the Authority and the Ministry of Defence.

Section 51a

Terrain and Obstacle Database

(1) The Ministry of Transport maintains an electronic database of geographical, topographical and geodetic data concerning the terrain and obstacles present in the Czech Republic territory (hereinafter the "database").

(2) The Ministry of Transport, upon the consent of the Ministry of Defence, may decide to authorize a legal person to maintain the database on the basis of its application, if such person

- a) provides aeronautical information services,
- b) has an administrative system of database maintenance in place,
- c) has the technology for the database maintenance and shall ensure that there is no loss or modification of the data kept in the database, and
- d) shall ensure the database maintenance by professionally qualified persons who have at least a secondary school-leaving examination or other similar qualification demonstrating the equivalent degree of education completed.

(3) In the authorization, the Ministry of Transport shall set the conditions of the database maintenance and period of validity of the authorization.

(4) The Ministry of Transport shall revoke the authorization in case the person authorized to maintain the database

- a) has ceased to meet the conditions for the authorization issuance,
- b) seriously breached the provisions of this Act,
- c) seriously breached the conditions set out in the authorization, or
- d) applied for the revocation.

(5) The authorization expires

- a) by lapse of the period of validity,
- b) as of the date of dissolution of the legal person that is its holder.

(6) The Ministry of Transport or the person authorized to maintain the database protects the database from misuse and unauthorized intervention.

(7) The Ministry of Defence and the operator of an airport eligible to accept instrument flights hands over the data under paragraph 1 to the Ministry of Transport or the person authorized to maintain the database, this free of charge.

(8) The Ministry of Defence, upon a request by the operator of an airport eligible to accept instrument flights that operates an

airport in the ownership of the Czech Republic which is managed by the Ministry of Defence, may hand over the results of a land survey undertaken for national defence purposes to the Ministry of Transport or the person authorized to maintain the database for the purpose of processing the data under paragraph 1, this free of charge.

(9) The Ministry of Transport or the person authorized to maintain the database shall disclose the database to the Ministry of Defence and the Authority free of charge. The person authorized to maintain the database shall also disclose the database to the Ministry of Transport free of charge.

(10) The Ministry of Transport or the person authorized to maintain the database publish the information from the database in the Aeronautical Information Publication under Section 99 paragraph 2 each time this information changes, however, at least once per year.

(11) The definition of information kept in the database, its scope and characteristics, the method of maintaining the database, documents to be submitted in the application for authorization to maintain the database, requirements for the method of the database protection, data submitted by the Ministry of Defence and the operator of an airport eligible to accept instrument flights, their extent, characteristics, form and frequency of submission, and the scope of data published in the Aeronautical Information Publication are set out in an implementing legal regulation.

Section 52

Unmanned Aerial Vehicles

An aircraft capable of unmanned flight is allowed to fly over the territory of the Czech Republic only on the basis of a permit issued by the Authority under the conditions of the permit. The Authority shall issue the permit provided that safety of flights in the airspace, structures and persons on the ground, and the environment are not endangered.

Section 53

Obligation to Leave Airspace

(1) An aircraft that has entered the restricted or prohibited part of the Czech Republic airspace must leave such area as soon as this is ascertained. If the aircraft does not leave the airspace, it may be forced to leave the airspace for aviation safety reasons.

(2) Procedures for enforcing the exit from the prohibited or restricted airspace are set out in an implementing regulation.

Section 54

Pilot in Command

The pilot in command is responsible for the safe flight. Within this responsibility, the pilot in command is entitled to give orders to all persons on board the aircraft. All persons on board the aircraft are obliged to follow orders of the pilot in command.

CHAPTER IV

ACCIDENT AND INCIDENT INVESTIGATION AND REPORTING OF OCCURRENCES

Section 55

Air Accidents Investigation Institute

(1) The Air Accidents Investigation Institute (hereinafter the "AII") is an administrative body with registered office in Prague, whose budget is part of the budget of the Ministry of Transport.

(2) The AII is managed by the director appointed and dismissed by the government upon the proposal by the minister of transport. A citizen of the Czech Republic with good repute may be appointed the director of the AII; a person with good repute is a person who has not been convicted of a wilful crime, unless the person is considered not to have been convicted of the crime. The AII director is considered to be a service authority and is entitled to give orders for civil service performance to a state employee under the Civil Service Act. Besides the director, the AII employees also include inspectors.

(3) For the period of holding their capacities, the AII director and inspectors are not allowed to engage in any activity related to the approval of product type, airworthiness of aircraft parts and appliances and aeronautical ground facilities, to granting the licence to operate commercial air transport, to air traffic control and airport operation and are not allowed to act in the capacity of a consultant or a member in the statutory bodies of entities whose interests may be in conflict with the AII work.

Section 55a

AII Activities

(1) The AII

- a) investigates causes of accidents and incidents,

- b) performs the tasks of the competent authority under the directly applicable regulation of the European Union on the reporting of occurrences in civil aviation³⁷⁾, including the tasks of contact point and publication of the safety review.

(2) The AAI inspectors are obliged to

- a) maintain confidentiality of all circumstances, of which they learn in connection with performance of their capacities, and
- b) prove their identity with the AAI inspector's card during the performance of the capacity.

(3) In extraordinary or complex cases, the AAI inspectors may cooperate with an expert consultant who has the knowledge of a special area (hereinafter the "consultant"). The AAI inspector shall make a record on hiring a consultant in the file. Upon the consent of the AAI inspector, the consultant is allowed to inspect the file on the accident or incident in the necessary extent and be present at the exercise of authorization of the AAI inspectors. The consultant is not allowed to interfere with the exercise of authorization of the AAI inspectors. The consultant is obliged to maintain confidentiality of all facts learned in connection with the performance of his/her work. The consultant may be relieved of such obligation by the AAI. The special regulations on experts and interpreters shall apply mutatis mutandis to the exclusion of a consultant.

(4) In the investigation of accidents and elimination of their consequences, the AAI cooperates with permanent bodies for coordination of the integrated rescue system units. During the rescue and relief works in the place of the accident, the AAI inspectors cooperate with the commander of the action in particular for the purpose of preserving evidence necessary to investigate the cause of the accident.

(5) In the investigation of accidents and incidents related to civil and military aviation, the AAI cooperates with the Ministry of Defence in the necessary extent. In the investigation of accidents and incidents related to operation of civil and police aircraft, the AAI cooperates with the Ministry of Interior in the necessary extent.

(6) The template of the inspector's card is included in an implementing legal regulation.

Section 55b

Investigation of Other than Serious Incidents

(1) Any other than a serious incident occurring in the territory of the Czech Republic must be reported by the aircraft operator or pilot, or the provider of air services to the AAI without undue delay.

(2) In the investigation of other than serious incidents, the AAI inspectors are entitled to retain aircraft parts for the purpose of further examination, and to request

- a) free access to the place of other than serious incident, to the aircraft, its parts and content,
- b) immediate preparation of the list of evidence,
- c) free access to the flight data recorders and all the other records and use thereof,
- d) free access to the results of examination of aviation personnel and pilots of sport flying devices,
- e) free access to the results of tests serving to detect the presence of alcohol or another addictive substance in aviation personnel and pilots of sport flying devices,
- f) explanation provided by any person,
- g) free access to any other information related to other than serious incident.

(3) The inspector shall prepare a report on each incident other than serious, whose causes have been investigated by the AAI, without undue delay; the report shall contain safety recommendations, if appropriate. The AAI shall publish the report in the method enabling remote access within 12 months of the date of the other than serious incident; it shall submit it to the Ministry of Transport, the Authority, aircraft operators or providers of air services participating in the other than serious incident and to other persons that could benefit from its conclusions with regard to the safety of operations in civil aviation.

Section 55c

Authorization

(1) Upon request, the AAI may authorize a legal person capable of procuring proper performance through professionally qualified natural persons and with the help of adequate technology to investigate causes of accidents that do not involve fatalities, and of incidents. The legal person reports to the AAI concerning the performance of its activities under the authorization.

(2) The legal person authorized under paragraph 1 proceeds under the directly applicable regulation of the European Union regulating the investigation and prevention of accidents and incidents in civil aviation¹⁹⁾. The provisions of Section 55a paragraph 2a), Section 55a paragraph 3 and 4 and Section 55b paragraph 2 and 3 shall apply accordingly to the performance of activities by the legal

person authorized under par 1. The natural person, through whom the legal person authorized under paragraph 1 procures investigation of accidents and incidents, is obliged to prove his/her identity with a card issued by the authorized legal person.

(3) The legal person authorized under paragraph 1 is obliged to promptly report to the AAll

- a) all the results of activities to which it was authorized,
- b) all the changes concerning circumstances decisive for granting the authorization.

(4) The AAll shall revoke the authorization in case its holder

- a) has ceased to meet the conditions for granting the authorization,
- b) breaches the duties set out in this Act, or
- c) applied for the revocation.

(5) The template of the card of the natural person under paragraph 2 is included in an implementing legal regulation.

Section 55d

deleted

PART SIX

AVIATION ACTIVITIES

CHAPTER I

COMMERCIAL AIR TRANSPORT

Section 56

(1) Commercial air transport may only be operated on the basis of a licence issued by the Authority.

(2) Commercial air transport is divided into scheduled and nonscheduled flights, according to the manner of operation, and into domestic and international flights according to the scope.

title deleted

Section 57

deleted

Section 58

(1) In accordance with a directly applicable regulation of the European Union²⁰⁾, the Authority shall issue the licence for the operation of commercial air transport upon an application under the following conditions:

- a) the natural person and its accountable representative, if any, have reached 18 years of age, are legally fully competent, are of good repute and at least one of them has the relevant competency,
- b) all natural persons who form the statutory body of a legal person or are members of the statutory body, have reached 18 years of age, are legally fully competent, are of good repute and at least one member of the statutory body or the accountable representative of the legal person has the relevant competence,
- c) the applicant proves it complies with the conditions set out by a directly applicable regulation of the European Union²⁰⁾.

(2) The requisites of the application for the licence and documents to be attached to the application are set out in an implementing legal regulation.

Section 59

Good Repute

(1) A person who has been finally and conclusively convicted of a crime whose merits are related to the commercial air transport or a person who has been finally and conclusively convicted of another wilful crime is not considered a person with good repute in case there are concerns that the person would commit the same or a similar act again during the commercial air transport operation, unless the person is considered not to have been convicted of the crime.

(2) For the purpose of finding out whether the person under Section 58 paragraph 1a) and b) meets the condition of good repute, the Authority shall request an extract from the Penal Register under a special legal regulation^{1m)}. The request for the extract from the Penal Register and the extract itself are filed and issued in the electronic form in the method enabling remote access.

Section 60

Competence

Competence is demonstrated through a document confirming secondary or university education completed in the fields of economics, technical sciences and technology or law, and at least five-year professional experience in civil aviation.

Section 61

deleted

Section 62

In the decision on issuing the licence, the Authority shall state

- a) identification of the domestic air carrier, including the personal identification number provided by the administrator of the basic registry of legal persons, natural persons conducting business and public authorities^{9a)},
- b) type of commercial air transport,
- c) frequency and scope of commercial air transport in a certain period,
- d) number and types of aircraft operated,
- e) commencement date of commercial air transport operation,
- f) period of the licence validity,
- g) terms of commercial air transport operation.

Section 63

Change of Licence

The Authority may decide on changing the licence

- a) if the circumstances under which the Authority decided on granting the licence have changed,
- b) if required by public interest in the satisfaction of transport needs and the safety of commercial air transport,
- c) on the basis of a reasoned request made by the licence holder.

Section 64

Restriction of Commercial Air Transport

The Authority may decide on the restriction of commercial air transport for a necessary period for reasons of

- a) flight safety,
- b) public interest in another extraordinary aviation activity,
- c) if necessary in order to meet obligations ensuing from an international treaty that is part of legislation.

Section 65

Revocation of Licence

The Authority shall revoke the licence in case its holder

- a) seriously breaches duties set out in this Act or in a directly applicable regulation of the European Union⁵ⁱ⁾,
- b) fails to fulfil the conditions stipulated in the licence or
- c) applied for the revocation.

Section 66

The licence expires

- a) as of the date of dissolution of the legal person that is its holder,
- b) by a decision of the Authority on the licence revocation.

Section 67

Air Operator Certificate

(1) The air operator certificate is issued by the Authority on the basis of an application of a domestic air carrier.

(2) The air operator certificate confirms that the domestic air carrier

- a) meets the conditions set by this Act concerning aviation personnel, air traffic safety, and operation of aircraft for commercial air transport,
- b) has an internal organisation structure and management system for the procurement of commercial air transport.

(3) The air operator certificate shall be revoked by the Authority in case the domestic air carrier has ceased to meet the conditions under paragraph 2.

(4) The requisites of the application are set out in an implementing legal regulation.

Section 68

Duties of Domestic Air Carriers

(1) Domestic air carriers are obliged to

- a) operate commercial air transport in accordance with the conditions stipulated in the licence,
- b) notify the Authority of all changes in circumstances that formed the basis for the decision on granting the licence, the company identification number of the legal person unless stated in the licence application, or changes related to the fulfilment of conditions stipulated in the licence, this within 10 days of the occurrence of the changes,
- c) notify the Authority of the commencement of scheduled commercial air transport that is the subject of the valid licence, at least 20 days in advance,
- d) notify the Authority of the commencement of nonscheduled commercial air transport that is the subject of the valid licence, at least 3 days in advance,
- e) notify the Authority of the interruption or discontinuation of commercial air transport that is the subject of the valid licence, at least 24 hours in advance,
- f) in the event of the licence revocation, at its own expense to procure the transport of persons, baggage, animals, goods and mail, which it is bound to provide,
- g) publish the conditions of carriage as of the commencement date of commercial air transport operation.

(2) Domestic air carriers are further obliged to prepare the plan of assistance to aircraft accident victims and their families¹⁹⁾ and proceed in accordance therewith. The plan of assistance to accident victims and their families contains

- a) procedures for confirmation of a passenger's participation in the accident, and human and material resources for such procedures,
- b) procedures for the provision of care to accident victims and their families including information, psychological, legal and financial assistance; human and material resources for such procedures.

Section 69

Provision of Information on Passengers

(1) For the purpose of improving border controls and combating illegal immigration, air carriers are obliged to provide information to the unit of the Police of the Czech Republic competent to perform airport border control under a special legal regulation⁵⁾, upon its request in the electronic form or, in the event of breakdown, in another suitable method, information on passengers who cross the external border,¹⁰⁾ this promptly after the request is made, however not earlier than all the passengers board the aircraft.

(2) Information provided under paragraph 1 includes

- a) name (names) and surname,
- b) day, month and year of birth,
- c) citizenship,
- d) number and type of travel document shown by the passenger,
- e) port of entry to the Czech Republic,
- f) flight number,
- g) date and time of departure and arrival,
- h) initial point of embarkation for transportation,
- i) total number of passengers transported by the aircraft.

(3) In accordance with a special legal regulation^{5k)}, air carriers are obliged to inform passengers about collection and processing of personal data under paragraph 1.

(4) The air carrier shall dispose of the passenger personal data collected for the purpose of fulfilment of duties under paragraph 1 within 24 hours of landing of the aircraft which transported the passengers to the Czech Republic.

(5) Rights and duties of air carriers and passengers concerning personal data protection stipulated by a special legal regulation shall not be affected by the provisions of paragraphs 1 to 4.

(6) The Police of the Czech Republic shall dispose of the passenger personal data collected under paragraph 1 within 24 hours of their receipt unless it uses such data for the fulfilment of an assigned task.

(7) Rights and duties of the Police of the Czech Republic concerning personal data protection stipulated by a special legal regulation^{5l)} shall not be affected by the provisions of paragraphs 1 to 6.

Section 70

International Commercial Air Transport

(1) The air carrier of the European Union²⁰⁾ shall inform the Ministry of Transport without undue delay of its intention to operate scheduled international commercial air transport from the Czech Republic to a State which is not a Member State of the European Union.

(2) The air carrier of the European Union²⁰⁾ intending to operate scheduled international commercial air transport under an international treaty which is part of legislation and which contains restrictions on access of air carriers to the transportation market between the Czech Republic and the other contracting party, must have the licence to operate scheduled international commercial air transport on a designated air route in the given scope (hereinafter the "traffic right").

Section 70a

Granting Traffic Right

(1) The Ministry of Transport decides on granting the traffic right to the air carrier of the European Union²⁰⁾ on the basis of its application.

(2) The application for granting the traffic right, besides general requisites of filings under the Administrative Procedure Code, contains

- a) name and address of registered office of the authority which issued the licence for the operation of commercial air transport and the air operator certificate to the EU air carrier²⁰⁾, and which supervises its activity,
- b) address of the place of business of the air carrier in the Czech Republic if the air carrier comes from another Member State,
- c) definition of offered commercial air transport services including period and type of operation,
- d) draft of flight schedule including organisational and geographic definition of the planned operation and expected date of its commencement,
- e) definition of the method of technical support for the operation including type and interior arrangement of the aircraft used and legal relation thereto,
- f) definition of planned pricing policy including offered tariffs and final fares,

- g) definition of expected development of the traffic volume and use of the aircraft capacity in 3 years of the expected date of the operation commencement,
- h) definition of the method of offering commercial air transport services including the distribution of transportation documents,
- i) definition of the method and scope of integrating the service corresponding to the requested traffic right into the air route network of the EU air carrier²⁰⁾ and its connection to networks of other air carriers, and
- j) definition of intended cooperation with other air carriers, including the method and scope of such cooperation on the air route corresponding to the requested traffic right.

Section 70b

(1) The Ministry of Transport shall publish the information on the receipt of the first application for granting the traffic right on its official noticeboard within 7 days of its delivery. Other EU air carriers²⁰⁾ may file an application for granting the traffic right in the same cause within 21 days of the publication of information on the first application. Applications filed at a later date shall be disregarded. The information on the receipt of applications from other EU air carriers shall be published by the Ministry of Transport on its official noticeboard within 7 days of delivery.

(2) The Ministry of Transport makes a decision on applications filed under paragraph 1 in joint proceedings.

(3) The file of the proceedings on granting the traffic right may be inspected only after the lapse of the period for filing the applications under paragraph 1.

Section 70c

(1) In the decision-making on granting the traffic right, the Ministry of Transport shall consider

- a) type, level and scope of offered commercial air transport services, level of respect for the needs of various user categories and the ratio of price and service level of commercial air transport,
- b) frequency of offered commercial air transport services, available capacity and distribution of flights in the course of the calendar year,
- c) expected date of the operation commencement and period of operation,
- d) availability of offered commercial air transport services to users,
- e) pricing policy of the EU air carrier²⁰⁾ including offered tariffs and final fares,
- f) ensuring adequate transport availability including connection and integration into the existing air route network,
- g) technical support for the operation including the use of own aircraft, dry leased aircraft and wet leased aircraft,
- h) method and scope of cooperation with other air carriers,
- i) conditions of operation on the designated air route and adequacy of offer, and
- j) hitherto use of assigned traffic rights by the EU air carrier²⁰⁾.

(2) The Ministry of Transport may grant the traffic right to more applicants, if allowed by an international treaty that is part of legislation.

(3) The Ministry of Transport shall make the decision on granting the traffic right within 60 days of the delivery of the first application. The decision on granting the traffic right is issued for an indefinite period.

(4) The Ministry of Transport may set conditions for the exercise of the traffic right in its decision. The Ministry of Transport may decide to change conditions for the exercise of the traffic right pursuant an application of the EU air carrier²⁰⁾ which was granted the traffic right or by virtue of office, provided that the circumstances decisive for granting the traffic right have changed.

(5) The Ministry of Transport shall publish the information on granting the traffic right on its official noticeboard.

(6) The air carrier of the European Union²⁰⁾ who was granted the traffic right is obliged to inform the Ministry of Transport of

- a) a change in circumstances mentioned in the application, if it can substantially affect the exercise of the granted traffic right, no later than within 14 days of the date of the change, and
- b) the fact that the relevant authority has not issued or has revoked the licence for the provision of commercial air transport on a designated air route, this without undue delay.

(7) The air carrier of the European Union²⁰⁾ is not allowed to transfer the granted traffic right to another person.

Section 70d

(1) The air carrier of the European Union²⁰⁾ may apply at the Ministry of Transport for the traffic right that was granted to another air carrier no earlier than after 5 years of the date of legal force of the decision on granting the traffic right. The provisions of Section 70a paragraph 2, Section 70b and Section 70c paragraph 1 to 5 shall apply accordingly in the proceedings on granting the application under the first sentence.

(2) After receiving the application under paragraph 1, the Ministry of Transport shall assess the hitherto manner of use of the traffic right by the air carrier of the European Union²⁰⁾ which is its holder and shall decide

- a) to let the air carrier keep the traffic right and to reject the application,
- b) to withdraw the traffic right from the air carrier and grant it to the applicant, or
- c) to let the air carrier keep the traffic right and to grant it to the applicant at the same time.

