

CIVIL AVIATION AUTHORITY CZECH REPUBLIC

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Ref. 15149 -20 -701

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PUBLIC DECREE GENERAL MEASURE

The Civil Aviation Authority of the Czech Republic (CAA), as a competent administrative body having subject-matter and territorial jurisdiction according to Article 44 (4) of Act No 49/1997 Coll. on Civil Aviation and on amendment of Act No. 455/1991 Coll., Trade Licensing Code as amended by subsequent regulations, as amended by subsequent regulations (hereinafter “Civil Aviation Act”), according to provisions of Article 172 of Act No 500/2004 Coll., Administrative Procedure Code (hereinafter the “Administrative Procedure Code”), issues the general measure laying down:

Section I.

Restricted Area LKR10 - UAS

Since 31 December 2020, the restricted area LKR10 - UAS has been established. This area is established for the purpose of applying additional conditions to all types of unmanned aircraft (UA) operations falling within the scope of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, as amended, as defined in Article 15 of thereof. The rules specified in the procedure in accordance with Article 21 of Commission Implementing Regulation (EU) 2019/947, approved by the Civil Aviation Authority in another pre-agreed manner, may differ from the conditions laid down in this general measure.

The area is established with the following conditions set:

(1) Spatial and time limitations of the restricted area

The airspace is defined vertically by the lower limit of GND and the upper limit of FL 660; horizontally by the state border of the Czech Republic. The area is established with applicability from 31 December 2020, 0:00 hours.

(2) Flight operations in the restricted area LKR10 - UAS

(a) Areas generally

Unless specified otherwise, the UA operation may be conducted only in Class G airspace up to 120 m AGL.

(b) Control zone (CTR a MCTR)

Unless specified otherwise, in control zones (CTRs and MCTRs), the UA operation may be conducted only below 100 m AGL and in the minimum horizontal distance of 5 500 m from the aerodrome reference point (ARP) of a controlled aerodrome and out of protected zones of the aerodrome.

The UA operation in the distance less than 5 500 m from the ARP of a controlled aerodrome is permitted only upon coordination with the appropriate air traffic control unit and aerodrome operator.

Flights of UA with a maximum take-off mass (MTOM) less than 0.91 kg may be performed in CTRs and MCTRs without coordination even in a smaller distance from the aerodrome if they are conducted out of the aerodrome's protected zones with a height restriction, but never above 100 m AGL. Prior to the planned publication of a map with precise maximum operating altitudes, this requirement can be practically met by not exceeding the height of the surrounding buildings, vegetation or obstacles.

During the UA operation in CTRs and MCTRs within a horizontal distance of more than 5 500 m from the ARP, always with a height up to 100 m AGL, and during the operation of an UA with MTOM less than 0.91 kg within a horizontal distance of less than 5 500 m from the ARP, out of the aerodrome's protected zones with a height restriction, the provisions of the Regulation L 11 – Air Traffic Services requiring to obtain ATC clearance and continuous two-way communication with ATC and the provisions of the Czech Republic aeronautical information publication (AIP) requiring mandatory SSR transponder equipment, do not apply.

During the UA operation in the CTRs and MCTRs within a horizontal distance of less than 5 500 m from the ARP, excluding the UA operation with MTOM less than 0.91 kg out of aerodrome's protected zones with a height restriction, the decision on the applicability of the above-mentioned provisions of Regulation L 11 and AIP is left at own discretion of the ATC unit.

(c) Aerodrome traffic zone (ATZ) of an uncontrolled aerodrome

In the aerodrome traffic zone (ATZ) of an uncontrolled aerodrome, the UA operation may be conducted only subject to:

- compliance with the conditions set by the aerodrome operator; and
- coordination with the aerodrome flight information service (AFIS) or the unit providing information to known traffic, or the aerodrome operator if the AFIS or providing information to known traffic is not provided.

Unless specified otherwise, UA operations in ATZ above 120 m AGL may be conducted only if the AFIS or providing information to known traffic is provided.

