

CIVIL AVIATION AUTHORITY CZECH REPUBLIC

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Ref. 13411-23-701

Prague, 19 December 2023



PUBLIC DECREE GENERAL MEASURE

The Civil Aviation Authority of the Czech Republic (hereinafter "the Authority"), 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, as amended by subsequent regulations (hereinafter "Civil Aviation Act"), in conjunction with Article 15 of Commission Implementing Regulation (EU) 2019/947 as amended, in accordance with the provisions of Article 11 and pursuant to Article 171 et seq. of Act No. 500/2004 Coll., Administrative Procedure Code, as amended (hereinafter referred to as "Administrative Procedure Code"), issues the general measure (hereinafter also referred to as "OOP") laying down:

Section I.

Restricted Area LKR10 - UAS

With effect from 31 December 2020, the restricted area LKR10 - UAS was established by the Authority by the general measure Ref. 15149-20-701. This area is established for the purpose of applying additional conditions for all types of operation of unmanned aircraft systems falling under 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 (hereinafter referred to as "Implementing Regulation"), in the sense of Article 15 of thereof.

Starting from 1 January 2024 inclusive, the general measure issued under Ref. 15149-20-701 and the use of the restricted area LKR10 - UAS is further associated with this complete and updated definition of the conditions set forth in this general measure as follows:

(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 was established with applicability from 31 December 2020, 0:00 hours. The declaration of the LKR10 - UAS area in the entire scope of the FIR LKAA does not affect the existing airspace structure, its elements and classifications defined in the Aeronautical Information Publication of the Czech Republic (AIP CR) do not change, although they have become a subset of the LKR10 - UAS restricted area.

(2) Related administrative procedures

Familiarisation themselves with the operating conditions in the LKR10 - UAS restricted area and identifying potential conflicts with the operating conditions in this airspace is the obligation and responsibility of the unmanned aircraft system (UAS) operator and the remote pilot.

In addition to the procedures for operation listed below in points 3a, 3b, 3c, in specific cases in a densely populated area according to point 3e and in the fourth zone of a protected landscape area (CHKO) according to point 3f, the operation of an unmanned system, in the geographical zone defined by this measure, is solved:

- in the case of the "open" category of UAS operation, in the form of a flight authorisation introducing the requirement of specific conditions for a certain type of operation in the sense of Article 15(1)(a) of the Implementing Regulation (hereinafter referred to as "Flight Authorisation"), issued by the Authority after operational risk criteria assessment in the sense of Article 11 of the Implementing Regulation. For this purpose, in addition to the standard procedure regulated by the Administrative Procedure Code, the user interface on the Authority's website for the UAS Registration can be used (<https://dron.caa.cz/>);
- in the case of a "specific" category of UAS operation, in the form of an operational authorisation, issued by the Authority in accordance with Article 12 of the Implementing Regulation (hereinafter referred to as "Operational Authorisation"). For this purpose, according to Article 54b of the Civil Aviation Act, in addition to the standard procedure regulated by the Administrative Procedure Code, the user interface on the Authority's website for the UAS Registration can be used (<https://dron.caa.cz/>).

Operational Authorisations and Flight Authorisations are issued by the Authority in compliance with an administrative procedure in the form of a decision.

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

(a) Unless specified otherwise, the unmanned aircraft (UA) operation may be conducted only in Class G airspace up to 120 m above ground level (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 with a building height restriction of the aerodrome. When conducting UA flights in this part of CTR and MCTR and in the following situations where coordination with the appropriate air traffic control unit is not required, the appropriate air traffic control unit is not responsible for providing traffic information in relation to other air traffic participants, nor for preventing mid-air collisions between manned aircraft and unmanned aircraft. The remote pilot remains responsible for preventing collisions according to conditions in UAS.OPEN.060(2)(b) of the Implementing Regulation.

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 building height restriction, but never above 100 m AGL. Prior to the planned publication of the relevant map layer with data on potentially usable operating heights, this requirement can be practically met by not exceeding the height of surrounding buildings, vegetation or obstacles, or alternatively, the grid layer of the ANS CR's map tool can be used, available on the website <https://dronview.rlp.cz/>.

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 building 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 AIP CR 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 building 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. The remote pilot remains responsible for preventing collisions according to conditions in UAS.OPEN.060(2)(b) of the Implementing Regulation.