Section 70e

Revocation of Traffic Right

(1) The Ministry of Transport shall revoke the granted traffic right, in case the air carrier of the European Union²⁰⁾

- a) fails to commence operation on a designated air route within 6 months of the legal force of the decision on granting the traffic right,
- b) has not used the traffic right for 6 consecutive months unless this is in consequence of extraordinary circumstances outside of its will,
- c) breaches conditions set in the decision on granting the traffic right,
- d) informs the Ministry that it does not intend to use the granted traffic right any longer, or
- e) discontinues operation of commercial air transport.

(2) The Ministry of Transport shall also revoke the granted traffic right, in case

- a) a substantial change in circumstances mentioned in the application of the EU air carrier²⁰⁾ which was granted the traffic right occurs, whereas such change has negative effects on the exercise of the granted traffic right, or
- b) the relevant authority has not issued or has revoked the licence for the provision of commercial air transport on a designated air route to the EU air carrier²⁰⁾.

Section 70f

Commercial Air Transport Provided by Air Carrier of Another Member State

(1) An air carrier of another Member State is obliged to notify the Ministry of Transport of the commencement of scheduled commercial air transport to the Czech Republic, from the Czech Republic, or in the territory of the Czech Republic. The notice is given at least 10 days before the planned commencement date of scheduled commercial air transport and besides general requisites of filings under the Administrative Procedure Code, contains name and address of registered office of the authority which issued the licence for the operation of commercial air transport and the air operator certificate to the air carrier of another Member State. In case the air carrier of another Member State intends to operate scheduled commercial air transport from the Czech Republic to a country which is not an EU Member State, it shall also state the address of its place of business in the Czech Republic in the notice.

(2) The air carrier of another Member State shall attach the flight schedule to the notice, containing

- a) code of the air carrier of another Member State assigned by an international organisation under an international treaty that is part of legislation,
- b) flight number, date, planned times and routing,
- c) aircraft type and registration mark,
- d) offered aircraft capacity,
- e) organisational and geographic definition of the planned operation, and
- f) period of flight schedule validity.

(3) In case the air carrier of another Member State intends to operate scheduled commercial air transport, which is subject to

the granting of traffic right, from the Czech Republic to a country which is not an EU Member State, the notice is not filed.

(4) Regardless of the duty to file the notice, the air carrier of another Member State submits the flight schedule to the Ministry of Transport always at least 10 days prior to the beginning of each period of operation.

(5) The air carrier of another Member State is obliged to notify the Ministry of Transport of a nonscheduled flight or a series of nonscheduled flights to the Czech Republic, from the Czech Republic, or in the territory of the Czech Republic by an aircraft with the total number of passenger seats exceeding 9 or with maximum takeoff weight higher than 5.7 tons. The notice is filed at least 3 days before the planned date of the flight or, for a series of nonscheduled flights, at least 7 days before the planned date of the first flight.

(6) Besides general requisites of filings under the Administrative Procedure Code, the notice contains

- a) code of the air carrier of another Member State assigned by an international organisation under an international treaty that is part of legislation,
- b) flight number, date, planned times, routing and purpose,
- c) aircraft type and registration mark, and
- d) name and address of registered office of the authority which issued the licence for the operation of commercial air transport and the air operator certificate to the air carrier of another Member State.

Section 71

Scheduled Commercial Air Transport Provided by Third Country Air Carrier

(1) A third country air carrier is allowed to operate scheduled commercial air transport to the Czech Republic, from the Czech Republic, in or across the territory of the Czech Republic on the basis of a permit issued by the Ministry of Transport. The Ministry of Transport shall issue the permit upon an application of a third country air carrier, in case it complies with an international treaty that is part of legislation and in case it does not pose an economic, safety or environmental risk.

(2) The application is filed at least 30 days before the planned commencement date of scheduled commercial air transport. The third country air carrier shall attach to the application a proof of liability insurance for damage caused by aircraft operation and the following documents issued by the competent authority:

- a) licence for the operation of commercial air transport, if applicable,
- b) air operator certificate,
- c) certificate of airworthiness,
- d) noise certificate.

(3) The third country air carrier shall attach the flight schedule to the notice, containing

- a) code of the third country air carrier assigned by an international organisation under an international treaty that is part of legislation,
- b) flight number, date, planned times and routing,
- c) aircraft type and registration mark,
- d) offered aircraft capacity,
- e) organisational and geographic definition of the planned operation,
- f) period of flight schedule validity.

(4) If a third country air carrier applies for a permit to operate scheduled commercial air transport across the territory of the Czech Republic, the documents listed in paragraph 2c) and d) and information under paragraph 3d) and e) are not required.

(5) The permit is issued for an indefinite period. In case the Ministry of Transport grants the application for the permit in the full extent, an appeal against such decision may not be filed.

(6) The permit holder shall promptly inform the Ministry of Transport of a change in circumstances mentioned in the application and in the attached documents.

Section 71a

The Ministry of Transport shall revoke the permit issued under Section 71 paragraph 1 in case the third country air carrier

- a) has not used the permit for 12 consecutive months unless this is in consequence of extraordinary circumstances outside of its will,
- b) informs the Ministry that it does not intend to use the issued permit any longer,
- c) seriously breaches the provisions of this Act, a directly applicable regulation of the European Union, or an international treaty that is part of legislation,
- d) discontinues commercial air transport operation, or
- e) is subject to an operating ban under the directly applicable regulation of the European Union regulating the list of air carriers subject to an operating ban within the Community²¹⁾ or to a decision of an international organisation issued under an international treaty that is part of legislation.

Section 71b

Notification Duty of a Third Country Air Carrier

(1) A third country air carrier shall notify the Ministry of Transport of the commencement of direct or mediated sale of services related to scheduled commercial air transport in the Czech Republic. The notice is given at least 20 days before the planned commencement date.

(2) Besides general requisites of filings under the Administrative Procedure Code, the notice contains

- a) business name or name and address of registered office of the organisational unit of the third country air carrier, established in the Czech Republic,
- b) business name or name and address of registered office of the person mediating the sale of services related to commercial air transport in the Czech Republic for the third country air carrier in case the organisational unit has not been established, and
- c) type of services related to commercial air transport in the Czech Republic.

(3) The third country air carrier shall notify the Ministry of Transport of a change in circumstances stated in the notification within 15 days of the date of the change.

Section 71c

Nonscheduled Commercial Air Transport Provided by Third Country Air Carrier

(1) A third country air carrier is allowed to operate nonscheduled commercial air transport to the Czech Republic, from the Czech Republic, in or across the territory of the Czech Republic on the basis of a permit issued by the Ministry of Transport. The Ministry of Transport shall issue the permit upon an application of a third country air carrier, in case it complies with an international treaty that is part of legislation and in case it does not pose an economic, safety or environmental risk.

(2) The application is filed at least

- a) 3 business days before the planned date of the flight, in case the application is made with respect to a single flight,
- b) 7 business days before the planned date of the flight, in case the application is made for the transport of dangerous goods,²²⁾ or
- c) 15 business days before the planned date of the flight, in case the application is made with respect to a series of nonscheduled flights.

(3) Besides general requisites of filings under the Administrative Procedure Code, the application contains

- a) code of the third country air carrier assigned by an international organisation under an international treaty that is part of legislation,
- b) flight number, date, planned times, routing and purpose,
- c) aircraft type and registration mark,
- d) organisational and geographic definition of the planned operation,
- e) number of passengers or type and volume of cargo,
- f) name, classification, volume and method of packing of dangerous goods²²⁾, if such are transported,
- g) numerical code assigned to dangerous goods²²⁾ by the UN, if such are transported,
- h) name and surname, and address of permanent residence or business name or name and address of registered office of the

person ordering the transport,

- i) name, surname and address of permanent residence, or business name or name and address of registered office of the sender and recipient of the goods, if transported, and
- j) business name or name of the chosen provider of handling services in the Czech Republic.

(4) The third country air carrier shall attach to the application a proof of liability insurance for damage caused by aircraft operation and the following documents issued by competent authority:

- a) licence for the operation of commercial air transport, if applicable,
- b) licence or another similar document for the transport of dangerous goods²²⁾, if such are transported,
- c) air operator certificate,
- d) certificate of airworthiness,
- e) noise certificate.

(5) In case a third country air carrier applies for the permit to operate nonscheduled commercial air transport across the territory of the Czech Republic, the information mentioned in paragraph 3d), e), h) to j) and documents listed in paragraph 4d) and e) are not required.

(6) In case the Ministry of Transport grants the application for the permit in the full extent, an appeal against such decision may not be filed.

(7) The permit holder shall promptly inform the Ministry of Transport of a change in circumstances mentioned in the application and in the attached documents.

Section 71d

The Ministry of Transport shall revoke the permit issued under Section 71c paragraph 1 in case any of the reasons mentioned in Section 71a clauses b) to e) occurs.

Section 72

Special Provisions on Proceedings Concerning Commercial Air Transport

(1) In proceedings under Sections 70a to 70e, 71, 71a, 71c and 71d, participants may act and submit documents also in the English language. Documents whose originals are in a different than the Czech or the English language are submitted by a participant to the proceedings as a certified translation into Czech or English, unless the Ministry of Transport notifies the participant that a non-certified translation is sufficient. Such statement may be announced by the Ministry of Transport on its official noticeboard with regard to all proceedings under the first sentence. The provision of this paragraph shall apply accordingly to filings made under Sections 70f and 71b.

(2) The Ministry of Transport enters into simultaneous acts in the Czech and the English languages in proceedings under Sections 71, 71a, 71c and 71d. This shall not apply if the participant to the proceedings does not agree therewith or if the progress of the proceedings would be hindered or if such procedure would entail unreasonable costs of the Ministry of Transport; in such case, the acts are entered into only in Czech and the Ministry of Transport shall issue a resolution in this sense, of which the participant shall be informed. In the event of any discrepancy between the Czech and the English version of an act, the Czech version shall prevail.

(3) The filing in proceedings under Sections 71, 71a, 71c a 71d may also be made in the electronic form without a signature or by telegraph or fax. In such case, the filing is not confirmed or supplemented. In case the filing was made by a different person than mentioned therein, it does not have the effects contemplated by law. The Ministry of Transport shall issue a resolution in this matter, which shall be included in the file. The provision of this paragraph shall apply accordingly to filings made under Sections 70f and 71b.

(4) In proceedings under Sections 71, 71a, 71c and 71d, the Ministry of Transport delivers documents via the public data network to the electronic address communicated by the participant to the proceedings or by fax; in such cases it applies that the document is delivered as of the date of dispatch unless the message returns as undeliverable. The confirmation of receipt of the delivered document by the addressee through a signed data message is not required.

CHAPTER II

AERIAL WORK AND OTHER AVIATION ACTIVITIES

Aerial Work

Section 73

Aerial work means aviation activities in which the air operator uses the aircraft for working activities for remuneration. Aerial work also includes sightseeing flights, aircraft use by an air operator for instructional purposes in flight schools, and flight schools activities.

Section 74

(1) Aerial work may only be performed by a natural person with permanent residence or by a legal person with registered office in the Czech Republic on the basis of a permit. The permit may be issued by the Authority upon an application.

(2) The permit can be issued if the applicant meets the conditions set by this Act for an applicant for the licence to operate commercial air transport under Section 58 paragraph 1, for aviation personnel and for operation of aircraft used for aerial work.

(3) The types of aerial work, technical and operations conditions of their operation, requisites of the permit application and of the decision on granting the permit are set out in an implementing regulation.

Section 74a

(1) A citizen of another EU Member State or a legal person with its registered office, central administration or main place of business in another EU Member State entitled to operate aerial work in that Member State may operate such work in the Czech Republic on a temporary basis.

(2) The provision of Section 74 does not apply to the operation of aerial work under paragraph 1.

(3) Commencement of aerial work operation in the Czech Republic shall be notified by the person under paragraph 1 to the Authority at least 3 days in advance.

(4) The person operating aerial work in the territory of the Czech Republic under paragraph 1 is obliged to show the permit for the operation of aerial work in another EU Member State in the event of an inspection.

(5) The provisions of the preceding paragraphs also apply to a citizen of another country or a legal person with its registered office, central administration or main place of business in another country, if it follows from an international treaty that is part of legislation.

Section 75

Aviation Activities for State Needs

(1) Aviation activity for the state needs means flights provided by an air operator for the purpose of

- a) transport of state representatives specified in the Constitution,
- b) exercise of state administration.

(2) Flights for the purpose of transport of state representatives may only be made upon the consent of the state, represented by the government. Flights for the purpose of exercise of state administration may only be made upon the consent of the Ministry of Transport.

Section 76

Corporate flights

(1) Corporate flights (aviation activity for own use) mean flights through which a legal or natural person procures business or other activity which it is entitled to conduct under special regulations.

(2) The corporate flight may be performed by a natural person with permanent residence or by a legal person with registered office in the Czech Republic on the basis of a permit issued by the Authority. The Authority may issue the permit upon an application provided the applicant meets the conditions set by this Act for aviation personnel and for operation of aircraft necessary for corporate flight.

(3) An implementing regulation sets out the requisites of the application for the corporate flights operator permit.

Section 77

Recreational and Sport Flying

Recreational and sport flying means the use of an aircraft for own purposes by other persons, aimed at recreation, personal transport or sport on a nonprofit basis. Aircraft for recreational and sport flying must have the maximum takeoff weight lower than 5.7 tons and the total number of passenger seats lower than 9.

Section 78

Public Flying Displays

Public flying displays may only be conducted upon the approval by the Authority. The Authority shall grant the approval provided that safety of flights in the airspace is not endangered.

CHAPTER III

DUTIES OF AVIATION ACTIVITY OPERATORS AND AIRCRAFT USERS

Section 79

Aircraft operators and aircraft users are obliged to

- a) carry out the aviation activity through an airworthy aircraft,
- b) operate the aviation activity through professionally qualified and medically fit aviation personnel,
- c) use airports or designated areas for takeoff and landing of aircraft and aircraft movement associated therewith,
- d) conduct flights in accordance with the flight rules,
- e) follow instructions of persons providing air traffic services.

Section 80

(1) An operator of aviation activities may refuse to transport persons, animals and cargo whose transport could endanger the safety of air traffic or result in a violation of regulations applicable in the country of takeoff, the country of landing or transit countries.

(2) Objects and substances which by nature could endanger the safety of air traffic may be transported only if conditions set by implementing and special regulations are met.

PART SEVEN

SPORT FLYING DEVICE

Section 81

(1) Sport flying device is an aircraft or sport parachute with up to two seats, designated for flying for own use or the use by other persons, aimed at recreation, individual transport, sport or pilot training, conducted on a nonprofit basis, with the exception of pilot training, hang glider and paraglider flights with a passenger and sport parachute jumps with a passenger.

(2) Types of sport flying devices in particular include

- a) ultralight glider,
- b) ultralight airplane,
- c) powered hang glider,
- d) ultralight helicopter,
- e) ultralight powered gyroplane,
- f) powered paraglider,
- g) hang glider,
- h) paraglider,
- i) sport parachute.

(3) Pilot of a sport flying device is a person who holds a valid pilot licence and pilots the sport flying device. A parachutist is also considered a pilot within the meaning of this Act.

(4) Pilot trainee is a person who learns to pilot a sport flying device according to a training syllabus.

(5) Builder of a sport flying device is a natural person who builds a sport flying device for his/her own use.

(6) Sport flying device manufacturer is a natural or legal person producing sport flying devices and related products, aircraft parts and appliances for the purpose of sale.

(7) Operational inspector or technical inspector is a professionally qualified natural person who supervises the fulfilment of obligations by builders, manufacturers, pilots and other persons participating in the operation of sport flying devices in the extent ensuing

from this Act.

(8) The characteristics of individual types of sport flying devices are set out in an implementing legal regulation.

Sport Flying Device Administration

Section 82

(1) The Ministry of Transport may, by its decision, authorize a legal person to exercise state administration in issues of sport flying devices (hereinafter the "authorized person") on the basis of its written application. In such decision on authorization to exercise state administration, the Ministry of Transport shall set conditions and procedures of the exercise, and shall define its scope.

(2) The Ministry of Transport shall issue the decision in case the applicant

- a) has its registered office in the Czech Republic,
- b) has created an administrative and technical system for the administration of sport flying devices under this Act,
- c) has the relevant qualified persons and specific knowledge for the exercise of state administration concerning sport flying devices under this Act and for the creation of operational and technical regulations,
- d) has created a secure information system for the maintenance of a register of pilots and sport flying devices,
- e) has introduced procedures for the verification and approval of sport flying device airworthiness,
- f) has introduced procedures for the instruction and verification of qualification of applicants for pilot licences and recognition of qualification,
- g) has no financial or other interests that could affect the impartiality of its work,
- h) is capable of securing the protection of information under a special legal regulation^{5k)}.

(3) The Ministry of Transport shall revoke the authorization

- a) in case the authorized person fails to fulfil duties or conditions set by this Act or by the authorization decision,
- b) in case the authorized person applies for such revocation.

(4) The Ministry of Transport shall publish the authorization decision and the decision on revocation in the Collection of Acts.

(5) In case the exercise of state administration in issues of sport flying devices is not performed by an authorized person, it shall be procured by the Authority.

(6) The requisites of the application for authorization and documents to be attached to the application are set out in an implementing legal regulation.

Section 83

(1) The authorized person

- a) issues or revokes certificates to legal and natural persons that conduct business consisting in the manufacture of sport flying devices and related products, aircraft parts and appliances and their repairs and maintenance, and monitors fulfilment of their duties,
- b) prepares and submits the proposed operational and technical regulations for the operation of sport flying devices and proposals for training curricula to the Ministry of Transport for approval, and issues such regulations and training curricula upon approval by the Ministry of Transport,
- c) supervises activities of builders of sport flying devices,
- d) approves, recognizes and verifies sport flying device airworthiness and issues, extends and revokes the certificate of airworthiness,
- e) maintains the Register of Sport Flying Devices under Section 84b and assigns registration marks to designated sport flying devices,
- f) recognizes qualifications of pilots and other persons participating in operation of sport flying devices, issues pilot licences and enters qualifications therein, extends their validity, issues certificates of attained qualifications and keeps records thereof,
- g) grants or revokes approval of operation of pilot training centres for various types of sport flying devices, and monitors fulfilment of their duties,

- h) sets conditions for use of areas for takeoff and landing of sport flying devices, registers the areas, approves rules of operation and capability of registered areas; submits the records of the areas to the Ministry of Transport for publication,
- i) approves test flights of sport flying devices,
- j) grants consent to organisation of public flying displays of sport flying devices,
- k) supervises activities of operators, pilots and other persons participating in the operation of sport flying devices,
- l) provides necessary assistance to state administration authorities in connection with investigation of accidents and incidents of sport flying devices,
- m) appoints and dismisses operational and technical inspectors; submits the list of appointed and dismissed operational and technical inspectors to the Ministry of Transport for publication.

(2) In the interest of air traffic safety or another public interest, the authorized person or the Authority may restrict or prohibit flights of a certain sport flying device in justified cases.

Section 84

The supervision over the design, construction, production, repair and maintenance of sport flying devices and related products, aircraft parts and appliances as well as supervision over the activities of operators, pilots and other persons participating in the operation of sport flying devices is performed by operational or technical inspectors.

Section 84a

(1) An operational and technical inspector is, within the supervision over sport flying devices, entitled to

- a) request documents necessary for the operation of a sport flying device,
- b) withhold the technical certificate of a sport flying device in the event of detecting a defect in the sport flying device airworthiness until the remedy of the defect,
- c) ban the flight if it would endanger the safety of air traffic, people's life, health, property or the environment or another interest protected by law,
- d) withhold the pilot licence or another certificate of qualification and order the review of competence or medical fitness of the holder in case such person shows shortcomings that may threaten air traffic safety in the course of performing activities related to the operation of a sport flying device,
- e) revoke the pilot licence of a person who endangered air traffic safety, violated rules of the air or rules of operation of sport flying devices, and hand it over to the authorized person for further proceedings.

(2) Within the supervision over the construction, production and repairs of sport flying devices and related products, aircraft parts and appliances, the technical inspector is also entitled to

- a) request any and all documents concerning the construction, production and repairs of sport flying devices and related products, aircraft parts and appliances, in particular calculations, construction and production documentation and construction log,
- b) enter into premises where the sport flying devices and related products, aircraft parts and appliances are built or manufactured, inspect machinery and tools, and examine material and joining components used,
- c) in the event of detecting design defects, request or order the tests of strength, elasticity and others; and if in production, prohibit the operation of previously manufactured sport flying devices or, as the case may be, request design changes or expert report.

Section 84b

Register of Sport Flying Devices

(1) Sport flying devices defined in Section 81 paragraphs 2a) to g) are entered into the Register of Sport Flying Devices (hereinafter the "Register") on the basis of a written application of the owner or operator with the owner's consent under the following conditions:

- a) the sport flying device owner or operator is a natural person with permanent residence in the Czech Republic or a legal person with registered office in the Czech Republic,
- b) the sport flying device is not registered in another country,
- c) the sport flying device airworthiness was verified or is in the process of verification under Section 83 paragraph 1d), or its

certificate of airworthiness issued by a body of another country was recognized as valid.