Flights of UA with MTOM less than 0.91 kg may be performed in the ATZ even without coordination if they are conducted only up to 100 m AGL and out of the aerodrome's protected zones with a height restriction. This requirement can be practically met by not exceeding the height of the surrounding buildings, vegetation or obstacles.

(d) Registered areas for sport flying devices (SLZ)

In the area around the registered SLZ area, the UA operation may be conducted only under the registered SLZ area operator conditions. The provisions on priority rules apply unconditionally to UA flights in these areas. Pilots of UA are required to conduct flights in such a way that operations of manned aircraft (including SLZ) are not endangered.

(e) **Prohibited areas (LKP), restricted areas (LKR), dangerous areas (LKD), and temporary segregated areas (TSA) and temporary reserved areas (TRA) activated by another user**

The UA operation shall not be conducted in LKP, LKR, LKD, and in other TSA and TRA activated by another user, or in restricted areas published in AIP SUP or NOTAM, except when it is permitted by an appropriate operational authorization issued by the CAA.

The UA operation in the LKR9 restricted area may be conducted without the CAA approval, provided that conditions of operation in CTR, in a congested area, or the conditions of other local areas are observed. The UA operation in LKR9 restricted area is also possible based on the operational authorization issued by the CAA.

(f) **Congested area**

“Congested area” means in relation to a city, town or settlement, any area which is substantially used for residential, commercial or recreational purposes.

The territory of the town without buildings (parks, public greeneries, gaps, meadows, fields) without infrastructure (roads, local roads, sidewalks, bike paths, tram, trolleybus and train tracks) and without persons who could be endangered by the UA operation or perceived this operation as an infringement of their rights, is not considered a congested area. This area must be large enough to construct an operational volume with a ground risk buffer with at least a 1:1 rule in terms of the ratio of horizontal distance to height above the ground. *

** If the UA is planned to operate at a height of 150 m, the ground risk buffer in any direction shall at least be 150 m.*

The UA operation in a congested area shall not be conducted, excepting:

- I. An UA the operator of which is not subject to registration pursuant to Article 14(5) of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, as amended.
- II. An UA in a specific or certified category of operation based on an authorization issued by the CAA and under conditions specified in the authorization.

(g) **Buffer zones**

The UA operation within buffer zones defined by relevant legislation:

- a. along the surface traffic structures;
- b. along the routes of surface engineering infrastructures;
- c. along the routes of surface telecommunication networks;
- d. within specially protected areas;
- e. in the vicinity of water resources;
- f. in the vicinity of the objects important for national defence;

may be conducted only with the operational authorization issued by the CAA, pursuant to the prior consent of the appropriate administrative authority or delegated person. Above these buffer zones the UA operation may be conducted only in a manner ensuring that the buffer zone will not be intruded under normal, or even under emergency conditions.

The UA operation in the fourth zone of a protected landscape area (CHKO) may be conducted without the CAA approval, provided that the activities do not disturb the protected species.

(h) **Right-of-way**

The UA shall give way to manned aircraft (including SLZ).

(i) **Meteorological minima**

Unless specified otherwise, the UA operation may be conducted in class G airspace only clear of clouds, and in E, D and C class airspace only in a minimum distance from clouds 1500 m horizontally and 300 m vertically.

(j) **Dangerous substances or articles**

Unless specified otherwise, an UA shall not be used for the transport of dangerous substances or articles that could cause a public safety threat, except for operational fluids in quantities adequate to the purpose of the flight.

(k) **Airdrops**

Unless specified otherwise by CAA authorization, an UA shall not be used for dropping objects during the flight.

This provision does not apply to public airshows and competitions, including the training for it, if appropriate measures against threats posed to the safety of air navigation, persons and property on the ground and to the environment are applied.

(l) **Remote pilot movement**

Without an operational authorization issued by the CAA, the pilot shall not move using any technical equipment during the UA flight time.

(m) **Airshows**

Unless specified otherwise, airshows of UA are subject to the CAA permission. Requirements for airshows of UA only, including model aircraft with MTOM more than 25 kg, are set in the CAA guideline CAA/S-SP-022-n/2020.