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

In the area around the registered area for sports flying devices (SLZ), the UA operation is only possible subject to compliance with the conditions set by the operator of the registered SLZ area. Until the specific dimensions of the zones around the registered SLZ areas are determined, taking into account the diversity of the range of operations on these areas, it is the obligation of UA pilots to inform themselves about the method of operation on the given area using the relevant published information (for example, the VFR Manual or the website of the Light Aircraft Association of the Czech Republic). The provisions on priority rules (UAS.OPEN.060(2)(b) of the Implementing Regulation apply unconditionally to the UA flights in these areas as well. Pilots of UA are obliged to conduct flights in such a way that operations of manned aircraft (including SLZ) are not endangered.

(e) Prohibited areas (LKPs), restricted areas (LKR), dangerous areas (LKDs), and temporary segregated areas (TSAs) and temporary reserved areas (TRAs) activated by another user

The UA operation shall not be conducted in LKPs, LKR, LKDs, and in other TSAs and TRAs activated by another user, or in restricted areas published in AIP SUP or NOTAM, except when it is permitted by an appropriate Authority's Operational Authorisation or Flight Authorisation.

The UA operation UA in the LKR9 restricted area may be conducted without the Authority's 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 Authorisation or Flight Authorisation issued by the Authority.

(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 Implementing Regulation.
- II. An UA in a specific or certified category of operation based on an Operational Authorisation issued by the Authority and under conditions specified in the authorisation, or in an open category of operation based on a Flight Authorisation.

(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 Flight Authorisation or Operational Authorization issued by the Authority, 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 Authority’s approval, provided that the activities do not disturb the protected species.

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

When operating an UAS, it is necessary to remember the possible conflict with other legal regulations.

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.

(i) **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.

(j) **Insurance**

The UA operator is obliged to take out liability insurance for damage caused by the UA operation to the extent and with a minimum level of the insurance cover as regulated by Article 54d of the Civil Aviation Act and Article 16n of Decree No. 108/1997 Coll., which implements the Civil Aviation Act, as amended.

Note: For more detailed information on liability insurance, see the Authority's website <https://www.caa.cz/provoz/bezpilotni-letadla/pojisteni-odpovednosti/>.

(4) Published information for the aviation public

Information on the LKR10 - UAS restricted area in the sense of Article 15(3) of the Implementing Regulation is available to the public in text form on the Authority's websites <https://www.caa.cz/provoz/bezpilotni-letadla/zemepisne-zony/> and as the practical information form in the digital map for the use of the airspace of the Czech Republic for UA flying, which is used for pre-flight preparation of the UA operation and in the form of a data file used for use in geo-awareness systems on the ANS CR's website <https://aim.rlp.cz/?lang=cz&p=uas-gz>.

For the pre-flight preparation of 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/>.

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 authorisation 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 further 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, since 1 January 2022, 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, for geo-awareness purposes.

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 was ensured at the time of the implementation of the common European regulatory framework by the valid regulatory framework for civil aviation, which at that time mainly consisted 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 have been established. One such a measure was, among other things, the declaration of the LKR10 - UAS restricted area, which ensured 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 information on UAS geographical zones identified by the Member States and established within the national airspace of its State in a common unique digital format 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.

Information on UAS geographical zones, including their validity period, should be published in a common unique digital format, step by step, no later than 31 December 2025. 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 modifications are already envisaged in the future. It is also assumed that the scope of territorial protection will be adjusted in the next stages 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 was 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 Authority by the Civil Aviation Act, namely aviation safety, safety of persons, buildings and the environment in relationship with the UAS operation.

For the above-mentioned reasons, on 30 December 2020, in the agreement of the Ministry of Transport and the Civil Aviation Authority, the general measure Ref. 15149-20-701 was issued pursuant to Article 44(4) of the Civil Aviation Act. The establishment of the LKR10 - UAS area was previously submitted for comments to the representatives of the Ministry of Defence (ODVL SSRO MO), the Light Aircraft Association of the Czech

Republic (LAA CR) and the Air Navigation Services of the Czech Republic (ANS CR) in accordance with Article 44a(1) of the Civil Aviation Act.

The subject of this general measure is not a change in the scope of territorial protection, but primarily an update of the document with regard to the development of the issue of unmanned aircraft systems since the application of the common European framework, specification of the conditions for flying in the LKR10 - UAS restricted area and clarification of the interpretation of the application of the relevant provisions. Also for this reason, in view of the renewed particularly significant public interest given, among other things, by the need to respond to the conclusions of the standardization inspection of the EASA agency, the Civil Aviation Authority, in coordination with the Ministry of Transport, decided to use again the provisions of Article 44(4) of the Civil Aviation Act for the publication of this document.