(2) The sport flying device entered in the Register is assigned a registration mark. Upon the assignment of the registration mark, the sport flying device acquires the Czech Republic nationality.

(3) Information entered into the Register, information from that Register that may be published and the method of identification of the sport flying device are set out in an implementing legal regulation.

Section 84c

Pilots and Trainees

(1) The sport flying device may be flown by

- a) a pilot who holds a valid pilot licence with the appropriate qualification, or
- b) a pilot trainee under the conditions set by the training curriculum.

(2) Issuance of the pilot licence is contingent upon demonstrating medical fitness, participating in theoretical instruction and passing the relevant examination in accordance with the training curriculum.

(3) The medical report¹ⁿ⁾ on medical fitness of applicants and pilots of sport flying devices is issued by a health care provider through a medical assessor appointed by the Authority, pursuant to a medical examination and other necessary specialized examinations. Medical assessor means

- a) a physician of the health care provider appointed under Section 22 paragraph 3 for sport flying devices listed in Section 81 paragraph 2a) to e) and i) and two-seat sport flying devices listed in Section 81 paragraph 2f) to h),
- b) a physician who is a registered health care provider in the field of general medicine for one-seat sport flying devices listed in Section 81 paragraph 2f) to h).

(4) The medical report on medical fitness is valid

- a) for pilots of sport flying devices under paragraph 3a) for
 1. 60 months in persons up to 40 years of age, unless the competent physician determines a shorter period with regard to the health condition of the assessed person,
 2. 24 months in persons from 40 to 75 years of age, unless the competent physician determines a shorter period with regard to the health condition of the assessed person,
 3. 12 months in persons from 75 years of age, unless the competent physician determines a shorter period with regard to the health condition of the assessed person,
- b) for pilots of sport flying devices under paragraph 3b) for
 1. an unlimited period in persons up to 75 years of age, unless the physician determines a restriction on validity with regard to the health condition of the assessed person,
 2. 12 months in persons from 75 years of age, unless the competent physician determines a shorter period with regard to the health condition of the assessed person.

(5) Qualification means fulfilment of conditions set for the acquisition of a licence to perform activities related to the operation of sport flying devices. If practical experience is one of the conditions for entering the relevant qualification into the pilot licence, the applicant must document it.

(6) The pilot or pilot trainee must have the following documents immediately before the flight, during the flight and immediately after the flight:

- a) identity card,
- b) pilot or trainee licence,
- c) certificate of sport flying device airworthiness,
- d) proof of liability insurance for damage caused by operation of a sport flying device.

(7) During operation of the sport flying device, the pilot or pilot trainee is obliged to follow the instructions of the operational or technical inspector or persons exercising state supervision under this Act.

(8) The requisites of the application for the pilot licence and documents to be attached to the application, conditions for commencement of practical training and solo flights, the method of determining qualifications for issuance of the pilot licence and the method of determining qualifications of persons conducting theoretical instruction and practical training are set out in an implementing legal regulation.

Section 84d

Areas for Takeoff and Landing of Sport Flying Devices

(1) The following areas may be used for takeoff and landing of sport flying devices operated on a regular basis:

- a) airport, if the Aeronautical Information Publication permits the operation of a certain type of sport flying device in that airport or upon the consent of the airport operator,
- b) areas permanently used for aircraft takeoff and landing defined as such in the land use documentation or the land use decision, upon the consent of the owner or operator of the area and municipality in whose territory the area is located.

(2) Any other areas may be used for takeoff and landing of powered sport flying devices operated on an irregular basis and of unpowered sport flying devices operated both on a regular and irregular basis, if the land owner granted its consent to the use of the area for the specified purpose and the following conditions are met:

- a) the area is located outside the residential district of the municipality, at least 100 m from residential buildings, and persons not participating in the operations shall be at least 50 m away from the sport flying devices in operation,
- b) the area is located outside the confines of a national park, protected landscape area, national nature preserve, nature preserve, national natural monument or natural monument, unless permission to use the area for the specified purpose has been granted by the competent environmental protection authority, and
- c) the area lies outside sanitary protection zones for water sources and protected zones around natural water accumulation areas, unless permission has been granted to use the sanitary protection zone for water sources or protected zone around natural water accumulation areas by the competent water management authority.

PART EIGHT

**SAFEGUARDING CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE
(CIVIL AVIATION SECURITY)**

CHAPTER I

GENERAL PROVISIONS ON CIVIL AVIATION SECURITY

Section 85

Competent Authority

The tasks of the competent authority including the information duty of an EU Member State toward the European Commission under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ and ensuing regulations are performed by the Authority.

Section 85a

National Programmes

(1) The Authority issues and updates national programmes under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ or under the decision of an international organisation issued under an international treaty that is part of legislation. National programmes describe the methods of ensuring civil aviation security.

(2) The Authority publishes the national programmes in the method enabling remote access, unless stipulated otherwise by the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

Section 85b

General Obligation of Civil Aviation Security

Each person entering places intended for ensuring civil aviation security under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ is obliged to act with due caution on entering the places and during his/her stay therein in order not to expose civil aviation to the risk of unlawful interference or not to enable such conduct to others.

Section 85c

Orders for Ensuring Civil Aviation Security

(1) Natural and legal persons procuring civil aviation security are entitled, in places intended for ensuring civil aviation security under the directly applicable regulation of the European Union regulating civil aviation security²³⁾, to issue orders to natural persons who

enter the places or stay therein and they are obliged to ensure that the orders are adequate to their purpose. Order means a verbal or written instruction inviting the person to whom the instruction is directed to behave in the manner prescribed by this Act or by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, or to refrain from conduct prohibited by this Act or by the directly applicable regulation of the European Union regulating civil aviation security,²³⁾ or, as the case may be, to immediately leave the place intended for ensuring civil aviation security.

(2) The natural persons to whom the instruction is directed are obliged to comply with it.

Section 85d

General Provision on Screening of Persons

Each person performing the screening of natural persons under this Act or by the directly applicable regulation of the European Union regulating civil aviation security²³⁾ must perform it in the manner and with such means that pursue solely the purpose of the check and save the dignity of every person who is subject to the screening. For that purpose, the personal screening of individuals is conducted by a person of the same sex.

CHAPTER II

RELIABILITY

Section 85e

Background Check

(1) Each person entering unescorted the security restricted area under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ must be reliable, unless stipulated otherwise by a directly applicable regulation. Reliability of a natural person is contingent upon his/her good repute and credibility.

(2) The background check of a natural person is carried out by the Authority upon his/her request; the reliability of a natural person is verified in this manner for the period of 5 years. This shall not apply if the person is in service with the Police of Czech Republic, the Fire Rescue Service of the Czech Republic, the Customs Administration of the Czech Republic, the Prison Service of the Czech Republic, the General Inspection of Security Forces, the Security Information Service and the Office for Foreign Relations and Information, or who holds a valid proof of security qualification of a natural person or a valid certificate of a natural person under the act regulating the protection of classified information; such person is deemed reliable under this Act. In case such person has ceased to meet the condition in the preceding sentence, he/she shall promptly notify the person who enabled him/her an unescorted entry to the security restricted area.

(3) Besides general requisites of filings under the Administrative Procedure Code, the application contains

- a) applicant's place of birth or the country of birth, if the applicant was born in another country,
- b) applicant's citizenship,
- c) name of the applicant's employer, position held and description of work performed,
- d) reasons for the necessity of unescorted entry to the security restricted area,
- e) other information applicable for the period of 5 years of the date of application, namely:
 1. previous citizenship of the applicant,
 2. names of the applicant's previous employers indicating the date of establishment of employment, position held, and a description of the work performed; this applies accordingly to the service relation,
 3. names of institutions where the applicant obtained education, content and length of the education with dates and method of completion,
 4. uninterrupted stay of the applicant in a foreign country longer than 6 months and its reason, and
- f) affidavit of accuracy and completeness of information stated in the application.

(4) The application shall be attached a document similar to the extract from the Penal Register of the country in which the applicant stayed for an uninterrupted period of more than 6 months during 5 years prior to the filing of the application, or an extract from the Penal Register in whose attachment the information is contained. In case the applicant is a foreign national, he/she shall attach a document similar to the extract from the Penal Register of the country of his/her citizenship, or an extract from the Penal Register in whose attachment the information is contained. In case such country does not issue a document similar to the extract from the Penal Register, the applicant shall attach an affidavit of good repute made before a notary or an authority of the country of his/her citizenship or before a notary of an authority of the country of the last stay. These documents must not be older than 3 months.

Section 85f

Good Repute and Credibility

(1) A person with good repute for the purposes of the background check is deemed a natural person who has not been finally and conclusively convicted of a crime committed out of negligence in connection with the performance of work of aviation personnel,

airport operation, provision of air services or operation of aviation activities, unless the person is considered not to have been convicted of the crime.

(2) A credible person for the purposes of the background check is deemed a natural person whose unescorted entry to the security restricted area is not connected with a specific risk. A specific risk is a reasonable suspicion that the hitherto conduct of the natural person, his/her business or social contacts give strong indication that he/she could expose civil aviation to the risk of an act of unlawful interference.

Section 85g

Verification of Identity and Good Repute

(1) The sole participant to the proceedings on the background check is the applicant. The Authority shall verify the identity and good repute of the applicant after the commencement of the proceedings.

(2) For the purposes of the identity verification, the Authority uses the following reference data from the basic register of inhabitants:

- a) surname,
- b) name (names),
- c) address of residence,
- d) date, place and district of birth; if the data subject was born abroad, then the date, place and country of birth,
- e) date of death; if a court decision on declaration of the person dead is issued, date determined in the decision as the date of death or date which the data subject did not outlive, and date of legal force of the decision,
- f) citizenship, or more citizenships if applicable.

(3) For the purposes of the identity verification, the Authority uses the following reference data from the information system of registering inhabitants:

- a) name (names) and surname,
- b) date of birth,
- c) place and district of birth; if the citizen was born abroad, then the place and country of birth,
- d) citizenship, or more citizenships if applicable.
- e) address of permanent residence.

(4) For the purposes of the identity verification, the Authority uses the following reference data from the information system of foreign nationals:

- a) name (names) and surname and their changes if applicable,
- b) date of birth,
- c) place and country of birth of the foreign national; in case he/she was born in the Czech Republic, then the place and district of birth,
- d) citizenship, or more citizenships if applicable.
- e) address of stay in the Czech Republic,
- f) date of death or date determined in the court decision on declaration of the person dead as the date of death or date which the foreigner declared dead did not outlive.

(5) Information maintained as reference data in the basic register of inhabitants shall be used from the information system of recording inhabitants or from the information system for foreign nationals only if they are in the form preceding the current state.

(6) In the concrete case, only those data may be used that are necessary for the fulfilment of the task concerned.

(7) For the purposes of verification of good repute, the Authority shall request the extract from the Penal Register. The request for the extract from the Penal Register and the extract itself are filed and issued in the electronic form in the method enabling remote access. For the purposes of verification of good repute, the Authority may also request a duplicate of a final and conclusive decision from the court. In case the decision does not contain the facts decisive for the verification of good repute, the Authority is entitled to inspect those parts of the criminal file that contain such facts.

(8) In case the applicant mentions inaccurate information decisive for the verification of identity or if he/she fails to comply with the requirement of good repute, the Authority shall issue a decision on unreliability. In the opposite case the Authority shall ask the Police of the Czech Republic for the assessment of credibility.

Section 85h

Assessment of Credibility

The Police of the Czech Republic shall assess the credibility of a natural person no later than within 10 days of the date of delivery of the request from the Authority, and shall issue a binding opinion to that end. The Police of the Czech Republic may request necessary information from the relevant intelligence service of the Czech Republic for the purposes of credibility verification. In particularly complex cases, where credibility cannot be assessed in the period under the first sentence, the period for issuing a binding opinion shall be extended to 20 days of the date of delivery of the request from the Authority. In case the binding opinion contains classified information, which according to the Police of the Czech Republic could endanger or seriously disrupt the work of the Police or the intelligence services of the Czech Republic, the parts of the file containing such binding opinion are excluded from inspection.

Section 85i

In case the applicant is not credible according to the binding opinion of the Police of the Czech Republic, the Authority shall issue a decision on unreliability. This shall apply also in cases where it transpires in the proceedings that the applicant wilfully entered inaccurate information decisive for the background check or intentionally concealed such information. In the opposite case the Authority shall issue a proof of reliability instead of a written copy of the decision.

Section 85j

Proof of Reliability

(1) The proof of reliability is a public deed and the period of its validity is 5 years. The holder of the proof of reliability shall promptly notify the Authority and the person enabling him/her unescorted entry to the security restricted area of its theft or loss.

(2) The proof of reliability contains

- a) name (names) and surname,
- b) day, month and year of birth,
- c) citizenship,
- d) date of issue and period of validity, and
- e) imprint of the official stamp and signature of the authorized person.

(3) The validity of the proof of reliability expires

- a) by the lapse of its validity period,
- b) as of the date of legal effect of the decision of the Authority on unreliability of its holder, issued in the background check review proceedings,
- c) by notification of its theft or loss,
- d) through such damage that leads to the illegibility of records therein and disruption of its integrity,
- e) by a change of any information contained therein,
- f) by returning the proof to the Authority by its holder,
- g) as of the date of delivery of a new proof, or
- h) by the death of the holder or declaration of the person dead.

(4) The holder of the proof of reliability shall submit to the Authority a document which expired under paragraph 3a), b), d), e) and g) within 5 days, and shall promptly report the circumstance to the person enabling him/her unescorted entry to the security restricted area. Each person is obliged to promptly hand over a proof of reliability, which he/she found, to the Authority or to the Police of the Czech Republic.

(5) The holder of the proof of reliability which expired under paragraph 3c) to e) shall apply at the Authority for a new proof within 5 days of the date of expiry. In such case, the Authority shall issue a new proof of reliability, replacing the original proof, within 5 days of the date of the application delivery.

(6) The template of the proof of reliability is set out in an implementing legal regulation.

Section 85k

Background Check Review

(1) The Authority shall initiate the background check review proceedings by virtue of its office if, during the validity of the proof of reliability it ascertains that the holder

- a) fails to comply with the requirement of good repute,
- b) fails to comply with the requirement of credibility, or
- c) wilfully entered inaccurate information decisive for the background check or intentionally concealed such information.

(2) The sole participant to the proceedings on the background check review is the person who is the subject of the review. In case the Authority ascertains circumstances suggesting that the holder of the proof of reliability is not credible, it shall ask the Police of the Czech Republic for the assessment of credibility. The provisions of Section 85f, 85g paragraph 7 and 85h shall apply accordingly to the proceedings on the background check review.

(3) If the Authority finds out that the holder of the proof of reliability is not of good repute or credible, it shall issue a decision on his/her unreliability. This shall apply also in cases where the holder of the proof of reliability wilfully entered inaccurate information decisive for the background check or intentionally concealed such information. In the opposite case the Authority shall terminate the proceedings by its resolution. An appeal against the decision on unreliability does not have the suspensive effect.

Section 85l

Judicial Review

(1) Evidence-taking in court proceedings is conducted in such way so as to respect the obligation to maintain confidentiality of classified information contained in the data from the records of Czech Police or intelligence services of the Czech Republic or in the results of their investigations. In this context, evidence by interrogation may only be taken if the person bound by the confidentiality obligation has been released of such obligation by the competent authority; the release of confidentiality is not possible if the work of the Police or intelligence services of the Czech Republic could be endangered or seriously disrupted. In case evidence is taken otherwise than by interrogation, procedure under this paragraph applies accordingly.

(2) The chairman of the senate shall decide on separation of the parts of the file containing classified information in the event that the work of the Police or intelligence services of the Czech Republic could be endangered or seriously disrupted in connection with the disclosure of such information; the separated parts of the file may not be inspected by the participant, its representative or persons involved in the proceedings.

CHAPTER III

PROTECTION OF AIRPORTS, AIRCRAFT, PASSENGERS AND BAGGAGE

Section 85m

Airport Security Programme

(1) The airport operator is not allowed to operate the airport without an approved airport security programme under the directly applicable regulation of the European Union regulating civil aviation security²³⁾. The airport security programme is approved by the Authority upon the airport operator's request, which is attached the airport security programme; the request may be filed by the applicant for the permit to operate aerodrome together with the application for the permit to operate aerodrome.

(2) The Authority shall approve the airport security programme in case it contains measures ensuring sufficient level of civil aviation protection from acts of unlawful interference at the airport in accordance with this Act and the directly applicable regulation of the European Union regulating civil aviation security²³⁾. The only participant to the proceedings on the approval of the airport security programme is the applicant. The affected authority in the proceedings on the approval of the airport security programme is the Police of the Czech Republic.

(3) Changes in the airport security programme affecting the civil aviation protection from acts of unlawful interference is approved by the Authority upon a request by the airport operator. Paragraph 2 shall apply accordingly to the approval of changes in the airport security programme. The airport operator shall promptly notify the Authority of other changes in the airport security programme than those mentioned in the first sentence.

(4) The requisites of content and structure of the airport security programme are set out in an implementing legal regulation.

Section 85n

Duties of Airport Operator

(1) The airport operator in accordance with the directly applicable regulation of the European Union regulating civil aviation security²³⁾ shall divide the airport premises according to the type of security measures applied to different areas, mark them visibly and through suitable security elements shall ensure that passage between them is possible only if conditions set out by this Act and by the directly applicable regulation of the European Union regulating civil aviation security²³⁾ are met.

(2) The airport operator in accordance with the directly applicable regulation of the European Union regulating civil aviation security²³⁾ shall further ensure

- a) examination of persons and vehicles entering the airport premises,
- b) issuance of airport identification cards and entry permits,
- c) screening of persons other than passengers and items carried,
- d) security guards at the airport premises.

Section 85o

Information on Aircraft Security Search

The air carrier shall ensure that the information on aircraft security search under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ is kept also on board the aircraft for the period determined by that regulation.

Section 85p

Screening of Passengers, Cabin Baggage and Hold Baggage

(1) The airport operator and the air carrier shall secure screening of passengers, cabin baggage and hold baggage in accordance with the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

(2) The air carrier may allow that items be introduced on board the aircraft which are prohibited by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, only upon the prior consent of the Authority and under the conditions set by the above EU regulation. In case the air carrier allows that such an item is introduced on board the aircraft, it shall promptly notify the relevant airport operator thereof.

(3) Upon a request by a natural or legal person, the Authority shall grant its consent to introducing on board an item prohibited by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, if the physical and chemical properties of the item and the purpose of its use suggest that introducing it does not pose a threat to civil aviation.

(4) The sole participant to the proceedings on granting the consent is the applicant. In the proceedings on granting the consent, the Authority performs inspection of the item whose introduction on board the aircraft is requested. In the decision on granting the consent to introduction of the item, the Authority sets conditions for safe handling of the item after its introduction to the airport premises and on board the aircraft and the period of the consent validity.

(5) In case the Authority granted the consent to the introduction of an item, the authorized official shall place the item to the sealable non-transparent packaging clearly furnished with a seal or another visible security means with a unique numerical identifier, as set out in the decision, in such manner that the item may not be taken out without disturbing the security means. Each person handling the item must ensure that the item shall remain in the packaging furnished with the security means during its introduction to the airport premises and on board the aircraft and for the entire period of storage in the airport premises and on board the aircraft. The air carrier shall ensure that the item is safely escorted since the introduction to the airport premises and safely stored in the airport premises and on board the aircraft.

Section 85q

Subsequent Protection of Passengers, Cabin Baggage and Hold Baggage

The airport operator and the air carrier shall ensure subsequent protection of passengers, cabin baggage and hold baggage after their screening in accordance with the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

Section 85r

Security Programme of Providers of Air Traffic Services

(1) The provider of air traffic services shall prepare and respect the security programme containing measures providing the sufficient level of civil aviation protection²³⁾ in the course of provision of air traffic services in accordance with this Act and the decision of an international organisation issued under an international treaty that is part of legislation.

(2) The provider of air traffic services shall disclose its security programme to the Authority upon its request without undue delay.

(3) The requisites of content and structure of the security programme of the provider of air traffic services are set out in an implementing legal regulation.

CHAPTER IV

PROTECTION OF CARGO, MAIL AND AIR CARRIER'S PROPERTY

Section 85s

Person Performing Security Control Concerning Cargo and Mail Instead of Regulated Agent

(1) A natural or legal person in the position of the regulated agent under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ may authorize another natural or legal person to perform security controls of cargo and mail outside its place of business, provided it determines its duties ensuring sufficient level of civil aviation protection from acts of unlawful interference in its security programme and provided it ensures their due fulfilment.