(n) **Compliance with other relevant legislation**

The UA operation shall comply with all applicable European and national legislation, such as: Act No 310/2006 Coll. on Security (Dual-use) Material Treatment; Act No 258/2000 Coll. on Protection of Public Health; Act No 356/2003 Coll. on Chemical Substances and Agents; Act No 185/2001 Coll. on Waste Treatment; Act No 133/1985 Coll. on Fire Protection; Act No 245/2001 Coll. on Water Resources; Act No 17/1992 Coll. on Environment Protection; as amended, or Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), as amended.

(o) **Special types of propulsion**

Pulse jet engine or rocket engine shall not be used for UA flights except of rocket propulsion to perform the take-off only.

(p) **Insurance**

The UA operator is obliged to take out third party liability insurance for damage caused by the UA operation. This provision does not apply to individual recreational and sports operations of UA with a MTOM of up to 20 kg (not operated within airshows).

The minimum sum (limit of settlement) for which insurance within the meaning of the first paragraph must be taken out shall be set at the amount referred to in Article 7 of Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, as amended.

By way of derogation from the second paragraph, the minimum sum (limit of settlement) for which individual or collective third party liability insurance for damage caused by the UA operation within an airshow must be taken out, is set as following:

- a. for UA with MTOM up to 0.91 kg, CZK 250 000;

- b. for UA with MTOM up to 7 kg, CZK 1 000 000;
- c. for UA with MTOM up to 20 kg, CZK 3 000 000;
- d. for UA with MTOM more than 20 kg, as specified in Article 7 of Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, as amended.

(q) Remote pilot competency during the transition period

The level of remote pilot competency of an UA with a MTOM of less than 500 g pursuant to Article 22 point (a) of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, as amended, shall be set at the same level as required by the directly applicable European Union regulation for remote pilot competency in subcategory A1 of the 'open' category. This provision does not apply to a remote pilot of an UA that is not subject to registration under Article 14 (5) of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, as amended.

(3) Published information for the aviation public:

Information on the LKR10 - UAS restricted area pursuant to Article 15 (3) of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on rules and procedures for the operation of unmanned aircraft, as amended, shall be communicated to the aviation public from 1 January 2022 in the form of publishing the area with information in a digital map for the use of the airspace of the Czech Republic for UA flying, which serves for pre-flight preparation of UA operation, and in the form of a data file used for use in geo-awareness systems.

For the pre-flight preparation of unmanned aircraft system (UAS) remote pilots in the Czech Republic, the map tool provided by the Air Navigation Services of the Czech Republic (ANS CR) currently serves; that is available on the following website: <https://dronview.rlp.cz/>, containing, since 4 January 2021, information on restrictions of flight activities in relation to the airspace according to points (a) to (c) of this general measure.

Section II.

Justification

On 11 September 2018, Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018, on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91, entered into force.

As of 31 December 2020, Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on rules and procedures for the operation of unmanned aircraft, as amended, shall apply in the Czech Republic. Pursuant to Article 15 of thereof, when defining UAS geographical zones for safety, security, privacy or environmental reasons, Member States may:

- (a) prohibit certain or all UAS operations, request particular conditions for certain or all UAS operations or require a prior flight authorization for certain or all UAS operations;

- (b) subject UAS operations to specified environmental standards;
- (c) allow access to certain UAS classes only;
- (d) allow access only to UAS equipped with certain technical features, in particular remote identification systems or geo awareness systems.

On the basis of a risk assessment carried out by the competent authority, Member States may designate certain geographical zones in which UAS operations are exempt from one or more of the 'open' category requirements.

When Member States, pursuant to above-mentioned, define UAS geographical zones, by 1 January 2022, for geo awareness purposes they shall ensure that the information on the UAS geographical zones, including their period of validity, is made publicly available in a common unique digital format.