From this point of view, the fundamental modification of the conditions is the introduction of the practice of EU states in the field of practical implementation of geographical zones defined according to Article 15 of the Implementing Regulation. In this context, the general measure introduces a new practical institute of Flight Authorisation, which significantly contributes to the simplification of the related administrative processes and speeding up the procedure, since, unlike the Operational Authorisation, it is not linked to the application of Article 12 of the Implementing Regulation and the full restrictions resulting from Article 11 of the Implementing Regulation. The operational risk assessment institute, here applied to the open category of operation, is used for this type of operation on the basis of the authority to demand specific conditions for a certain type of operation when defining geographical zones, given by the provisions of Article 15 of the Implementing Regulation. This procedure is without prejudice to the relevant provisions relating to the process of issuing the Operational Authorisation for a specific category of operation.

The purpose of this general measure is not to specify particular procedures and defining conditions for the actual course of administrative proceedings conducted with an application for the issuance of a Flight Authorisation. These will be determined separately by the Authority and their use may change depending on the applied practice. Not only due to this method, an adequate and quick response to the operators' requirements is possible, without necessary changes to administrative procedures on the part of the Authority, but also due to the fact that with the use of tools enabling remote access, the overall administrative process of issuing a Flight Authorisation will be user-friendly, the steps listed are in accordance with the intention of the regulatory framework to facilitate the use and operation of unmanned aircraft, especially those operated in the open category.

At the same time, the text of the original measure underwent a complete revision, as part of which text was deleted from areas that, from the Authority's point of view, are already sufficiently regulated by the common European regulatory framework, and, conversely, texts based on Act No. 431/2022 Coll. of 1 December 2022, amending Act No. 49/1997 Coll., on civil aviation, and amending and supplementing Act No. 455/1991 Coll., on trades (the Trade Licensing Act), as amended by subsequent regulations, as amended by subsequent regulations, and also from Decree No. 98/2023 Coll. of 27 March 2023, amending the Ministry of Transport and Communications Decree No. 108/1997 Coll., implementing Act No. 49 /1997 Coll., on civil aviation, and amending and supplementing Act No. 455/1991 Coll., on trades (the Trade Licensing Act), as amended by subsequent regulations, as amended by subsequent regulation.

In accordance with Article 44b(2) of the Civil Aviation Act, the proposal of the general measure, together with the draft justification, was sent to the Ministry of Defence, the person entrusted with the performance of state administration in matters of sports flying devices and the person entrusted with the provision of air traffic services for comments. Comments were subsequently received from ANS CR company, which, with regard to Article 44b(1) of the Civil Aviation Act, are considered to be statements pursuant to Article 44b(2) of the Civil Aviation Act and with which the Authority subsequently, as a basis for the preparation of this general measure of a general nature, dealt with, not only

within the framework of the justification, but also directly by modifying some of the related provisions of this general measure.

In addition to the above, the Civil Aviation Authority is also aware of the development of regulation and the way of UAS operation and the simultaneous development of technologies. Already at the time of the issuance of this general measure, the Authority, in cooperation with the relevant authorized entities, conducts negotiations and prepares documents for the anticipated adjustments to the scope and method of territorial protection set within the LKR10 - UAS restricted area. Also for this reason, in 2024 the Authority is already planning further, conceptual adjustments to the ways of using the LKR10 - UAS area, which will be presented to the public through the procedure of the general measure institute.

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.

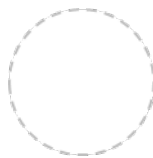
Legal guidance

Pursuant to Article 173(1) of the Administrative Procedure Code, anyone can inspect the OOP and its justification at the administrative body that issued the OOP. Pursuant to Article 173(2) of the Administrative Procedure Code, an appeal cannot be filed against the OOP. Compliance of OOP with legal regulations can be assessed in a review procedure. Pursuant to Article 174(2) of the Administrative Procedure Code, a resolution on the initiation of review proceedings can be issued within 1 year of the effective date of the measure. The effects of the decision in the review procedure take effect from the date of its legal force.

Section VI.

Applicability

This general measure shall apply from 1 January 2024.



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