(2) A natural or legal person may perform security controls of cargo and mail instead of the regulated agent outside its place of business with the consent of the Authority granted upon its application. Besides general requisites of filings under the Administrative Procedure Code, the application contains the definition of type and scope of the security control intended by the applicant.

(3) The Authority shall grant its consent, provided the applicant

- a) meets the conditions set by the directly applicable regulation of the European Union regulating civil aviation security²³⁾ for the performance of security controls stated in the application, and
- b) has introduced measures ensuring its due performance.

(4) The person performing security control concerning cargo and mail instead of the regulated agent promptly notifies the Authority of a change in circumstances affecting the granting of the consent.

(5) The Authority shall revoke the consent if the person to which it was granted

- a) has ceased to meet the conditions for granting the consent,
- b) seriously breaches duties set by this Act or by the directly applicable regulation of the European Union regulating civil aviation security,²³⁾ or
- c) applied for the revocation.

Section 85t

Register of Persons Entitled to Perform Security Control Concerning Cargo and Mail Instead of Regulated Agent

(1) A non-public register of persons entitled to perform security controls concerning cargo and mail instead of the regulated agent (hereinafter the "register of authorized persons") is established with the aim to disclose the overview of such persons and their services to regulated agents in accordance with the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

(2) The register of authorized persons is administered by the Authority. It is accessible only to regulated agents to whom the Authority shall provide remote access.

(3) The Authority shall enter the person to whom it granted consent to perform security controls concerning cargo and mail instead of the regulated agent into the register of authorized persons within 3 days of the legal force of the decision on granting such consent.

(4) The following types of personal data of natural persons who do not conduct business are processed in the register:

- a) name (names),
- b) surname,
- c) date of birth, and
- d) permanent or other address in the Czech Republic.

(5) In case the natural person conducts business, the following types of personal data are processed in the register:

- a) business name or name (names) and surname,

- b) address of registered office, and
- c) company identification number, if assigned.

(6) The following types of personal data of legal persons are processed in the register:

- a) business name,
- b) address of registered office, and
- c) company identification number, if assigned.

(7) The following types of personal data are also processed in the register:

- a) date of registration and
- b) date of deletion.

(8) The personal data are processed in the register of authorized persons for the period of validity of the consent to perform security controls concerning cargo and mail instead of the regulated agent; the Authority shall promptly dispose of the data after the revocation of the consent.

Section 85u

Screening and Subsequent Protection of Property of Air Carrier

The air carrier shall ensure screening and subsequent protection of its property in accordance with the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

CHAPTER V

PROFESSIONAL REQUIREMENTS

Section 85v

Staff Recruitment

Anyone who intends to establish the basic employment relationship with a natural person for the purpose of performing work activities set out in the directly applicable regulation of the European Union regulating civil aviation security²³⁾, shall subject the applicant to the selection procedure involving a check of the applicant under a directly applicable regulation of the European Union, prior to entering into the basic employment relationship. The applicant's check prior to the commencement of employment shall not be performed in case the applicant is subject to the background check under the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

Section 85w

Professional Training

Anyone for whom a person fulfils responsibilities related to the protection of civil aviation security shall ensure that such persons took part in professional training in accordance with the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

Section 85x

Organisation of Professional Training

(1) A natural person may organise professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ on the basis of a permit issued by the Authority upon his/her application.

(2) Besides general requisites of filings under the Administrative Procedure Code, the application contains proposal of the type of professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾, intended by the applicant. The application shall be attached

- a) document confirming the highest level of education completed, in the original or a verified copy,
- b) affidavit of the hitherto practical experience in the area of civil aviation protection from acts of unlawful interference, containing the description of all performed activities related to civil aviation security, including their duration, and
- c) proposal of the content, scope and form of professional training intended by the applicant.

(3) The Authority shall issue the permit to organise professional training provided

- a) the applicant
 - 1. has reached 18 years of age,
 - 2. has at least secondary education finished with the school-leaving examination,
 - 3. performed activities related to civil aviation security for at least 1 year,
 - 4. within the administrative proceedings demonstrated expert knowledge and practical skills necessary for organising the proposed type of professional training, and
- b) the proposal of the content, scope and form of professional training intended by the applicant corresponds to conditions for the organisation of professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

(4) The sole participant to the proceedings on the granting the permit is the applicant. The applicant's expertise and practical skills are verified through a theoretical and practical examination before a committee consisting of three employees of the Authority, which are appointed and dismissed by the General Director of the Authority.

(5) In the decision on granting the permit, the Authority shall specify the type of professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ that may be provided by the applicant and the period of the permit validity.

(6) The Authority shall revoke the issued permit in case the natural person organizing the professional training (hereinafter the "instructor")

- a) fails to meet conditions for organizing professional training set by this Act or by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, or
- b) applied for the revocation of the permit.

(7) The content and form of the examination verifying expert knowledge and practical skills of the applicant for the permit to organise professional training are set out in an implementing legal regulation.

Section 85y

Completion of Professional Training

(1) Professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ is finished by an examination. The instructor shall issue a written document to those who successfully completed the training. If a natural person does not hold a valid document on the completion of professional training, he/she is not allowed to perform activities that are directly connected with the training.

(2) The period of validity of the document on the completion of professional training of natural persons performing activities that are directly connected with screening, who are obliged to successfully complete the training at least once in 6 months under the directly applicable regulation of the European Union regulating civil aviation security²³⁾, is 6 months. In other cases the validity of the document on completion of professional training is 2 years.

(3) The template of the document on the completion of professional training is set out in an implementing legal regulation.

Section 85z

Training of Handlers and Explosive Detection Dogs

(1) A natural or legal person may organise professional training of handlers and explosive detection dogs under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ on the basis of a permit issued by the Authority upon its application.

(2) Besides general requisites of filings under the Administrative Procedure Code, the application contains name (names) and surname of the instructor determined by the applicant to provide the professional training (hereinafter the "training supervisor"). The application shall be attached

- a) document certifying the applicant's authorization to handle explosives in the Czech Republic territory,
- b) document certifying the training supervisor's authorization to handle explosives in the Czech Republic territory,
- c) training supervisor's affidavit of the hitherto practical experience in the area of dog training including the description of all performed activities and their duration, and
- d) proposal of the content, scope and form of professional training intended by the applicant.

(3) The Authority shall issue the permit for organizing professional training provided

- a) the applicant performs screening under the directly applicable regulation of the European Union regulating civil aviation

security²³⁾,

- b) the training supervisor performed activities in the field of dog training for at least 5 years, and in the administrative proceedings demonstrated expert knowledge and practical skills necessary for explosive detection and due provision of professional training, and
- c) the proposal of the content, scope and form of professional training intended by the applicant involves the application of means ensuring sufficient detection abilities of dogs and corresponds to conditions for the organisation of professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

(4) The sole participant to the proceedings on granting the permit is the applicant. The training supervisor's expert knowledge and practical skills are verified through a theoretical examination and practical test before a committee consisting of three members, which are appointed and dismissed by the General Director of the Authority. Most members of the expert committee are officers or employees of the Police of the Czech Republic or the Army of the Czech Republic, whose work includes training of explosive detection dogs. The real costs related to the proceedings on the permit issuance are borne by the applicant. The permit is valid for 5 years.

(5) The Authority shall revoke the permit in case the natural or legal person providing the training

- a) fails to meet conditions for organizing professional training set by this Act or by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, or
- b) applied for the revocation of the permit.

(6) The content and form of the theoretical examination and practical test which verify expert knowledge and practical skills of the training supervisor and means ensuring sufficient detection abilities of dogs are set out in an implementing legal regulation.

CHAPTER VI

MEANS OF CIVIL AVIATION SECURITY

Section 86

Application of Means of Civil Aviation Security

A natural or legal person that procures screening under this Act or under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ shall ensure that means of civil aviation security (hereinafter the "security means"), used in screening, meet the requirements for detection abilities, technical setting and operational security set out in a directly applicable regulation.

Section 86a

Explosive Detection Dogs

(1) A natural or legal person that procures screening may enable utilization of explosive detection dogs only if the person fulfilling the dog handler's tasks has been issued the permit to perform such activity by the Authority. This shall not apply if it is an explosive detection dog used by the Police of the Czech Republic or the Army of the Czech Republic.

(2) Upon an application of a natural person fulfilling the dog handler's tasks, the Authority shall issue a permit to use an explosive detection dog, provided that such person and the dog equipped with an electronic chip were trained under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ and in the administrative proceedings the person demonstrated expert knowledge and practical skills necessary for explosive detection as set out in a directly applicable regulation of the European Union.

(3) Besides general requisites of filings under the Administrative Procedure Code, the application contains the designation of the subject of screening for which the explosive detection dog shall be utilized by the applicant. The application further contains the following information concerning the identity of the dog that shall be utilized by the applicant for the purpose of screening:

- a) name (names),
- b) date of birth,
- c) breed,
- d) sex,
- e) identification data stored on the electronic chip of the dog.

(4) The application shall be attached the document on the completion of professional training of dog handlers under the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

(5) The sole participant to the proceedings on the granting the permit is the applicant. Expert knowledge and practical skills of a

person fulfilling the dog handler's tasks necessary for explosive detection are verified through a theoretical examination and practical test under the directly applicable regulation of the European Union regulating civil aviation security²³⁾. The theoretical examination and practical test are taken before a committee consisting of three members, which are appointed and dismissed by the General Director of the Authority. Most members of the expert committee are officers or employees of the Police of the Czech Republic or the Army of the Czech Republic, whose work includes training of explosive detection dogs. The practical test involves verification of the dog's detection skills. The real costs related to the proceedings on the permit issuance are borne by the applicant. In the decision on granting the permit, the Authority shall specify the period of validity and information concerning the identity of the dog that is to be utilized by the applicant in the screening.

(6) The Authority shall revoke the permit in case the holder

- a) fails to meet conditions for the utilization of the explosive detection dog in the screening, set by this Act or by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, or
- b) applied for the revocation of the permit.

(7) An appeal against the decision on revocation does not have the suspensive effect.

Section 86b

Different Method of Screening

(1) Upon an application of the natural or legal person that procures screening, the Authority may allow that such person implement the screening in a method different from that set out in the directly applicable regulation of the European Union regulating civil aviation security²³⁾, including utilization of a security means that uses the latest scientific knowledge, provided that the conditions set by a directly applicable regulation of the European Union are met.

(2) The sole participant to the proceedings on the granting the permit is the applicant. In the decision on granting the permit, the Authority shall specify the conditions of the permitted method of screening and the period of the permit validity.

(3) The Authority shall revoke the permit in case the holder

- a) fails to meet conditions for the permitted method of screening, set by this Act or by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, or by the decision on granting the permit, or
- b) applied for the revocation of the permit.

(4) An appeal against the decision on revocation does not have the suspensive effect.

CHAPTER VII

BASIC, SPECIAL AND EXTRAORDINARY MEASURES

Section 86c

Notification Obligation

(1) A natural or legal person that intends to operate an airport or commercial air transport under this Act or perform tasks of the regulated agent, known consignor, approved supplier of in-flight supplies, or instructor under the directly applicable regulation of the European Union regulating civil aviation security²³⁾, shall notify the Authority of such circumstance at least 45 days before filing the application for an administrative decision establishing the entitlement to perform such tasks. The first sentence shall apply accordingly to a natural or legal person that intends to organise professional training of dog handlers and explosive detection dogs, and to a natural or legal person that intends to perform security controls concerning cargo and mail instead of the regulated agent outside of its place of business.

(2) A natural or legal person that intends to perform the activities of an account consignor, known supplier of in-flight supplies or a known supplier of airport supplies under the directly applicable regulation of the European Union regulating civil aviation security²³⁾, shall notify the Authority of such circumstance at least 45 days before the commencement date of such activities. The first sentence shall apply accordingly to a natural or legal person that intends to transport cargo and mail subject to security controls under the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

(3) The natural or legal person shall promptly inform the Authority of a change in circumstances stated in its notification; this shall not apply if the decision on establishing the entitlement to perform its activities has come into legal force.

Section 86d

Basic Measures

(1) In case the Authority receives notification under Section 86c, it shall, by virtue of its office, pursuant to the decision of the European Commission regulating civil aviation security and in its intentions, without undue delay lay down on the natural or legal person that made the notification basic measures necessary for ensuring sufficient level of civil aviation protection from acts of unlawful interference during the exercise of its activities (hereinafter "basic measures"). This shall not apply if the Authority has reasonable grounds

for believing that the notifier could misuse the knowledge of basic measures and expose civil aviation to the risk of an act of unlawful interference. In such case, the Authority shall inform the person of such fact without undue delay. The procedure under this paragraph shall not apply to the access to classified information under the act regulating the protection of classified information.

(2) The sole participant to the proceedings on laying down the basic measures is the person on which the basic measures are laid down (hereinafter the "recipient of basic measures"). The decision imposing the basic measures is the first act in the proceedings. An appeal against the decision does not have the suspensive effect.

(3) If necessary for the inspection of compliance with the basic measures, the Authority may impose a duty on the recipient of the basic measures to inform the Authority about facts which are important for the assessment of content and scope of its activity.

(4) Each person is obliged to maintain confidentiality of all facts contained in the decision which laid down the basic measures; this shall not apply if such facts are disclosed to a natural or legal person which needs them for the fulfilment of its duties stipulated by law or by the directly applicable regulation of the European Union regulating civil aviation security²³⁾.

(5) The recipient of the basic measures must not perform activities directly related to such measures until the date of enforceability of the decision which laid down the basic measures.

(6) In case the Authority ascertains circumstances due to which the established basic measures must be changed, in particular in the event of a change in the decision of the European Commission regulating civil aviation security, the Authority shall change the decision that laid down such measures. In such case the Authority shall also set a deadline for the fulfilment of duties ensuing from the change in the basic measures. After the reason for laying down the basic measures ceases to exist, the Authority shall cancel the decision which laid down such measures. The provision of paragraph 2 shall apply accordingly to the proceedings on a change or cancellation of the decision.

Section 86e

Special Measures

(1) If enabled by the directly applicable regulation of the European Union regulating civil aviation security²³⁾, the Authority may, upon assessment of local conditions, lay down special measures on an airport operator or air carrier upon its request, which measures shall contain diversions from the provisions of the directly applicable regulation of the European Union regulating civil aviation security²³⁾, provided that the special measure continues to ensure sufficient level of civil aviation protection from acts of unlawful interference.

(2) The sole participant to the proceedings on laying down the special measure is the person on which the special measure is laid down.

(3) In case the Authority ascertains circumstances due to which the established special measure must be changed, the Authority shall change the decision that laid down such measure. In such case the Authority shall also set a deadline for the fulfilment of duties ensuing from the change in the special measure. After the reason for laying down the special measure ceases to exist, or if an airport operator of air carrier affected by the special measure requests so, the Authority shall cancel the decision which laid down such measure. The provision of paragraph 2 shall apply accordingly to the proceedings on a change or cancellation of the decision. An appeal against the decision on a change or cancellation of the decision which laid down the special measure does not have the suspensive effect.

Section 86f

Extraordinary Measures

(1) In the event the airport operator ascertains that civil aviation is immediately endangered by a particularly serious act of unlawful interference, it shall promptly adopt the following extraordinary measures for a necessary period:

- a) stricter method of performing controls at the airport,
- b) stricter conditions for access and entry to the airport premises,
- c) stricter procedure for providing the airport security, or
- d) restriction or suspension of the airport operation.

(2) In the event the air carrier ascertains that civil aviation is immediately endangered by a particularly serious act of unlawful interference, it shall promptly adopt stricter methods of performing controls or a stricter procedure for securing safety of commercial air transport operation, this for a necessary period.

(3) In the event the airport operator or air carrier ascertain new facts due to which the adopted extraordinary measure must be changed, they shall change such measure. After the reason for adopting the extraordinary measure ceases to exist, the airport operator or air carrier shall cancel such measure.

(4) Adoption, change or cancellation of the extraordinary measure shall promptly be reported by the airport operator or air carrier to the Authority.

(5) In the event that civil aviation is immediately endangered by a particularly serious act of unlawful interference and the airport operator or air carrier have not adopted the extraordinary measure, the Authority shall impose the extraordinary measure by virtue

of its office.

(6) The sole participant to the proceedings on imposing the extraordinary measure is the person on which the special measure is imposed. The decision imposing the extraordinary measure is the first act in the proceedings. An appeal against the decision does not have the suspensive effect. The Authority shall inform the European Commission on issuing the decision without undue delay.

(7) In case the Authority ascertains new circumstances due to which the imposed extraordinary measure must be changed, the Authority shall change the decision that imposed such measure. After the reason for imposing the extraordinary measure ceases to exist, the Authority shall cancel the decision which imposed such measure. The provision of paragraph 6 shall apply accordingly to the proceedings on a change or cancellation of the decision.

PART NINE

STATE ADMINISTRATION AND OFFENCES IN CIVIL AVIATION

CHAPTER I

STATE ADMINISTRATION

Section 87

(1) State administration in the area of civil aviation under this Act and in the scope defined hereby and by international treaties which are part of legislation, is executed by the Ministry of Transport, the Authority, the AAIL and the Office for Access to Transport Infrastructure.

(2) State administration in the area of military aviation under this Act and in the scope defined hereby is executed by the Ministry of Defence.

Section 88

(1) Under this Act, the Ministry of Transport

- a) administers aircraft addresses assigned to the Czech Republic by an international organisation,
- b) ensures the airport operation for the period during which the owner is unable to ensure its operation through its own resources or through a third-party operator,
- c) ensures the aeronautical search and rescue service in cooperation with the Ministry of Defence and the Ministry of Interior,
- d) decides on granting and revocation of the traffic right to air carriers of the European Union,
- e) decides on granting and revocation of the permit to operate scheduled commercial air transport and nonscheduled commercial air transport of a third country air carrier,
- f) approves operational and technical regulations for the operation of sport flying devices and training curricula,
- g) grants consent to flights for the purpose of exercise of state administration,
- h) authorizes a legal person to exercise state administration in the matters related to sport flying devices and withdraws the authorization,
- i) deals with offences of natural and legal persons related to the operation of sport flying devices,
- j) appoints representatives of the Czech Republic to the Management Board of the European Aviation Safety Agency and to the committee set up under a directly applicable regulation of the European Union^{1c)},
- k) is an affected state administration authority in the procedure of acquisition of land use documentation and in the land use proceedings if applicable to air structures,
- l) expresses opinion of territorial development policy and land use documentation from the standpoint of air transport,
- m) maintains the database, grants and revokes the authorization to maintain the database, and protects and discloses the database under Section 51a,
- n) forwards to the European Commission a report on the application of 'just culture' principles in accordance with the directly applicable regulation of the European Union on the reporting of occurrences in civil aviation³⁷⁾.

(2) The Ministry of Transport is an appellate body in the administrative proceedings against decisions of the Authority issued under this Act. In decision-making on appeals against the decision revoking the licences of aviation personnel to carry out their duties for medical reasons, the Ministry of Transport must respect the opinion of the Ministry of Health.

(3) The Ministry of Transport is an appellate body in the administrative proceedings against decisions of the authorized person issued under this Act.

(4) The Ministry of Transport is an appellate body in the administrative proceedings against decisions of the AAI issued under this Act.

(5) In extraordinary situations which immediately and seriously endanger civil aviation, the Ministry of Transport is entitled to issue orders to conduct flights for the necessary period.