In this context, 'UAS geographical zone' means a portion of airspace established by the competent authority that facilitates, restricts or excludes UAS operations in order to address risks pertaining to safety, privacy, protection of personal data, security or the environment, arising from UAS operations.

The current territorial protection of the Czech Republic is ensured by the valid regulatory framework of civil aviation, which consists mainly of:

- Act No 49/1997 Coll. on Civil Aviation and on amendment of Act No. 455/1991 Coll., Trade Licensing Code as amended by subsequent regulations, as amended by subsequent regulations;
- Decree No 108/1997 Coll. implementing the Civil Aviation Act, as amended by subsequent regulations;
- L-series aviation regulations issued by the Ministry of Transport for the implementation of the Civil Aviation Act; in relation to UAS issues, in particular aviation regulation L 2, Rules of the Air, including its Appendix X, comprehensively regulating the UA operation in the Czech Republic.

Within the meaning of recital (24) of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on rules and procedures for the operation of unmanned aircraft, as amended, in order to ensure the proper implementation of this Regulation, appropriate transitional measures should be established. Such a measure is, among other things, the declaration of restricted area, which will ensure a continuous and smooth transition from the existing national regulatory framework to a single European regulatory framework while maintaining the scope of territorial protection, long-established and proven practices in the Czech Republic, respectively.

Making available in a common unique digital format information on UAS geographical zones identified by the Member States and established within the national airspace of its State is one of the tasks of the competent authority according to Article 18 of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on rules and procedures for the operation of unmanned aircraft, as amended.

According to Article 23 (5) of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on rules and procedures for the operation of unmanned aircraft, as amended, the information on the UAS geographical zones, including their period of validity, should be made publicly available in a common unique digital format starting from 1 January 2022. In this context, it is assumed that territorial clarification or concretization of territorial protection will take place so that it becomes a truly practical and effective tool; it is necessary to perceive this measure as a temporary and transitional, not a long-term or permanent one, and its further development and adjustment is already envisaged in the future.

It is also assumed that the scope of territorial protection will be adjusted in the next phases of the implementation of the European regulatory framework, especially with regard to the further development of this framework, the development of available technologies or operational experience.

The reason for establishing the LKR10 - UAS restricted area is a particularly important public interest, consisting primarily, in addition to ensuring a continuous and smooth transition of the national UAS regulatory framework to the new European regulatory framework, in ensuring the responsibilities entrusted to the CAA by Article 52 of the Civil Aviation Act, namely aviation safety, safety of persons, buildings and the environment in relationship with the UAS operation. In the future, the establishment of additional operating conditions within the meaning of Article 15 of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on rules and procedures for the operation of unmanned aircraft, as amended, is expected to take place in the Czech Republic, inter alia also according to the procedure newly enshrined in the amendment to the Civil Aviation Act. However, it is clear that as of the date of application of the above-mentioned directly applicable regulations of the European Union, this amendment to the Act will not enter into force and the legislative process for it will be ongoing.

For the above-mentioned reasons, this general measure is issued in the agreement of the Ministry of Transport and the Civil Aviation Authority pursuant to Article 44 (4) of the Civil Aviation Act.

In accordance with Article 44a (1) of the Civil Aviation Act, the establishment of the LKR10 area was submitted in advance to the representatives of the Ministry of Defence (ODVL SSŘO MO), the Light Aircraft Association of the Czech Republic (LAA CR) and ANS CR.

Section III.

Assessment of comments

In accordance with Article 44b (1) of the Civil Aviation Act, no comments are submitted.

Section IV.

Decision on objections and their reasoning

In accordance with Article 44b (1) of the Civil Aviation Act, no objections are submitted.

Section V.

Legal guidance

Anyone can consult the general measure and its justification with the administrative body that issued the general measure. An appeal against general measures is not possible. The compliance of general measures with legislation can be assessed in the review procedure. The decision to initiate the review procedure may be issued within 3 years of the entry into force of the measure.

Section VI.

Applicability

This general measure shall apply from 31 December 2020 according to Article 44b (3) of Act on Civil Aviation.

WORKING TRANSLATION