Section 89

(1) The Authority

- a) cooperates with the European Aviation Safety Agency and concludes contracts on conditions of cooperation,
- b) fulfils the tasks of the national supervisory authority under a directly applicable regulation of the European Union^{1e)},
- c) authorizes
 1. a legal person to fulfil tasks in the area of assessment of conformity or suitability for use of constituents as well as the verification of systems of the European Air Traffic Management network, and withdraws the authorization,
 2. a legal or natural person with assessment and verification of product conformity, assessment and verification of airworthiness and airworthiness reviews, and suspends or withdraws the authorization,
 3. a physician of the health care provider, and upon agreement with the Ministry of Defence and the Ministry of Health appoints the health care provider,
 4. a natural or legal person to assess flight schedules of air carriers and to issue corresponding recommendations,
- d) supervises fulfilment of duties of the air carrier concerning compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and handles complaints for breaching such duties,
- e) decides on
 1. approval of the product type; assesses and verifies the product conformity,
 2. airworthiness, issues the certificate of airworthiness, and verifies airworthiness,
 3. approval of airworthiness of custom-made products, and issues the certificate of airworthiness,
 4. the lack of airworthiness, revokes the certificate of airworthiness, and recognizes the validity of a certificate of airworthiness issued by another state,
 5. the determination of an airport type and its change,
 6. the suspension of operation of the airport or its part,
- f) conducts airworthiness reviews,
- g) suspends the certificate of airworthiness until the defect in airworthiness has been remedied,
- h) grants consent to the test flights,
- i) approves, recognizes and inspects the airworthiness of aircraft parts and appliances and aeronautical ground facilities for use in civil aviation,
- j) issues, suspends validity of and revokes authorization for the development, design, production, testing, installation, maintenance, repairs, modifications and design changes to products, aircraft parts and appliances and aeronautical ground facilities,
- k) assigns and withdraws the aircraft address and maintains the list of all assigned aircraft addresses,
- l) keeps records of aviation personnel, issues licences of aviation personnel and recognizes the validity of aviation personnel licences issued by another state, suspends and revokes aviation personnel licences, orders and conducts verification of their competence and flying skills, verification of competence and medical fitness of a member of aviation personnel, and restricts or prohibits activity that is the subject of the licence,
- m) approves the operator's flight safety standard and a deviation from the operator's flight safety standard for a single flight,
- n) issues the permit to operate aerodrome and decides on its revocation,
- o) keeps the airport register,
- p) designates an airport as a scheduled facilitated airport or a coordinated airport and authorizes the coordinator to allocate slots to air carriers,
- q) supervises fulfilment of duties of airport operators and air carriers concerning the rights of disabled persons and persons with reduced mobility and orientation,

- r) supervises fulfilment of duties of an air carrier on informing air passengers under a directly applicable regulation of the European Union¹¹⁾,
- s) is the competent authority under the directly applicable regulation of the European Union laying down detailed rules for air traffic controllers' licences and certain certificates¹⁶⁾,
- t) deals with offences of natural and legal persons related to the operation of sport flying devices,
- u) monitors fulfilment of a domestic air carrier's obligation to prepare the plan of assistance to accident victims and their families,
- v) monitors implementation of measures adopted pursuant to a safety recommendation issued by the AAI under the directly applicable regulation of the European Union regulating the investigation and prevention of accidents and incidents in civil aviation¹⁹⁾,
- w) deals with offences of natural and legal persons related to the introduction of procedures to monitor implementation of measures adopted pursuant to a safety recommendation issued by the AAI under the directly applicable regulation of the European Union regulating the investigation and prevention of accidents and incidents in civil aviation¹⁹⁾,and
- x) keeps the Aircraft Register and decides on
 1. entry of an aircraft to the Aircraft Register and deletion of the aircraft from the Aircraft Register,
 2. entry of the lien to an aircraft to the Aircraft Register and deletion of the lien to an aircraft from the Aircraft Register,
 3. preliminary assignment of an aircraft registration mark or aircraft address,
 4. assignment of an aircraft address to a ground coded device and sport flying device,
 5. changes to the information entered to the Aircraft Register.

(2) The Authority further

- a) approves and cancels airport certificate,
- b) is the special building office for air structures,
- c) establishes protection zones for the protection of air structures,
- d) establishes noise protection zones upon agreement with the competent regional public health authorities,
- e) grants consent to
 1. establishment of facilities and performance of activities within protection zones of air structures; outside of protection zones to location of structures and facilities exceeding the prescribed height or structures and facilities that could endanger the safety of air traffic or interfere with designated aviation facilities,
 2. a legal or natural person to provide aeronautical telecommunication service, aeronautical meteorological and aeronautical information services, pre-flight preparation and flight monitoring services, and flight procedures design service,
 3. a legal or natural person to provide handling services, and decides on its revocation,
 4. organisation of public flying displays,
- f) upon agreement with the Ministry of Defence divides the Czech Republic airspace,
- g) issues a general measure through which it restricts or prohibits the use of the Czech Republic airspace,
- h) authorizes a legal or natural person with provision of airport services, and revokes such authorization,
- i) issues a certificate under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾,
- j) appoints a legal person and cancels the appointment for the provision of air traffic services or meteorological services under the directly applicable regulation of the European Union regulating the creation of the single European sky and its operation¹⁷⁾,
- k) approves the service use contract concluded under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾,
- l) revokes the approval of a legal person to provide air traffic services or meteorological services pursuant to the service use contract concluded under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾,
- m) upon agreement with the Ministry of Defence divides the Czech Republic airspace for the purposes of provision of air traffic services,
- n) publishes notification that the use of the Czech Republic airspace with respect to flying over certain areas is permanently or temporarily dangerous in the Aeronautical Information Publication or in another suitable manner,
- o) issues

1. a general measure regulating handling services for reasons of safety or due to airport operational overload,
 2. unmanned aircraft special authorization,
 3. licence to operate commercial air transport, and decides on its change or revocation,
 4. air operator certificate, and decides on its revocation,
 5. aerial work operator permit,
 6. corporate flights operator permit,
 7. restriction or prohibition of flying a certain sport flying device,
- p) decides on the restriction of commercial air transport except of cases where such decision-making is entrusted to another body under a special regulation,
- q) procures exercise of state administration in issues of sport flying devices if not performed by an authorized person,
- r) authorizes a legal person with exercise of state supervision over the provision of air navigation services, and revokes such authorization,
- s) fulfils other tasks as stipulated by special legal regulations^{6b)} and directly applicable regulations of the European Union,
- t) procures coordination of civil air traffic with military air traffic,
- u) issues, amends and repeals the decision on introduction of noise-related operating restrictions at the airport and performs additional tasks of the competent authority under the directly applicable regulation of the European Union on establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at airports³⁵⁾,
- v) supervises fulfilling obligations of employers and organisations in the application of 'just culture' principles in accordance with the directly applicable regulation of the European Union on the reporting of occurrences in civil aviation³⁷⁾,
- w) is the competent authority for certification of persons and organisations and their oversight under the directly applicable regulation of the European Union on common rules in the field of civil aviation^{1c)}.

(3) In the area of ensuring civil aviation security, the Authority

- a) fulfils tasks of the competent authority including the information duty of an EU Member State toward the European Commission under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ and ensuing regulations,
- b) issues, updates and publishes national programmes under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ or under the decision of an international organisation issued under an international treaty that is part of legislation,
- c) performs background check and its verification with respect to persons entering the security restricted area under the directly applicable regulation of the European Union regulating civil aviation security²³⁾,
- d) approves airport security programmes and their changes,
- e) grants its consent to enabling the introduction of an item whose introduction to the airport premises and on board the aircraft is prohibited by the directly applicable regulation of the European Union regulating civil aviation security²³⁾,
- f) grants and revokes the consent to perform security controls concerning cargo and mail instead of the regulated agent outside of its place of business,
- g) administers the register of persons entitled to perform security control concerning cargo and mail instead of regulated agent,
- h) issues and revokes the permit to organise professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾,
- i) issues and revokes the permit to organise professional training of dog handlers and explosive detection dogs under the directly applicable regulation of the European Union regulating civil aviation security²³⁾,
- j) issues and revokes the permit for the utilization of the explosive detection dog in the screening,
- k) issues and revokes the permit for implementation of the screening in a method different from that set out in the directly applicable regulation of the European Union regulating civil aviation security²³⁾,
- l) determines, changes and cancels basic measures necessary for ensuring sufficient level of civil aviation protection from acts of unlawful interference under Section 86d,
- m) determines, changes and cancels special measures containing diversions from the provisions of the directly applicable regulation of the European Union regulating civil aviation security²³⁾ under Section 86e, and
- n) decides on imposing, changing and cancelling the extraordinary measure under Section 86f.

Section 89a

The Office for Access to Transport Infrastructure

- a) issues decisions on whether the published airport price list, its components and method of calculation do not contravene Section 42e,
- b) publishes the list of airports which are subject to the provisions of Part Four Chapter VI, this in the method enabling remote access, and
- c) monitors the fulfilment of the airport operator's and air carrier's duties under Part Four Chapter VI.

CHAPTER II

STATE SUPERVISION

Section 90

(1) State supervision in civil aviation is exercised by the Ministry of Transport, the Authority and the AAI in the scope of their jurisdiction.

(2) The authorization to exercise state supervision is in the form of a card.

(3) In the event of exercise of state supervision during flight, the controlled person is obliged to transport the controller by aircraft in the necessary extent and free of charge.

(4) The requisites and template of the authorization card for the exercise of state supervision are set out in an implementing legal regulation.

Section 91

(1) In case the inspector ascertains breach of duties set by civil aviation legal regulations in the course of the exercise of state supervision, he/she shall determine the method and period for the remedy of shortcomings and their causes, depending on the need and nature of the shortcomings ascertained.

(2) In the event that people's life and health or the safety of air traffic can be immediately endangered, the inspector shall prohibit the performance of activity and as the case may be, withhold documents related to such activity. Within 10 days of the decision, the Ministry of Transport or the Authority shall initiate administrative proceedings concerning the ban on the activity performance or the withholding of documents. The decision on the ban on the activity performance shall become ineffective as of the day of termination of the administrative proceedings concerning the ban, by issuance of the final and conclusive decision.

(3) The inspected person must enable persons authorized by an international organisation or the European Commission the exercise of inspecting activity in accordance with an international treaty that is part of legislation or under a directly applicable regulation of the European Union^{7a)}.

Section 91a

(1) In the course of the exercise of state supervision over the technical condition of aircraft, the Authority performs ramp inspection of aircraft landing in the Czech Republic which are registered in the aircraft register of another country which is not a member of the European Union, in particular if

- a) it ascertains that the aircraft maintenance has been insufficient or that the aircraft is damaged or has technical or operational defects (hereinafter the "technical defects"),
- b) upon entry of the aircraft to the airspace of the Czech Republic, the flight rules were breached in a way that arouses fears of endangering aviation safety,
- c) it has suspicion that the technical defects ascertained at an earlier date have not been remedied,
- d) it ascertains that the competent authorities of the state in whose aircraft register the aircraft is registered fail to exercise due supervision over the technical condition of aircraft,
- e) it deduces on the basis of the information specified in Section 12a paragraph 1 that the aircraft operator endangers aviation safety,
- f) previous ramp inspection detected technical defects in aircraft of the same operator.

(2) The provisions of paragraph 1 do not apply to state aircraft under the international treaty that is part of legislation^{1j)}, and to aircraft that do not serve for commercial air transport and whose maximum takeoff weight is lower than 5,700 kg.

(3) The inspector shall prepare a protocol on the results of inspection under paragraph 1, which shall be handed over to the

pilot in command promptly after the end of the inspection.

(4) The Authority shall prepare a report on the basis of the results of inspection under paragraph 1, which shall be referred to the European Commission within 15 business days of the date of inspection. The Authority shall refer the report to the competent authorities of EU Member States and to the Agency upon request. In the event that the inspection demonstrates that the aircraft fails to meet conditions set by aviation regulations under Section 102 paragraph 2a) and can endanger aviation safety, the Authority shall promptly refer the report to the aircraft operator, competent authorities of EU Member States, European Commission and the competent authorities of the state in whose aircraft register the aircraft is registered. The Authority regularly informs the Agency on adoption and implementation of measures for the remedy of shortcomings ascertained during the inspection under paragraph 1.

(5) The protocol under paragraph 3 and the report under paragraph 4 shall not indicate the identity of persons voluntarily providing information on the technical condition of aircraft.

(6) The decision which determines the method of remedy of shortcomings endangering aviation safety and their causes during the ramp inspection of aircraft has the effects of the ban on flight until the shortcomings are remedied. The decision shall also contain a statement designating the shortcomings that are to be remedied as shortcomings endangering aviation safety.

(7) Upon a request by the inspected person, the Authority may, on agreement with the authority of the state in whose aircraft register the aircraft is registered, or the state exercising supervision over the aircraft technical condition, by its decision waive the effects of the ban on flight under paragraph 6; the decision shall contain conditions for making the flight to an airport where the shortcomings endangering aviation safety can be remedied. If the shortcomings endangering aviation safety consist in failure to meet airworthiness conditions, the Authority may only waive the flight ban imposed under paragraph 6 if it obtains permission from competent authorities of the state whose airspace is to be used for the flight to an airport where the shortcomings endangering aviation safety can be remedied.

(8) The Authority employees are obliged to maintain confidentiality regarding the results of ramp inspections of aircraft technical condition, which were provided by the competent authorities of EU Member States. The confidentiality obligation does not apply to mutual exchange of information between administrative bodies in the process of securing aviation safety.

(9) Upon request, the Authority shall provide the list of international airports together with the number of takeoffs and landings of aircraft specified in paragraph 1 and the number of inspections performed under paragraph 1 in each of the airports per calendar year to the competent authority of the relevant EU Member State.

(10) Upon a request by the inspected person, the language of ramp inspections shall be English; this shall not apply if the inspected person does not agree therewith or if the purpose of the inspection would be hampered or if such procedure would entail unreasonable costs of the Authority. A protocol is prepared on the manner of clearing the request under the first sentence; if the language used during the ramp inspection is English, the protocol is drawn up in Czech and in English. If the language used during the ramp inspection is English, the decision in the proceedings on the spot, based on the inspection performed, is drawn up in Czech and in English. In the event of any discrepancy between the Czech and the English versions of the protocol, the Czech version shall prevail.

(11) The template of the protocol under paragraph 3 and of the report under paragraph 4 are included in an implementing legal regulation.

Section 91b

(1) In the course of the exercise of state supervision over the provision of air navigation services under the directly applicable regulation of the European Union regulating the creation of the single European sky and its operation¹⁷⁾ or an international treaty that is part of legislation, the Authority cooperates with competent authorities of the other Member States or of another state which is a party to such international treaty (hereinafter "another Member State or a third state"). For that purpose, the Authority may conclude a written cooperation agreement with the competent authority of another Member State or a third state, which must contain

- a) identification of the contracting parties,
- b) definition of the subject of the contract,
- c) rights and duties of the contracting parties, and
- d) method and conditions of withdrawal from the contract.

(2) If stipulated by an international treaty that is part of legislation, the Authority also exercises state supervision over the fulfilment of duties in the provision of air navigation services in the territory of another EU Member State or a third state. In such case it inspects whether the provider of air navigation services, to which it issued the certificate or which it appointed under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾ and which provides air navigation services in the territory of another EU Member State or a third state, fulfils duties ensuing from legal regulations and decisions of the competent authority of another Member State or a third state.

(3) In the course of the exercise of state supervision over the fulfilment of duties in the provision of air navigation services in the territory of another EU Member State or a third state, the Authority considers only those legal regulations and decisions of the competent authority of another Member State or a third state of which it was notified by that authority.

(4) All the results of the exercise of state supervision over the fulfilment of duties in the provision of air navigation services in the territory of another EU Member State or a third state shall be communicated by the Authority to the competent authority of another

Member State or a third state without undue delay.

(5) In case that in connection with the exercise of state supervision over the fulfilment of duties in the provision of air navigation services in the territory of another EU Member State or a third state, the competent authority of another Member State or a third state requests the Authority to perform acts which it could perform with difficulties or with unreasonable costs or which it could not perform at all, the Authority shall promptly perform such acts or shall notify the competent authority of another Member State or a third state of reasons which prevent it from granting the request. If the purpose of the request may be achieved through other than requested acts, the Authority shall promptly perform such acts and shall communicate their results to the competent authority of another Member State or a third state.

Section 91c

(1) When the European Commission performs an inspection in the area of civil aviation security, the Authority cooperates with the Commission in the scope set out in the directly applicable regulation of the European Union laying down procedures for conducting such inspections²⁴⁾, and provides it any necessary assistance for that purpose. The Authority shall also appoint at least one of its employees to participate in the inspections performed by the European Commission and shall inform the Commission of his/her name, surname and contact details.

(2) During inspections the European Commission inspectors are entitled to carry items to be used for inspection purposes, including those whose introduction to the airport premises and on board the aircraft is prohibited.

CHAPTER III

OFFENCES

Subchapter 1

Offences of Natural Persons

Section 92

(1) A natural person commits an offence if

- a) he/she fails to provide the required information upon a request by the Authority, contrary to Section 12a paragraph 4,
- b) he/she uses products, aircraft parts and appliances and aeronautical ground facilities without a valid certificate in civil aviation, contrary to Section 16 paragraph 1.
- c) he/she performs work of aviation personnel without a valid licence, contrary to Section 18 paragraph 3,
- d) he/she performs work of aviation personnel although he/she is aware of an illness or other changes in the health condition, which limit or exclude performance of such work, contrary to Section 19 paragraph 4,
- e) he/she establishes a facility or performs activities within protection zones of air structures without the consent of the Authority, contrary to Section 40,
- f) he/she places a structure or a facility outside protection zones, contrary to Section 41 paragraph 1,
- g) he/she fails to follow orders of the pilot-in-command, contrary to Section 54,
- h) he/she conducts a public flying display without approval, contrary to Section 78,
- i) he/she uses a sport flying device for the purpose of generating profit, contrary to Section 81 paragraph 1,
- j) he/she flies a sport flying device without a valid pilot licence, contrary to Section 84c paragraph 1,
- k) he/she fails to follow orders issued by the Ministry of Transport under Section 88 paragraph 5 or disobeys a ban issued by the Authority under Section 89 paragraph 2o) clause 7 for the purpose of maintaining civil aviation safety,
- l) he/she fails to follow an order of an airport operator, person providing air services, provider of air navigation services, air carrier or aerial work operator or corporate flights operator, issued for the purpose of fulfilment of their tasks,
- m) he/she operates commercial air transport without a licence or permit, operates aerial work or corporate flights without a permit or operates an airport without a permit,
- n) he/she endangers the safety of air traffic by causing damage to an air structure or a facility that is part of such structure, or disrupts the work of aeronautical ground facilities.

(2) A natural person commits an offence if

- a) as the operator of an aircraft registered in the Aircraft Register, the owner of the aircraft, the pledgee or the person to whom

the entry in the Aircraft Register pertains, fails to promptly report and document to the Authority any changes to the information entered to the Aircraft Register, contrary to Section 6,

- b) as an aircraft operator, user of a sport flying device and operator of a coded device uses the aircraft address contrary to Section 17c paragraph 1,
- c) as a consultant fails to maintain the confidentiality obligation contrary to Section 55a paragraph 3,
- d) as an aircraft operator, pilot or a provider of air services, contrary to Section 55b paragraph 1, fails to report to the AAll other than a serious incident without undue delay,
- e) as an aircraft operator or a sport flying device operator fails to maintain airworthiness or fails to subject the aircraft or the sport flying device to regular airworthiness reviews,
- f) as an aircraft operator operates the aircraft without liability insurance for damage caused by its operation, or
- g) as a sport flying device operator operates the sport flying device without liability insurance for damage caused by its operation.

(3) A natural person commits an offence if

- a) contrary to a directly applicable regulation of the European Union on common rules for the allocation of slots²⁵⁾ he/she intentionally and repeatedly uses a coordinated airport at the time which substantially differs from the slot allocated by the coordinator, or uses the allocated slot in the way which substantially differs from the way determined by the coordinator, and thereby disrupts air traffic or airport operation,
- b) he/she performs flights in the airspace of the Czech Republic contrary to conditions set in this Act or the directly applicable regulation of the European Union regulating flights in the airspace²⁶⁾,
- c) he/she endangers aviation safety by violation of an aviation regulation or the directly applicable regulation of the European Union regulating flights in the airspace²⁶⁾,
- d) during operation of an aircraft or sport flying device he/she causes an air traffic accident by breaching duties set by this Act or by the directly applicable regulation of the European Union regulating flights in the airspace²⁶⁾,
- e) contrary to the directly applicable regulation of the European Union regulating the investigation and prevention of accidents and incidents in civil aviation¹⁹⁾
 - 1. he/she discloses or uses records obtained in the course of investigation of an accident or serious incident for other purposes than for its investigation or improving air safety,
 - 2. as a participant to an accident or serious incident fails to promptly notify the AAll of the occurrence of the accident or serious incident,
 - 3. he/she fails to notify the AAll of measures adopted pursuant to its safety recommendation in the prescribed period, or
 - 4. he/she fails to introduce the relevant procedures during implementation of measures adopted pursuant to a safety recommendation issued by the AAll, or
- f) contrary to the directly applicable regulation of the European Union on reporting of occurrences in civil aviation³⁷⁾
 - 1. as a person obliged to report an occurrence fails to report the occurrence, or does not report it within a specified period or in prescribed manner, or
 - 2. as an interested party use information provided from the European Central Repository.

(4) The following penalties may be imposed:

- a) up to CZK 100,000, for an offence under paragraph 1a), paragraph 2a),
- b) up to CZK 300,000, for an offence under paragraph 1g), j) or l), paragraph 2c) or d), or paragraph 3e) clause 1, 2 or 3, or f),
- c) up to CZK 500,000, for an offence under paragraph 1c) to e), i) or n), paragraph 2b) or g), or paragraph 3a),
- d) from CZK 50,000 to CZK 1,000,000, for an offence under paragraph 1b), f) or h), paragraph 2e) or f), or paragraph 3b), c) or e) clause 4, or
- e) from CZK 100,000 to CZK 5,000,000, for an offence under paragraph 1k) or m), or paragraph 3d).

(5) A ban on business may be imposed in the duration of

- a) up to 6 months, for an administrative offence under paragraph 1d), paragraph 2e) or f),
- b) up to 1 year, for an offence under paragraph 1b), c), i) or j), or paragraph 3b) or c), or
- c) up to 2 years, for an offence under paragraph 1k) or paragraph 3d).

Section 92a

Offences in the Area of Ensuring Civil Aviation Security

(1) A natural person commits an offence if

- a) contrary to Section 85b he/she fails to proceed with due caution when entering places intended for ensuring civil aviation security as well as during the stay in such places,
- b) contrary to Section 85c paragraph 2 he/she fails to follow orders of a legal or natural person ensuring civil aviation security,
- c) contrary to Section 85j paragraph 4 he/she fails to hand over a proof of reliability that he/she found or an expired proof of reliability,
- d) he/she breaches the condition for safe handling of an article after its introduction to the security restricted area at the airport and on board the aircraft, set in the consent issued under Section 85p paragraph 3,
- e) contrary to Section 85y paragraph 1 he/she performs activities related to civil aviation security without a valid document on the completion of professional training,
- f) contrary to Section 86d paragraph 4 he/she fails to maintain confidentiality about a fact contained in the decision that laid down basic measures, or
- g) contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾
 - 1. he/she enters unescorted an airside or the security restricted area of an airport without a valid access or entry permit,
 - 2. he/she fails to promptly notify the airport operator of a loss or theft of the airport identification card or entry permit,
 - 3. he/she fails to promptly return the airport identification card or entry permit to the airport operator, or
 - 4. he/she misuses the airport identification card or entry permit.

(2) A natural person commits an offence if

- a) as a person that performs screening or security controls, performs such control contrary to Section 85d or contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾,
- b) as a passenger contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾
 - 1. introduces a prohibited item on board the aircraft,
 - 2. introduces a prohibited item to the security restricted area at the airport, or
 - 3. hands over for transport a hold baggage containing an item whose introduction to the security restricted area at the airport in a hold baggage is prohibited,
- c) as a person that handles an item whose introduction on board the aircraft was permitted by the Authority, fails to ensure that the item is in the packaging furnished with security means under Section 85p paragraph 5,
- d) as a person that procures screening, contrary to Section 86a paragraph 1 enables the utilization of the explosive detection dog, without the person fulfilling the dog handler's tasks having been issued the permit to perform such activity,
- e) contrary to Section 86c paragraph 2, he/she fails to notify the Authority of the intention to perform the activities of an account consignor, known supplier of in-flight supplies or a known supplier of airport supplies, or contrary to Section 86c paragraph 3, he/she fails to inform the Authority of a change in circumstances stated in the notification, or
- f) as a detection dog handler performs such activity without a permit or contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾.

(3) The following penalties may be imposed:

- a) up to CZK 100,000, for an offence under paragraph 1c) or g) clause 2 or 3,
- b) up to CZK 500,000, for an offence under paragraph 1a), b), d), e) or g) clause 1 or under paragraph 2, or
- c) from CZK 50,000 to CZK 1,000,000, for an offence under paragraph 1f) or g) clause 4.

(4) A ban on business of up to 1 year may be imposed for an offence under paragraph 2f).

Section 92b

Offences in the Area of Airspace Use

(1) A natural person commits an offence if

- a) contrary to the directly applicable regulation of the European Union regulating licensing and conditions of performance of work of the air traffic controller²⁸⁾ he/she performs the work of air traffic controller, air traffic controller trainee, instructor or assessor
 - 1. although he/she is aware of an illness or other changes in the health condition, which limit or exclude performance of such work,
 - 2. without notifying the air navigation services provider of his/her health incapability, or
 - 3. without a valid licence,
- b) contrary to the directly applicable regulation of the European Union laying down air traffic flow management²⁹⁾ he/she fails to update or cancel the flight plan in the event of suspension of its validity, or
- c) he/she provides air services without authorization or consent.

(2) The following penalties may be imposed:

- a) up to CZK 100,000, for an offence under paragraph 1b),
- b) up to CZK 500,000, for an offence under paragraph 1a), or
- c) from CZK 100,000 to CZK 5,000,000, for an offence under paragraph 1c).

(3) A ban on business may be imposed in the duration of

- a) up to 6 months, for an offence under paragraph 1a) clause 1 or 2, or
- b) up to 1 year, for an offence under paragraph 1a) clause 3.

Subchapter 2

Offences of Legal Persons and of Natural Persons Conducting Business

Section 93

(1) A legal person or a natural person conducting business commits an offence if

- a) it fails to provide the required information upon a request by the Authority, contrary to Section 12a paragraph 4,
- b) it uses products, aircraft parts and appliances and aeronautical ground facilities without a valid certificate, contrary to Section 16 paragraph 1.
- c) it establishes a facility or performs activities within protection zones of air structures without the consent of the Authority, contrary to Section 40,
- d) it places a structure or a facility outside protection zones, contrary to Section 41 paragraph 1,
- e) it conducts a public flying display without approval, contrary to Section 78,
- f) it fails to follow orders issued by the Ministry of Transport under Section 88 paragraph 5 or disobeys the ban issued by the Authority under Section 89 paragraph 2o) clause 7 for the purpose of maintaining civil aviation safety,
- g) it fails to follow an order of an airport operator, person providing air services, air carrier, provider of air navigation services, or aerial work operator or corporate flights operator, issued for the purpose of fulfilment of their tasks,
- h) it utilizes aviation personnel without a valid licence for its aviation activity,
- i) it conducts development, design, production, testing, installation, maintenance, repairs, modifications and design changes to products, aircraft parts and appliances or aeronautical ground facilities under a directly applicable regulation of the European Union on common rules in the field of civil aviation³⁰⁾ without an approval,
- j) it launches products without a valid certificate, or
- k) it operates an airport without a valid permit, operates commercial air transport without a licence or permit, or operates aerial work or corporate flights without a permit.

(2) A legal person or a natural person conducting business commits an offence if

- a) as the operator of an aircraft registered in the Aircraft Register, the owner of the aircraft, the pledgee and the person to whom the entry in the Aircraft Register pertains, fails to report and document to the Authority any changes to the information entered to the Aircraft Register, contrary to Section 6,
- b) as an aircraft operator, user of a sport flying device and operator of a coded device uses the aircraft address contrary to Section 17c paragraph 1,

- c) as a coordinator of a coordinated airport performs its work without liability insurance for damage caused by the performance of its work, contrary to Section 32 paragraph 4,
- d) as the operator of an airport
 1. fails to send the noise situation report at the airport in specified period to the Authority according to Section 42a paragraph 1,
 2. fails to supplement the noise situation report at the airport according to Section 42a paragraph 2,
 3. fails to implement noise-related operating restrictions at the airport laid down in a decision of the Authority issued pursuant to Section 42b paragraph 1,
 4. specified in Section 42d paragraph 1 fails to discuss the airport price list with air carriers under Section 42g, or
 5. eligible to accept instrument flights fails to hand over data concerning the terrain and obstacles under Section 51a paragraph 7, or provides such data in contradiction with the directly applicable regulation of the European Union regulating properties of aeronautical data and aeronautical information³¹⁾,
- e) as an aircraft operator, pilot or a provider of air services, contrary to Section 55b paragraph 1, fails to report to the AAI other than a serious incident without undue delay,
- f) as an airport operator, domestic air carrier or provider of air traffic services fails to submit the prescribed data, contrary to Section 98a paragraph 1,
- g) as a provider of handling services fails to submit the information on the number of passengers handled by such provider, contrary to Section 98a paragraph 2,
- h) as an aircraft operator or a sport flying device operator fails to maintain airworthiness or fails to subject the aircraft or the sport flying device to regular airworthiness reviews,
- i) as an aircraft operator or an air carrier operates the aircraft without liability insurance for damage caused by its operation,
- j) as a sport flying device operator operates the sport flying device without liability insurance for damage caused by its operation, or
- k) as an air carrier or aerial work operator breaches the approved operator's flight safety standard.

(3) A legal person or a natural person conducting business commits an offence if

- a) contrary to a directly applicable regulation of the European Union on common rules for the allocation of slots²⁵⁾ it intentionally and repeatedly uses a coordinated airport at the time which substantially differs from the slot allocated by the coordinator, or uses the allocated slot in the way which substantially differs from the way determined by the coordinator, and thereby disrupts air traffic or airport operation,
- b) contrary to the directly applicable regulation of the European Union regulating the continuing airworthiness of aircraft and aeronautical products, parts and appliances³²⁾
 1. it performs activities related to the continuing airworthiness management without an approval,
 2. it issues or renews the airworthiness review certificate of an aircraft, or
 3. it certifies the release of an aircraft or a component to service,
- c) it performs flights in the airspace of the Czech Republic contrary to conditions set in this Act or the directly applicable regulation of the European Union regulating flights in the airspace²⁶⁾,
- d) it endangers aviation safety by violation of an aviation regulation or the directly applicable regulation of the European Union regulating flights in the airspace²⁶⁾,
- e) during operation of an aircraft or sport flying device it causes an air traffic accident by breaching duties set by this Act or by the directly applicable regulation of the European Union regulating flights in the airspace²⁶⁾,
- f) contrary to the directly applicable regulation of the European Union regulating the investigation and prevention of accidents and incidents in civil aviation¹⁹⁾
 1. it discloses or uses records obtained in the course of investigation of an accident or serious incident for other purposes than for its investigation or improving air safety,
 2. as a participant fails to promptly notify the AAI of the occurrence of an accident or serious incident,
 3. it fails to notify the AAI of measures adopted pursuant to its safety recommendation in the prescribed period, or
 4. it fails to introduce the relevant procedures during implementation of measures adopted pursuant to a safety recommendation issued by the AAI,
 5. as a domestic air carrier fails to introduce procedures enabling preparation of the list of persons and of dangerous goods on board the aircraft or fails to disclose such lists to entitled bodies within the prescribed period after the accident reporting, or
 6. as a domestic air carrier discloses to a third person or misuses contact information kept for the purposes of an accident, or makes unauthorized publication of passengers' names in connection with the accident,
- g) contrary to the directly applicable regulation of the European Union on the reporting occurrences in civil aviation³⁷⁾
 1. as a person obliged to report an occurrence fails to report the occurrence, or does not report it within a specified period

- or in a prescribed manner,
 - 2. as an interested party use information provided from the European Central Repository,
- h) contrary to the directly applicable regulation of the European Union on the reporting occurrences in civil aviation³⁷⁾ as an organisation
1. fails to establish a mandatory reporting system to facilitate the collection of details of occurrences, or fails to establish a voluntary reporting system to facilitate the collection of details of occurrences and other information related to actual or potential aviation safety hazards,
 2. fails to report to the AAll within the specified period occurrence data and other information related to actual or potential aviation safety hazards which have been collected through mandatory and voluntary reporting systems,
 3. fails to designate one or more persons to handle the collection, evaluation, processing, analysis and storage of details of occurrences and other information related to actual or potential aviation safety hazards,
 4. fails to ensure that information gathered during the handling of occurrence reports is not used for purposes other than safety, or fails to ensure protection of personal data or confidentiality of the identity of the reporter and of the persons mentioned in occurrence reports,
 5. fails to ensure that occurrence reports developed based on data collected through mandatory and voluntary reporting systems contain required information, or that these occurrence reports are stored in a specified manner,
 6. fails to establish quality checking processes of collected and stored occurrence data,
 7. fails to provide its employees and other persons with information concerning the analysis of occurrence data which have been collected through mandatory and voluntary reporting systems, or implemented corrective or preventive actions,
 8. fails to develop a process to analyse occurrence data collected through mandatory and voluntary reporting systems, based on that analysis, it fails to determine appropriate corrective or preventive actions, it fails to implement these actions in a timely manner, or it fails to establish a process to monitor the implementation and effectiveness of the actions,
 9. acts in a prejudicial manner against its employee or other person who reported or who is mentioned in the report,
 10. fails to transmit to the AAll within the specified period the preliminary results of the analysis of occurrence data collected through mandatory and voluntary reporting systems, or precautions to be implemented pursuant to that analysis, or fails to report to the AAll within the specified period the final results of the analysis performed, or
 11. fails to adopt, after consulting its staff, internal rules describing how 'just culture' principles are guaranteed and implemented, or it adopts internal rules that do not ensure implementation of such principles.

(4) A legal person or a natural person conducting business commits an offence if

- a) as an air carrier fails to hand over the prescribed data, contrary to Section 69 paragraph 1,
- b) as a domestic air carrier fails to prepare the plan of assistance to accident victims and their families or to proceed in accordance therewith, contrary to Section 68 paragraph 2,
- c) as an air carrier of the European Union²⁰⁾ operates commercial air transport without the traffic right,
- d) as an air carrier of the European Union²⁰⁾ that was granted the traffic right fails to notify the Ministry of Transport of circumstances set out in Section 70c paragraph 6 or fails to meet the condition for the exercise of the traffic right set in the decision under Section 70c paragraph 4,
- e) as an air carrier of another Member State
 1. contrary to Section 70f paragraph 1 fails to announce the commencement of scheduled commercial air transport, or fails to meet the conditions set for such notification, or
 2. contrary to Section 70f paragraph 5 fails to announce the commencement of nonscheduled commercial air transport, or fails to meet the conditions set for such notification, or
- f) as a third country air carrier
 1. operates scheduled commercial air transport without a permit, or fails to meet the duty set out in Section 71 paragraph 6,
 2. fails to announce the commencement of direct or mediated sale of services related to scheduled commercial air transport, or fails to meet the duty set out in Section 71b paragraph 3, or
 3. operates nonscheduled commercial air transport without a permit, or fails to meet the duty set out in Section 71c paragraph 7.

(5) The following penalties may be imposed:

- a) up to CZK 100,000, for an offence under paragraph 1a), paragraph 2a) or g) or paragraph 4e) or f) clause 2,
- b) up to CZK 300,000, for an offence under paragraph 1g), paragraph 2e) or f), paragraph 3f) clause 2 or 3 or g), or paragraph 4d),
- c) up to CZK 500,000, for an offence under paragraph 1c), paragraph 2b) or d) clause 5, paragraph 3a), b) clause 2, f) clause 1, 5 or 6 or h) clause 1 to 7, or paragraph 4a), b) or c),
- d) from CZK 50,000 to CZK 1,000,000, for an offence under paragraph 1b), d), e) or h), paragraph 2c), d) clause 1, 2 or 4, h) or j), paragraph 3b) clause 3, c), d), f) clause 4, h) clause 8 to 11, or paragraph 4f) clause 1 or 3,
- e) from CZK 75,000 to CZK 3,000,000, for an offence under paragraph 2k), or

- f) from CZK 100,000 to CZK 5,000,000, for an offence under paragraph 1f), i), j) or k), paragraph 2d) clause 3 or i), or paragraph 3b) clause 1 or e).

(6) A ban on business may be imposed in the duration of

- a) up to 6 months, for an offence under paragraph 2i),
- b) up to 1 year, for an offence under paragraph 1b), paragraph 2h), or paragraph 3d), or
- c) up to 2 years, for an offence under paragraph 1f), j) or k) or paragraph 3e).

Section 93a

Offences of Legal Persons and of Natural Persons Conducting Business in the Area of Ensuring Civil Aviation Security

(1) A legal person or a natural person conducting business commits an offence if

- a) contrary to Section 85x paragraph 1, it organises professional training under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ without a permit,
- b) contrary to Section 85z paragraph 1, it organises professional training of dog handlers and explosive detection dogs without a permit or contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾,
- c) contrary to Section 86c paragraph 2, it fails to notify the Authority of the intention to perform the activities of an account consignor, known supplier of in-flight supplies or a known supplier of airport supplies within the prescribed period, or contrary to Section 86c paragraph 3, it fails to inform the Authority of a change in circumstances stated in the notification, or
- d) contrary to Section 86d paragraph 4, it discloses a fact contained in the decision that laid down basic measures.

(2) A legal person or a natural person conducting business commits an offence if

- a) as the operator of an airport
 1. contrary to Section 85m paragraph 1, operates the airport without an approved airport security programme,
 2. contrary to Section 85m paragraph 3, fails to notify the Authority of other changes in the airport security programme,
 3. contrary to the directly applicable regulation of the European Union regulating civil aviation security²³⁾, fails to secure the fulfilment of measures and procedures stated in the airport security programme, or
 4. fails to fulfil any of the duties under Section 85n paragraph 1 or 2, or implements the duty in a manner contradicting the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾,
- b) as an airport operator or air carrier
 1. contrary to Section 85p paragraph 1, fails to ensure screening of passengers, cabin baggage and hold baggage,
 2. contrary to Section 85q, fails to ensure subsequent protection of passengers, cabin baggage and hold baggage,
 3. contrary to Section 86f, fails to adopt extraordinary measures, a change to extraordinary measures, fails to report adoption, change or cancellation of extraordinary measures, or to fulfil a duty ensuing from an extraordinary measure imposed by the Authority, or
 4. contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾, issues or fails to withdraw the airport identification card or entry permit,
- c) as a person that performs screening or security controls, performs such control contrary to Section 85d or contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾,
- d) as an air carrier
 1. contrary to Section 85o, fails to ensure that the information on aircraft security search is kept on board the aircraft, or
 2. contrary to Section 85p paragraph 5, fails to secure safe escort and storage of an item whose introduction was permitted, in the airport premises or on board the aircraft,
- e) as a provider of air traffic services fails to prepare and respect the security programme or to disclose it upon a request by the Authority, contrary to Section 85r,
- f) as a regulated agent authorizes a natural or legal person to perform security controls concerning cargo and mail outside of its place of business, contrary to Section 85s paragraph 1,
- g) as a person authorized by the regulated agent to perform security controls concerning cargo and mail
 1. performs such security controls contrary to Section 85s paragraph 2, without the consent of the Authority, or in a manner contradicting the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾, or
 2. contrary to Section 85s paragraph 4, fails to promptly report a change in circumstances affecting the granting of the consent,
- h) as an employer of the natural person who is to perform work set out in the directly applicable regulation of the European Union

regulating civil aviation security²³⁾

1. contrary to Section 85v, fails to subject the applicant to the selection procedure, or implements the selection procedure in a manner contradicting the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾, or
 2. contrary to Section 85w, fails to ensure that such work is performed by natural persons who successfully completed professional training,
- i) as a person that procures screening
1. contrary to Section 86a, enables the utilization of the explosive detection dog, without the person fulfilling the dog handler's tasks having been issued the permit to perform such activity, or
 2. contrary to Section 86b paragraph 1 procures implementation of the screening in a method different from that set out in the directly applicable regulation of the European Union regulating civil aviation security²³⁾ without a permit or contrary to the conditions set therein,
- j) as a recipient of basic measures
1. fails to comply with basic measures laid down in Section 86d paragraph 1,
 2. contrary to Section 86d paragraph 3 fails to inform about facts which are important for the assessment of content and scope of its activity, or
 3. contrary to Section 86d paragraph 5 perform activities directly related to basic measures before the date of enforceability of the decision which laid down such measures,
- k) as a person that is obliged to comply with aviation security standards under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ fails to prepare or update the security programme, to procure compliance with measures and procedures set out therein or fails to submit the security programme upon the call by the Authority,
- l) as a regulated agent, known consignor, approved supplier of in-flight supplies, instructor or carrier of cargo or mail submitted to security controls performs such activity contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾ without the approval by the Authority,
- m) as an account consignor, known supplier of in-flight supplies or a known supplier of airport supplies contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾,
1. performs such activities without having been appointed to that end, or
 2. delivers in-flight supplies or airport supplies or handles consignments, or
- n) as a regulated agent, air carrier or airport operator contrary to the directly applicable regulation of the European Union regulating the performance of screening and security controls²⁷⁾, fails to withdraw the appointment of an account consignor, known supplier of in-flight supplies or a known supplier of airport supplies.

(3) The following penalties may be imposed:

- a) up to CZK 500,000, for an offence under paragraph 1c) or paragraph 2c), d) clause 1, j) clause 2 or n),
- b) from CZK 50,000 to CZK 1,000,000, for an offence under paragraph 1d) or paragraph 2a) clause 2, b) clause 4, d) clause 2, g) clause 2, i), j) clause 1 or 3, k) or m) clause 2,
- c) from CZK 75,000 to CZK 3,000,000, for an offence under paragraph 1a) or b) or paragraph 2a) clause 3, e), f), g) clause 1, h), l) or m) clause 1, or
- d) from CZK 100,000 to CZK 5,000,000, for an offence under paragraph 2a) clause 1 or 4 or b) clauses 1 to 3.

(4) A ban on business may be imposed in the duration of up to 2 years, for an offence under paragraph 2a) clause 4 or paragraph 2b) clause 1 or 2.

Section 93b

Offences of Legal Persons and of Natural Persons Conducting Business in the Area of Airspace Use

(1) A legal person or a natural person conducting business commits an offence if contrary to the directly applicable regulation of the European Union laying down air traffic flow management²⁹⁾ it fails to update or cancel the flight plan in the event of suspension of its validity.

(2) A legal person or a natural person conducting business commits an offence if contrary to the directly applicable regulation of the European Union regulating licensing and conditions of performance of work of the air traffic controller²⁸⁾

- a) as a provider of air navigation services
 1. fails to procure that the work of air traffic controller or air traffic controller trainee is performed by a person with a valid licence,
 2. fails to establish unit competence schemes, or fails to submit them to the Authority for approval,
 3. fails to keep records of hours in which each license holder exercises the privileges of the license, or fail to provide such data to the Authority or to the license holder, or
 4. fails to develop or implement objective, transparent and non-discriminatory procedures to declare health incapability of

the air traffic controller, air traffic controller trainee, instructor or assessor that restrict or exclude the exercise of this activity, or

- b) as an organisation for training of air traffic controllers, air traffic controller trainees or training of instructors or assessors
1. conducts the training of air traffic controllers, air traffic controller trainees or training of instructors or assessors without a certificate or contrary to the conditions set therein,
 2. authorizes a person who does not fulfil the conditions established for this activity, to perform the training of air traffic controllers, air traffic controller trainees, instructors or assessors,
 3. fails to submit to the Authority for approval changes in training course syllabi, or in plans of initial, unit and continuation training,
 4. fails to notify the Authority of termination its activity,
 5. fails to return the certificate to the Authority within a specified period after its revocation or termination of its activity,
 6. fails to implement safety measures mandated by the Authority,
 7. fails to report accident, serious incident or occurrence resulting from its training activity within a specified period, or fails to produce a follow-up report,
 8. fails to establish, implement or maintain a management system, or does not do so in the prescribed manner,
 9. fails to appoint an accountable manager or a person responsible for training,
 10. fails to maintain a record of instructors or persons qualified for assessing practical instructors' competence and assessors' competence, or fails to establish a procedure to maintain competence of the theoretical instructors,
 11. fails to ensure that practical instructors and assessors complete refresher training,
 12. fails to retain records of persons undertaking or having undertaken training,
 13. fails to establish or maintain a system for recording the professional qualifications and instructional techniques assessments of instructors and assessors, as well as the subjects they are entitled to teach, or fails to retain these records, or
 14. fails to have a liability insurance for damage caused in connection with the provision of training and the premium paid.

(3) A legal person or a natural person conducting business commits an offence if

- a) contrary to Section 46 paragraph 1 or Section 49 paragraph 1, it provides air services without authorization or consent, or
- b) contrary to Section 49a paragraph 1, it provides
1. air navigation services without a certificate issued under the directly applicable regulation of the European Union regulating the provision of air navigation services in the single European sky¹⁸⁾, or
 2. air traffic services and meteorological services without having been appointed by the Authority or contrary to Section 49 paragraph 4.

(4) The following penalties may be imposed:

- a) up to CZK 100,000, for an offence under paragraph 1,
- b) up to CZK 300,000, for an offence under paragraph 2b) clause 7,
- c) up to CZK 500,000, for an offence under paragraph 2a) clause 4 or b) clause 4, 5 or 9,
- d) from CZK 50,000 to CZK 1,000,000, for an offence under paragraph 2a) clause 1 or 3 or b) clause 6 or 10 to 14,
- e) from CZK 75,000 to CZK 3,000,000, for an offence under paragraph 2a) clause 2 or b) clause 2, 3 or 8, or
- f) from CZK 100,000 to CZK 5,000,000, for an offence under paragraph 2b) clause 1 or under paragraph 3.

(5) A ban on business may be imposed in the duration of up to 2 years, for an offence under paragraph 2b) clause 1 or under paragraph 3.

Section 93c

Offences of Legal Persons and of Natural Persons Conducting Business in the Area of Protection of Passengers' Rights within Commercial Air Transport Operation

(1) A legal person or a natural person conducting business commits an offence if contrary to a directly applicable regulation of the European Union concerning the rights of disabled persons and persons with reduced mobility and orientation when travelling by air³³⁾

- a) as an air carrier, a tour operator or a travel agency operator
1. fails to make publicly available in the form and languages accessible to passengers the safety rules applicable to the carriage of disabled persons and persons with reduced mobility and orientation, including the rules for restrictions on their carriage or on carriage of mobility equipment due to the size of aircraft,
 2. fails to make reasonable efforts to propose an acceptable alternative to the disabled person or person with reduced mobility and orientation, whose reservation it refused to accept due to justified reasons,
 3. fails to adopt any and all measures necessary for the receipt of notification from disabled persons and persons with reduced mobility and orientation of assistance needed, this in all of its points of sale, including sale by means of remote communication, or fails to ensure that the received notification is handed over duly and in time,
 4. fails to inform a disabled person or person with reduced mobility and orientation, whose reservation it refused to accept

- or whom it refused to embark due to justified reasons, of reasons underlying its decisions, this in the prescribed period or method,
 - 5. unreasonably refuses to make a reservation to a disabled person or person with reduced mobility and orientation or to embark such person even though the person concerned has a valid ticket and reservation, or
 - 6. fails to offer reimbursement or re-routing to a disabled person or a person with reduced mobility and orientation who has been denied embarkation on the grounds of his/her disability or reduced mobility or to any person accompanying such person,
- b) as an airport operator
 - 1. fails to establish quality standards regarding assistance to disabled persons and persons with reduced mobility and orientation, fails to determine means necessary for meeting such standards or fails to publish its quality standards,
 - 2. fails to designate points of arrival and departure within the airport at which disabled persons or persons with reduced mobility and orientation can, with ease, announce their arrival at the airport, fails to offer basic information about the airport or to clearly sign such points,
 - 3. fails to procure free assistance to a disabled person or a person with reduced mobility and orientation in such a way that the person is able to take the flight for which he or she holds a reservation,
 - c) as an air carrier or airport operator
 - 1. fails to ensure that all personnel providing direct assistance to disabled persons and persons with reduced mobility and orientation have knowledge of how to meet the special needs of such persons, or
 - 2. fails to ensure that all its personnel take part in disability-awareness training, or
 - 3. fails to procure disability-equality and disability-awareness training to all its personnel working at the airport who deal directly with the travelling public, or
 - d) as an air carrier fails to provide free assistance to a disabled person or a person with reduced mobility and orientation during departure, arrival and transit at the airport.

(2) A legal person or a natural person conducting business commits an offence if contrary to the directly applicable regulation of the European Union regulating informing air transport passengers³⁴⁾ as an air carriage contractor

- a) upon reservation, fails to inform the passenger on the identity of the operating air carrier or air carriers or on a change thereof after the reservation is made,
- b) fails to provide reimbursement or re-routing to a passenger who has decided not to fly with an air carrier that is subject to an operating ban, or
- c) fails to define the obligation to inform passengers of the identity of the operating air carrier or carriers in the general terms of sale applicable to the contract of carriage.

(3) A legal person or a natural person conducting business commits an offence if contrary to the directly applicable regulation of the European Union regulating compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights³⁶⁾ as an air carrier

- a) fails to fulfil the obligation to inform passengers, to procure re-routing or to reimburse related costs, to ensure care or to compensate for damage arisen in connection with denied boarding, cancellation or long delay of the flight, or
- b) as an air carrier requests the difference in prices of air tickets or fails to return such difference in case it placed a passenger in a class higher or lower than that for which the ticket was purchased, in connection with denied boarding, cancellation or long delay of the flight.

(4) The following penalties may be imposed:

- a) up to CZK 300,000, for an offence under paragraph 1a) clause 1 or 4 or c) clause 2 or 3, or under paragraph 2a) or c),
- b) up to CZK 500,000, for an offence under paragraph 1a) clause 2 or 3, b) clause 1 or 2 or c) clause 1 or under paragraph 3b), or
- c) from CZK 50,000 to CZK 1,000,000, for an offence under paragraph 1a) clause 5 or 6, b) clause 3 or d), paragraph 2b) or paragraph 3a).

Subchapter 3

Joint Provisions Regarding Offences

Section 94

(1) Offences under this Act are dealt with by

- a) the Ministry of Transport or the Authority in accordance with their jurisdiction stated in Sections 88 and 89, if these are
 - 1. offences of natural persons, except offences of Section 92 paragraph 2c) or d) or Section 92 paragraph 3e) or f), or
 - 2. offences of legal persons and of natural persons conducting business, except offences under Section 93 paragraph 2d) clause 4 or e), Section 93 paragraph 3f) to h), Section 93 paragraph 4a), Section 93c paragraph 1a) or Section 93c

paragraph 2, if the perpetrator of the offence is a tour operator or a travel agency operator,

- b) the unit of the Police of the Czech Republic competent to perform airport border control under the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic⁵⁾, if these are offences of legal persons and of natural persons conducting business under Section 93 paragraph 4a),
- c) the municipal trade licensing office, if these are offences of legal persons and of natural persons conducting business under Section 93c paragraph 1a) or Section 93c paragraph 2, if the perpetrator of the offence is a tour operator or a travel agency operator,
- d) the AAll, if these are offences of natural persons under Section 92 paragraph 2c) or d) or Section 92 paragraph 3e) or f), or offences of legal persons and of natural persons conducting business under Section 93 paragraph 2e) or Section 93 paragraph 3f) to h), or
- e) the Office for Access to Transport Infrastructure, if these are offences of legal persons and of natural persons conducting business under Section 93 paragraph 2d) clause 4.

(2) Appeals against the decision of the Police of the Czech Republic under paragraph 1b) are decided by the Ministry of Interior.

(3) Penalties under this Act are collected by the authority that imposed the penalty.

Section 94a

deleted

PART TEN

JOINT, TRANSITORY AND FINAL PROVISIONS

Joint Provisions

Section 95

deleted

Section 96

The provisions of this Act shall apply only if not stipulated otherwise by an international treaty that is part of legislation.

Section 97

The definition of the position of an accountable representative is accordingly governed by Section 11 Trade Licensing Act.

Section 98

(1) The price for the airport use and provision of air traffic services is negotiated by airport operators and air traffic services operators according to price regulations.⁹⁾ In the process of price negotiations, international treaties which are part of legislation and which limit the price amount must be complied with. The Ministry of Transport monitors whether airport operators and air traffic services operators comply with such international treaties in the process of price negotiations. This provision shall not affect Chapter VI of Part Four.

(2) The scope and conditions of liability insurance for damage caused by aircraft operation are set out in an implementing legal regulation unless stipulated otherwise in a directly applicable regulation of the European Union^{10a)}.

Section 98a

(1) For the purposes of statistical survey, the following is submitted to the Ministry of Transport by

- a) airport operator:
 - 1. numbers of aircraft movements, passengers served, amount of cargo and mail handled in the airport per calendar year, this no later than by the end of April of the following calendar year,
 - 2. numbers of aircraft movements, passengers served, amount of cargo and mail handled and information on the starting and terminal points of commercial flights conducted for the previous quarter, in the case of an international airport which handles at least 90 % of the total transported passengers or cargo in the Czech Republic, or of an airport handling at least 1 million passengers or 100,000 tons of cargo annually, this always by the end of February, May, August, and November of the relevant calendar year,
 - 3. information on revenues, costs and investments of the airport operator and on numbers and structure of its employees, in the case of an international airport which handles at least 90 % of the total transported passengers or cargo in the Czech Republic, or of an airport handling at least 1 million passengers or 100,000 tons of cargo annually, this always by the end of April of the following calendar year.

- b) domestic air carrier:
 1. numbers of passengers, amount of cargo and mail transported by the air carrier, and information on used capacity of aircraft operated by the air carrier per calendar year, this no later than by the end of April of the following calendar year,
 2. information on numbers and types of aircraft operated by the air carrier, their offered and used capacity, number and structure of aviation personnel and related payroll costs per calendar year, this no later than by the end of March of the following calendar year,
 3. information on fuel consumption for flights conducted per calendar year, this no later than by the end of February of the following calendar year,

- c) domestic air carrier operating at least one aircraft with the total number of passenger seats exceeding 30 or aircraft designed exclusively for the carriage of cargo and mail with maximum takeoff weight higher than 10 tons:
 1. numbers of passengers, amount of cargo and mail transported by the air carrier, and information on used capacity of aircraft operated by the air carrier per calendar month, this no later than by the end of the second calendar month following the month decisive for the provision of such data,
 2. information on the starting and terminal points of commercial flights conducted for the previous quarter, this always by the end of February, May, August, and November of the relevant calendar year,
 3. balance sheet, profit and loss statement, declaration of undistributed profit, and classification of revenues according to the transported passengers, cargo and mail and whether it is scheduled or nonscheduled commercial air transport per calendar year, this no later than by the end of April of the following calendar year,

- d) domestic air carrier operating international scheduled commercial air transport: information on numbers of flights conducted and types of aircraft operated by the air carrier, organisational and geographic definition of the aircraft operation, offered capacity of aircraft operated by the air carrier, and numbers of passengers, amount of cargo and mail transported per calendar year, this no later than by the end of February of the following calendar year,

- e) provider of air traffic services:
 1. information on revenues, costs and investments and on numbers and structure of its employees per calendar year, this no later than by the end of May of the following calendar year,
 2. information on air traffic services provided per calendar year, this no later than by the end of March of the following calendar year,

(2) The provider of handling services submits the information on the number of passengers handled by such provider to the airport operator on an ongoing basis.

(3) Types of information provided to the Ministry of Transport for the purposes of statistical survey, numbers of passengers served, submitted by the provider of handling services to the airport operator, and the structure of such information are set out in an implementing legal regulation.

Section 99

The Ministry of Transport procures the publishing of Aeronautical Information Publication, containing decisive facts affecting air traffic safety.

Section 99a

(1) Where this Act refers to a natural person with permanent residence in the Czech Republic, a citizen of the Czech Republic or a legal person with its registered office the Czech Republic, it also includes a citizen of another EU Member State or a legal person with its registered office, central administration or main place of business in another EU Member State.

(2) The provisions of paragraph 1 also apply to a citizen of another country or a legal person with its registered office, central administration or main place of business in another country, if it follows from an international treaty binding on the Czech Republic^{11a)}.

(3) The provisions of paragraph 1 shall not apply to Section 82.

Section 100

Transitory Provisions

(1) Unless provided otherwise, this Act shall apply also to legal relations originated under legal regulations valid until the effective date of this Act.

(2) Penalties under this Act may only be imposed for illegal conduct that occurred after the effective date of this Act.

(3) Airport operators are obliged to apply at the Authority for the permit to operate aerodrome within one year of the effective date of this Act. Until the Authority issues the decision, the airport operator is deemed an airport operator that was granted the permit under this Act. Unless the airport operator applies for the permit within the prescribed period, the existing permit shall expire.

(4) Legal or natural persons providing air traffic services are obliged to apply at the Ministry of Transport for the authorization within one year of the effective date of this Act. Until the Ministry of Transport issues the decision on granting the authorization, the legal or natural person is deemed authorized to procure such services. Unless the legal or natural person providing air traffic services applies for

the authorization within the prescribed period, the existing authorization to provide air traffic services shall expire.

(5) Legal or natural persons providing aeronautical telecommunication services, aeronautical meteorological and aeronautical information services, and handling services at the airport are obliged to apply at the Ministry of Transport for the consent within one year of the effective date of this Act. Until the consent is granted, the legal or natural person is deemed authorized to procure such services. Unless the legal or natural person applies for the consent within the prescribed period, the existing licence to provide the services shall expire.

(6) Air carriers operating commercial air transport on the basis of a concession and wish to continue operating commercial air transport on the basis of a licence, are obliged to apply at the Ministry of Transport for the licence within one year of the effective date of this Act. Until the Ministry of Transport issues the decision, such air carriers are deemed to be holders of the licence under this Act. Unless the air carrier applies for the licence within the prescribed period, the existing authorization to operate commercial air transport shall expire. Air carriers operating commercial air transport on the basis of a concession and wish to continue to operate air taxi services, are obliged to apply at the Authority for the permit within one year of the effective date of this Act. Unless the air carrier applies for the permit within the prescribed period, the existing authorization to operate commercial air transport shall expire.

(7) Legal or natural persons operating aerial work on the basis of a concession are obliged to apply at the Authority for the permit within one year of the effective date of this Act. Until the Authority issues the decision, such person is deemed authorized to operate aerial work under this Act. Unless the legal or natural person applies for the permit within the prescribed period, the existing authorization to operate aerial work shall expire.

(8) Administrative proceedings initiated prior to the effective date of this Act, which need not be concluded under this Act, shall be terminated as of the effective date hereof.

Final Provisions

Section 101

The administrative body State Aviation Inspectorate established by Act No. 305/1993 Coll. is cancelled. Rights and obligations from industrial and other relations pass over from the administrative body State Aviation Inspectorate to the Authority established by this Act.

Section 102

(1) The Ministry of Transport shall issue a legal regulation for implementation of Section 4 paragraph 2d), Section 4 paragraph 4, Section 5 paragraph 2, Section 5a paragraph 2, Section 7 paragraph 8, Section 12 paragraph 2b), Section 12a paragraph 7, Section 16 paragraph 1 and 2, Section 17 paragraph 1 and 3, Section 17a paragraph 1, Section 17b paragraph 6, Section 17d paragraph 4, Section 22a paragraph 1, Section 25 paragraph 3, Section 32 paragraph 1 and 3, Section 34a paragraph 4, Section 35 paragraph 1 and 3, Section 42a paragraph 3, Section 44 paragraph 7, Section 45 paragraph 4, Section 49c paragraph 2, Section 49f paragraph 2, Section 49g paragraph 2, Section 51a paragraph 11, Section 55a paragraph 6, Section 55c paragraph 5, Section 58 paragraph 2, Section 67 paragraph 4, Section 74 paragraph 3, Section 76 paragraph 3, Section 81 paragraph 8, Section 82 paragraph 6, Section 84b paragraph 3, Section 84c paragraph 8, Section 85j paragraph 6, Section 85m paragraph 4, Section 85r paragraph 3, Section 85x paragraph 7, Section 85y paragraph 3, Section 85z paragraph 6, Section 90 paragraph 4, Section 91a paragraph 11, Section 98 paragraph 2 and Section 98a paragraph 3 of this Act.

(2) Operators of airports and air structures, persons authorized to operate air services, operators of aviation activities and other persons involved in civil aviation are obliged to comply with aviation regulations which, according to international treaties that are part of legislation, are issued by

- a) the International Civil Aviation Organisation,¹²⁾
- b) the Joint Aviation Authorities under EU regulations,¹³⁾ and
- c) the European Organisation for the Safety of Air Navigation (EUROCONTROL),¹⁴⁾

in the wording adopted by the Czech Republic represented by the Ministry of Transport. These regulations are published in the Aeronautical Information Publication and are available at the Ministry of Transport and the Authority.

Section 103

The following regulations are repealed:

1. Act No. 47/1956 Coll., on Civil Aviation (Aviation Act), as amended by Act No. 40/1964 Coll., Act No. 43/1976 Coll., Act No. 90/1990 Coll., Act No. 383/1990 Coll., and Act No. 305/1993 Coll.
2. Act No. 203/1964 Coll., Regulating Certain Responsibilities of State Administration in Civil Aviation.
3. Provision of clause c) Article II clause 2 of Act No. 385/1990 Coll., amending Act No. 40/1974 Coll., on National Security Corps as amended by Act 74/1990 Coll.
4. Decree of the Ministry of Transport No. 209/1964 Coll., on the Establishment of the State Aviation Inspectorate and the Commercial Airport Authority, as amended by Decree No. 104/1977 Coll. and Act No. 305/1993 Coll.

5. Decree of the Federal Ministry of Transport No. 47/1980 Coll., on Flights by Hang Gliders.

PART ELEVEN

AMENDMENT OF ACT NO. 455/1991 COLL., TRADE LICENSING CODE, AS AMENDED BY SUBSEQUENT REGULATIONS

Section 104

Act No. 455/1991 Coll., Trade Licensing Code, as amended by Act No. 231/1992 Coll., Act of Czech National Council No. 591/1992 Coll., Act No. 600/1992 Coll., Act No. 273/1993 Coll., Act No. 303/1993 Coll., Act No. 38/1994 Coll., Act No. 42/1994 Coll., Act No. 136/1994 Coll., Act No. 200/1994 Coll., Act No. 237/1995 Coll., Act No. 286/1995 Coll., Act No. 94/1996 Coll., Act No. 95/1996 Coll., Act No. 147/1996 Coll. and Act No. 19/1997 Coll., is amended as follows:

1. In Section 3 paragraph 3x), the full stop at the end of the sentence shall be replaced with a comma and clause y) added which, including note No. 23f), reads as follows:

"y) operation of airports, commercial air transport and aerial work operation and provision of air services.^{23f)}

^{23f)} Act No. 49/1997 on Civil Aviation and on amendment of Act No. 455/1991 Coll., Trade Licensing Code, as amended by subsequent regulations."

2. In Annex No. 3 PERMITTED TRADES in group 314: "Air transport and aerial work" shall be deleted.

PART TWELVE

EFFECTIVENESS

Section 105

This Act shall become effective on 1 April 1997.

Zeman, autograph

Havel, autograph

Klaus, autograph

Selected provisions of amendments

Article II Act No. 225/2006 Coll.

Transitory Provisions

1. Air carriers and aerial work operators are obliged to submit the operator's flight safety standard to the Civil Aviation Authority (hereinafter the "Authority") for approval within 6 months of the effective date hereof. Until the Authority issues the decision, air carriers and aerial work operators shall not be subject to the obligation under Section 22a paragraph 2 and 3 Act No. 49/1997 Coll. in the wording effective since the effective date hereof. Unless air carriers and aerial work operators submit the operator's flight safety standard for approval within the prescribed period, they shall be subject to the obligation under Section 22a paragraph 2 and 3 Act No. 49/1997 Coll. in the wording effective since the effective date hereof without further stipulations.

2. Operators of international public airports are obliged to apply at the Authority for certification within one year of the effective date of this Act. Until the Authority issues the decision, the international public airport operator is deemed an operator of a certificated airport. Unless the airport operator applies for the airport certification within the prescribed period, the Authority shall initiate proceedings on a change of the airport type. The suspensive effect of an appeal against the decision on a change of the airport type under the preceding sentence is excluded.

3. Persons authorized by the Ministry of Transport with allocation of slots to air carriers and supervision of their use under Section 32 paragraph 2 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act must conclude liability insurance for damage caused by the performance of their work within 3 months of the effective date hereof.

4. Air carriers that have operated international commercial air transport prior to the effective date of this Act, under an international treaty binding on the Czech Republic, are obliged to apply at the Ministry of Transport for the traffic right to operate international commercial air transport on an air route requiring the traffic right under Act No. 49/1997 Coll. in the wording effective since the effective date hereof, this within 5 years of the effective date hereof. Unless the air carrier applies for the traffic right within the prescribed period, the existing authorization to operate international commercial air transport on an air route requiring the traffic right shall expire.

5. Airport operators and air carriers are obliged to submit the security programme for civil aviation protection under Section 85a Act No. 49/1997 Coll. in the wording effective since the effective date hereof to the Ministry of Transport for approval, this within 6 months of the effective date hereof. Until the Ministry of Transport issues the decision, the security programme for civil aviation protection of the airport operator and air carrier approved prior to the effective date of this Act is deemed a security programme approved under this Act.

6. Providers of air traffic services and providers of handling services at the airport are obliged to submit the security programme to the Ministry of Transport for approval within 6 months of the effective date hereof. Until the Ministry of Transport issues the decision, providers of air traffic services and providers of handling services at the airport shall not be subject to the obligation under Section 85a paragraph 3a) and b) Act No. 49/1997 Coll. in the wording effective since the effective date hereof. Unless providers of air traffic services and providers of handling services at the airport submit the security programme for approval within the prescribed period, they shall be subject to the obligation under Section 85a paragraph 3a) and b) Act No. 49/1997 Coll. in the wording effective since the effective date hereof without further stipulations.

7. Until the full effectiveness of the Service Act, the director of the Authority is appointed and dismissed by the Minister of Transport.

8. Until the full effectiveness of the Service Act, the state supervision in civil aviation is exercised by the authorized employees of the Ministry of Transport and the Authority.

9. An owner of a public airport who is unable to secure its operation until the effective date hereof is obliged to submit a written bid under Section 25a paragraph 2 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, within 6 months of the effective date hereof.

10. Authorizations to provide air traffic services and airport services granted under Section 46 Act No. 49/1997 Coll. in the wording effective until the effective date hereof are deemed authorizations granted under Section 46 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

11. Consent to provide aeronautical telecommunication services, aeronautical meteorological and aeronautical information services, pre-flight preparation and flight monitoring services granted under Section 49 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed consent granted under Section 49 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

12. Consent to provide handling services at a public airport granted under Section 49b Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed consent granted under Section 49b Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

13. Licence to operate commercial air transport issued under Section 58 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed licence granted under Section 56 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

14. A legal person authorized under Section 81 paragraph 2 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is obliged to submit an application under Section 82 paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, within 1 year of the effective date hereof, otherwise the authorization shall expire.

15. Natural persons who have been issued a proof of security qualification for safety-sensitive activities concerning civil aviation under the existing regulations are deemed natural persons who passed the background check under this Act.

16. Background check of natural persons who perform activities under Section 86a as of the effective date of this Act must be conducted within 6 months of the effective date hereof.

17. Administrative proceedings on issuance of a proof of security qualification, concerning civil aviation and conducted by the National Security Authority under Act on the Protection of Classified Information and Security Qualification, shall be terminated as of the effective date hereof. The National Security Authority shall return the filed applications for the document to applicants within 1 month of the effective date hereof.

Article II Act No. 301/2009 Coll.

Transitory Provisions

1. The validity of cabin crew licences issued under Section 19 Act No. 49/1997 Coll. in the wording effective until the effective date hereof shall expire within six months of the effective date hereof. Holders of the cabin crew licences are obliged to return the licence to the Authority within six months of its expiry.

2. Holders of aviation personnel licences issued under Section 19 Act No. 49/1997 Coll. in the wording effective until the effective date hereof, who perform activities under Section 22d Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, are obliged to apply at the Authority for a replacement of the existing licence for a licence under Section 22e Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, this within 1 year of the effective date hereof, otherwise the licence validity shall expire. Until the replacement, the aviation personnel licence issued under Section 19 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed licence granted under Section 22e Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

3. Holders of aviation personnel licences replaced under Act No. 49/1997 Coll. in the wording effective since the effective date hereof, or issued under Section 22e Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, are obliged to apply at the Authority or at a person appointed by the Authority for verification of the necessary level of the English language under Section 22f Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, this within 1 year of the effective date of Section 22f hereof, otherwise the licence validity shall expire. In case the verified level of the English language corresponds to the 4th degree of the scale under Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, the Authority shall revoke the licence.

4. Airports designated under Section 24 Act No. 49/1997 Coll. in the wording effective until the effective date hereof as international airports with the internal border, are deemed domestic airports under Section 24 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act. Airports designated under Section 24 Act No. 49/1997 Coll. in the wording effective until the effective date hereof as international airports with the external border, are deemed international airports under Section 24 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

5. Airports existing as of the effective date hereof shall be entered by the Authority to the airport register under Section 25a Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, within three months of the effective date hereof.

6. Protection zones established around air structures until the effective date hereof are deemed protection zones established through a general measure under Section 37 paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act. Noise protection zones established under Section 31 paragraph 2 Act No. 258/2000 Coll. in the wording effective until the effective date hereof are deemed noise protection zones established through a general measure under Section 31 paragraph 2 Act No. 258/2000 Coll. in the wording effective since the effective date of this Act.

7. The Authority shall divide the Czech Republic airspace under Section 44 paragraph 2 Act No. 49/1997 Coll. in the wording effective since the effective date hereof within one year of the effective date hereof.

8. Site for the provision of air traffic services designated by the Authority in agreement with the Ministry of Defence under Section 44 paragraph 3 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed a civil-military unit in charge of airspace management under Section 44 paragraph 4a) and b) Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

9. The Ministry of Defence and the operator of an airport eligible to accept instrument flights are obliged under Section 51a paragraph 7 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act hand over data usable for the database to the Ministry of Transport or the person authorized to maintain the database, this within 1 year of the effective date hereof.

Article II Act No. 137/2011 Coll.

Transitory Provision

The price agreed under Section 98 paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is paid at the latest until the price for airport use is negotiated under Part Four Chapter VI Act No. 49/1997 Coll. in the wording effective since

the effective date hereof.

Article II Act No. 127/2014 Coll.

Transitory Provisions

1. Airport certificate issued under Section 34a paragraph 2 and 3 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed a decision on the airport certification issued under Section 34a paragraph 2 and 3 and Section 34d Act No. 49/1997 Coll. in the wording effective since the effective date hereof.

2. Authorization to provide air traffic services or meteorological services issued under Section 49a paragraph 2 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed a decision on the appointment to provide air traffic services or meteorological services issued under Section 49a paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

3. The Air Accidents Investigation Institute established under Section 55a paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed the Air Accidents Investigation Institute under Section 55 paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

4. Authorization to collect and analyse information on incidents and accidents in which no fatality occurred, to determine their causes and to make conclusions and safety recommendations, issued under Section 55b paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed an authorization to determine the causes of incidents and accidents in which no fatality occurred, issued under Section 55c paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

5. Traffic right granted under Section 70a paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof shall remain valid in the scope and under the conditions under which it was granted.

6. Use of the traffic right granted under Section 70a paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof shall not be governed by Section 70d Act No. 49/1997 Coll. in the wording effective since the effective date hereof.

7. Permit to operate scheduled commercial air transport by a foreign air carrier, issued under Section 71 paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof, is deemed permit to operate scheduled commercial air transport by a third country air carrier, issued under Section 71 paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

8. Permit to operate nonscheduled commercial air transport by a foreign air carrier, issued under Section 71 paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof, is deemed permit to operate nonscheduled commercial air transport by a third country air carrier, issued under Section 71c paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

9. National programmes issued under Section 85 paragraph 3 Act No. 49/1997 Coll. in the wording effective until the effective date hereof are deemed national programmes issued under Section 85a paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

10. Natural person entering unescorted the security restricted area under the directly applicable regulation of the European Union regulating civil aviation security²³⁾ is obliged to apply for a background check within 12 months of the effective date of this Act under Section 85e paragraph 2 Act No. 49/1997 Coll. in the wording effective since the effective date hereof; this shall not apply if it is a person under Section 85e paragraph 2 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act. Until the issuance of the proof of reliability under Section 85i Act No. 49/1997 Coll. in the wording effective since the effective date of this Act, termination of proceedings on the application under the first sentence or legal force of the decision on the application under the first sentence, the applicant is deemed a reliable person.

11. Airport operator is obliged to apply for the approval of the airport security programme within 12 months of the effective date of this Act under Section 85m paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act. Until the legal force of the decision on application under the first sentence or termination of proceedings on the application under the first sentence, the security programme for civil aviation protection of such operator approved under Section 85a paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed an airport security programme approved under Section 85m paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

12. Certificate for the provision of training in the area of civil aviation protection issued under Section 85k paragraph 1 Act No. 49/1997 Coll. in the wording effective until the effective date hereof is deemed the permit to organise professional training issued under Section 85x paragraph 1 Act No. 49/1997 Coll. in the wording effective since the effective date of this Act.

13. Natural or legal person performing the activities of an account consignor, known supplier of in-flight supplies or a known supplier of airport supplies under the directly applicable regulation of the European Union regulating civil aviation security²³⁾, or transporting cargo and mail subject to security controls is obliged to notify the Authority of such fact under Section 86c paragraph 2 Act No. 49/1997 Coll. in the wording effective since the effective date hereof, this within 3 months of the effective date hereof; if it fails to do so, it shall not be entitled to perform such activities.

14. The Civil Aviation Authority shall lay down basic measures under Section 86d paragraph 1 Act No. 49/1997 Coll., in the wording effective since the effective date of this Act, on the natural or legal person operating an airport or commercial air transport or

performing the activities of an account consignor, known supplier of in-flight supplies or a known supplier of airport supplies or an instructor under the directly applicable regulation of the European Union regulating civil aviation security²³⁾, this within 60 days of the effective date of this Act. Until the date of enforceability of the decision which laid down the basic measures, Section 86d paragraph 5 Act No. 49/1997 Coll. shall not apply to a person under the first sentence; this shall not apply if the Civil Aviation Authority has informed such person that it shall not lay down the basic measures on the grounds under Section 86d paragraph 1 Act No. 49/1997 Coll., in the wording effective since the effective date of this Act.

15. Administrative proceedings under Act No. 49/1997 Coll. in the wording effective until the effective date hereof, initiated before the effective date of this Act and not concluded until that date, shall be concluded, and the rights and duties related thereto shall be assessed in accordance with the existing legal regulations.

Article IX Act No. 319/2016 Coll.

Transitory Provision

Proceedings under Section 42i of Act No. 49/1997 Coll. in the wording effective before the effective date hereof, initiated before the effective date of this Act, shall be concluded in accordance with Act No. 49/1997 Coll. in the wording effective before the effective date of this Act.

Article II Act No. 261/2017 Coll.

Transitory Provisions

1. Proceedings on the introduction of noise-related operating restrictions at the airport initiated under Section 42b paragraph 1 of Act No. 49/1997 Coll. in the wording effective before the effective date hereof, shall be concluded by the Ministry of Transport in accordance with Act No. 49/1997 Coll. in the wording effective before the effective date of this Act.

2. Aerial work permits issued under Section 74 paragraph 1 of Act No. 49/1997 Coll. in the wording effective before the effective date hereof, or their parts that are inconsistent with the directly applicable regulation of the European Union laying down technical requirements and administrative procedures related to air operations¹⁾, shall expire on the date of entry into force of this Act.

3. Corporate flights (aviation activity for own use) permits issued under Section 76 paragraph 2 of Act No. 49/1997 Coll. in the wording effective before the effective date hereof, or their parts that are inconsistent with the directly applicable regulation of the European Union laying down technical requirements and administrative procedures related to air operations¹⁾, shall expire on the date of entry into force of this Act.

1) 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.

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- 1) Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports.
- Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data.
- Directive 2004/36/EC of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports.
- Commission Directive 2008/49/EC of 16 April 2008 amending Annex II to Directive 2004/36/EC of the European Parliament and of the Council regarding the criteria for the conduct of ramp inspections on aircraft using Community airports.
- Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges.
- 1a) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, as amended.
- Regulation (EC) No 216/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91.
- 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), as amended.
- Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation), as amended.
- Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation), as amended.
- Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation), as amended.
- Regulation (EC) No 785/2004 of the European Parliament and of the Council of 10 March 2004 on insurance requirements for air carriers and aircraft operators, as amended.
- Regulation (EC) No 847/2004 of the European Parliament and of the Council of 29 April 2004 on the negotiation and implementation of air service agreements between Member States and third countries.
- 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, as amended.
- Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.
- Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, as amended.
- Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002, as amended.
- 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.
- Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security.
- Regulation (EC) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, as amended.
- Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007.
- Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC.
- Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011.
- 1c) Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended.
- 1d) Act No. 106/1999 Coll., on Free Access to Information, as amended by subsequent regulations.
- 1e) 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).
- 1f) Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation).
- 1g) Regulation (EC) No 216/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and

assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91.

- 1h) Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 December 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.
- 1i) 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.
- 1j) Convention on International Civil Aviation, as amended by subsequent regulations.
- 1k) Act No. 18/2004 Coll., on Recognition of Professional Qualifications and Other Competencies of Nationals of Member States of the European Union and on the amendment of certain acts (Act on Recognition of Professional Qualifications), as amended by subsequent regulations.
- 1l) Article 4 and 5 in conjunction with the annex to the Council Directive of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation (91/670/EEC).
- 1m) Act No. 269/1994 Coll., on Penal Register, as amended by subsequent regulations.
- 1n) Act No. 373/2011 Coll., on Specific Health Care Services.
- 1o) Act No. 216/2002 Coll., on the Protection of Borders of the Czech Republic and on amendment of certain acts (Act on the Protection of State Borders), as amended by subsequent regulations.
- 2) Section 1 Act of the Czech National Council No. 13/1993 Coll., Customs Act.
- 2a) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports.
- 3) Act No. 50/1976 Coll., on Land Use Planning and Building Code (Building Act), as amended by subsequent regulations.
- 4) Section 120 Act No. 50/1976 Coll.
- 4a) Section 31 Act No. 258/2000 Coll., on Protection of Public Health and on amendment of certain related acts, as amended by subsequent regulations.
Government Regulation No. 502/2000 Coll., on Health Protection against Negative Impacts of Noise and Vibrations, as amended by Government Regulation No. 88/2004 Coll.
- 4b) Act No. 100/2001 on the Environmental Impact Assessment on amendment of certain related acts (Environmental Impact Assessment Act) as amended by Act No. 93/2004 Coll.,
- 4c) Section 31 Act No. 258/2000 Coll., on Protection of Public Health and on amendment of certain related acts, as amended by subsequent regulations.
- 4d) Article 2d), Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports.
- 5) For instance Section 16 paragraph 1n) Act of the Czech National Council No. 114/1992 Coll., Nature and Landscape Conservation Act.
- 5a) 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).
Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation).
- 5b) Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation).
- 5c) Article 13 of the Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation).
- 5d) Article 5 of the Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation).
- 5e) 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).
Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation).
- 5f) Section 16a paragraph 7 Decree No. 108/1997 Coll. implementing Act. No. 49/1997 on Civil Aviation and on amendment of Act No. 455/1991 Coll., Trade Licensing Code, as amended by subsequent regulations, as amended by Decree No. 101/1999 Coll.
- 5g) Act No. 239/2000 Coll., on Integrated Rescue System and on amendment of certain acts, as amended by the Act No. 320/2002 Coll.
- 5h) Section 19 of Act No. 239/2000 Coll.
- 5j) Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendment of certain acts, as amended by subsequent regulations.
- 5k) Act No. 101/2000 Coll., on the Protection of Personal Data and on amendment of certain acts, as amended by subsequent regulations.
- 5l) Act No. 101/2000 Coll., as amended by subsequent regulations.

- Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by subsequent regulations.
- 5m) Council Regulation (EEC) No 2408/1992 of 23 July 1992 on access for Community air carriers to intra-Community air routes.
- 5n) Article 5 Regulation (EC) No 847/2004 of the European Parliament and of the Council of 29 April 2004 on the negotiation and implementation of air service agreements between Member States and third countries.
- 6) Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security, as amended.
- 6b) Act No. 189/1999 Coll., on Emergency Oil Stocks, on Addressing Oil Emergencies and on amendment of certain related acts (Act on Emergency Oil Stocks), as amended by Act No. 560/2004 Coll.
- 7) Section 2d) and Sections 8 to 20 Act of the Czech National Council No. 552/1991 Coll., on State Inspection.
- 7a) Article 45 and 46 Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.
- 8a) Section 149 Act No. 500/2004 Coll., Administrative Procedure Code.
- 9) Act No. 526/1990 Coll., on Prices, amended by subsequent regulations.
- 9a) Act No. 111/2009 Coll., on Basic Registers.
- 10) Act of the Czech National Council No. 368/1992 Coll., on Administrative Fees, as amended by subsequent regulations.
- 10a) Council Regulation No 785/2004 on insurance requirements for air carriers and aircraft operators.
- 11) Act No. 89/1995 Coll., on State Statistical Service.
- 11a) Agreement of 11 November 2003 on the participation of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area.
- 12) Convention on International Civil Aviation, as amended by subsequent regulations.
- 13) Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation, as amended by Commission Regulation (EC) No 2176/96.
- 14) Communication of the Ministry of Foreign Affairs No. 159/1996 Coll., on the International Convention relating to Cooperation for the Safety of Air Navigation – European Organisation for the Safety of Air Navigation (EUROCONTROL).
- 15) Act No. 95/2004 Coll., on Conditions of Acquiring and Acknowledging Professional Qualification and Specialized Qualification for the Performance of Medical Profession of a Doctor, Dentist and Pharmacist, as amended by subsequent regulations.
- 16) Commission Regulation (EU) No 2015/340.
- 17) Regulation (EC) No 549/2004 of the European Parliament and of the Council, as amended.
 Regulation (EC) No 550/2004 of the European Parliament and of the Council, as amended.
 Regulation (EC) No 551/2004 of the European Parliament and of the Council, as amended.
 Regulation (EC) No 552/2004 of the European Parliament and of the Council, as amended.
- 18) Regulation (EC) No 550/2004 of the European Parliament and of the Council, as amended.
- 19) Regulation (EC) No 996/2010 of the European Parliament and of the Council.
- 20) 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.
- 21) Regulation (EC) No 2111/2005 of the European Parliament and of the Council, as amended.
- 22) Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane.
- 23) Regulation (EC) No 300/2008 of the European Parliament and of the Council.
- 24) Commission Regulation (EU) No 72/2010.
- 25) Council Regulation (EEC) No 95/93, as amended.
- 26) E.g. Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended.
 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.
- 27) Commission Regulation (EU) No 185/2010 of 4 March 2010, laying down detailed measures for the implementation of the common basic standards on aviation security, as amended.

- 28) Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended.
Commission Regulation (EU) No 2015/340.
- 29) Commission Regulation (EU) No 255/2010 of 25 March 2010, laying down common rules on air traffic flow management.
- 30) Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended.
- 31) Commission Regulation (EU) No 73/2010 of 26 January 2010, laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky.
- 32) Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, as amended.
- 33) Regulation (EC) No 1107/2006 of the European Parliament and of the Council.
- 34) Regulation (EC) No 2111/2005 of the European Parliament and of the Council, as amended.
- 35) Regulation (EU) No 598/2014 of the European Parliament and of the Council.
- 36) Act No. 258/2000 Coll., on Protection of Public Health and on amendment of certain related acts, as amended by subsequent regulations.
- 37) Regulation (EU) No 376/2014 of the European Parliament and of the Council.
- 38) Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009.