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Par Tehnisko risinājumu attiecībā uz dalībnieku militāro transporta gaisa kuģu diplomātiskajām atļaujām attiecīgajās nacionālajās gaisa telpās un teritorijās

*Izdoti saskaņā ar Ministru kabineta iekārtas likuma
31.panta pirmās daļas 2.punktu*

1. 2013.gada 19.novembrī parakstītais Tehniskais risinājums attiecībā uz dalībnieku militāro transporta gaisa kuģu diplomātiskajām atļaujām attiecīgajās nacionālajās gaisa telpās un teritorijās (turpmāk – līgums) ar šiem noteikumiem tiek pieņemts un apstiprināts.
2. Līgumā noteikto saistību izpildi koordinē Ārlietu ministrija sadarbībā ar Aizsardzības ministriju.
3. Līgums stājas spēkā tā 9.pantā noteiktajā laikā un kārtībā, un Ārlietu ministrija par to paziņo oficiālajā izdevumā "Latvijas Vēstnesis".

Ministru prezidents *Valdis Dombrovskis*

Aizsardzības ministrs *Artis Pabriks*

**TECHNICAL ARRANGEMENT
CONCERNING DIPLOMATIC CLEARANCES
FOR PARTICIPANTS' MILITARY TRANSPORT AIRCRAFT
IN THEIR RESPECTIVE NATIONAL AIRSPACE OR TERRITORY**

(CONSOLIDATED SIGNATURE VERSION)

1. Introduction

The Participants,

Considering that the implementation of the Single European Sky (SES) as depicted in the Regulation (EC) No 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the SES (the Framework Regulation) will most likely require a change in the existing diplomatic clearances mechanism,

Considering the Programme Arrangement (PA) No A-001-CAP-EATF-GC regarding the European Air Transport Fleet (EATF) signed in Brussels on 23 May 2011,

Considering any other bilateral or multilateral arrangements already made between the Participants with respect to the regulation of diplomatic clearances for military flights in the areas of air transport,

Recognising the need to develop innovative, efficient and more effective approaches to shorten the lead times for military flights in the areas of air transport,

Have decided to apply the following arrangements:

2. Acronyms

In the context of this TA:

- "ATC" signifies Air Traffic Control
- "DCN" signifies Diplomatic Clearance Number
- "DG" signifies Dangerous Good
- "DIC" signifies Diplomatic Clearance
- "ETA" signifies Estimated Time of Arrival
- "ETD" signifies Estimated Time of Departure
- "EW" signifies Electronic Warfare
- "IATA" signifies International Air Transport Association
- "ICAO" signifies International Civil Aviation Organisation
- "ISTAR" signifies Intelligence, Surveillance, Target Acquisition and Reconnaissance
- "NLT" signifies Not Later Than- "NOTAM" signifies Notice to Airmen
- "OPR" signifies Office of Prime Responsibility
- "TA" signifies Technical Arrangement

3. Definitions

In the context of this TA:

- "Annual DIC" signifies a DIC for military transport aircraft issued only between Participants signing up for option 1 (see Number 4.1), on a renewable basis, for a calendar year starting January 1st of each year.
- "Defensive Aids Sub System (DASS)" signifies an on-board system which defends a military transport aircraft from attack by surface-to-air missiles, air-to-air missiles and anti-aircraft artillery.
- "Flight Plan" signifies specified information provided to air traffic services units relative to an intended flight or portion of a flight of a military transport aircraft.
- "IATA/ICAO compliant DG" signifies Dangerous Good items that can be cleared for transport using the Annex 18 of the ICAO's Technical Instructions or IATA's Dangerous Goods regulations.
- "IATA/ICAO non-compliant DG" signifies Dangerous Good items that cannot be cleared for transport using the Annex 18 of the ICAO's Technical Instructions or IATA's Dangerous Goods regulations.

- "Military transport aircraft" signifies a military registered or operated aircraft designed for the carriage of personnel and/or cargo and used for non-commercial purposes. This includes Multirole Tanker Transport aircraft (MRTT).
- "Participants" signifies signatories to this TA and nations to participate through the Note of Accession.
- "Permanent DIC" signifies a DIC, other than the Annual DIC defined above, that has any kind of permanent character, renewable or not, issued by a Participant to any other country.
- "Transportation mission" signifies a flight primarily dedicated to deliver personnel and/or cargo to a certain destination performed by a military transport aircraft.
- "VIP" signifies all persons identified as Very Important Person by the sending Participant and recognised as such by the receiving Participant.
- "Working day" signifies a normal duty day in the State issuing the DIC

4. Purpose and Scope

4.1 The purpose of this TA is to improve the overall efficiency and effectiveness of military air transport. To achieve this, Participants will use a unified format (European Union Diplomatic Clearance Form) and choose either:

- to issue an Annual Diplomatic Clearance and apply Harmonised Procedures to handle DIC for overflights and landings of the Participants' military transport aircraft in their respective national airspace or territory (option 1);

or

- to only apply Harmonised Procedures to handle DIC for overflights and landings of Participants' military transport aircraft in their respective national airspace or territory (option 2).

4.2 If the laws and regulations in force in the states of the Participants and/or bilateral or multilateral agreements or arrangements between Participants provide for less restrictive procedures than those laid down in this TA, these laws and regulations will prevail.

4.3 The provisions of this TA do not intend to conflict with the laws and regulations in force in the states of the Participants, nor with international law. If disputes arise, the other Participants will be notified, and international law, existing international agreements and the laws and regulations in force in the states of the Participants will prevail.

4.4 The scope of this TA does not regulate or include the payment of any fees and charges inherent to any DIC issue.

4.5 Air-to-air refuelling (AAR) missions are excluded from this TA.

5. European Union Diplomatic Clearance Form

5.1 The Participants will make use of the format "EUROPEAN UNION DIPLOMATIC CLEARANCE (DIC) FORM" laid down in Annex A of this TA.

5.2 The Participants may update the "EUROPEAN UNION DIPLOMATIC CLEARANCE (DIC) FORM" as described in Number 7.

6. DIC for Overflights and Landings of the Participants' Military Transport Aircraft in their Respective National Airspace or Territory

6.1 The Participants will declare their choice made between the options described in Number 4.1 through the mechanism described in Number 7 hereafter.

6.2 In exceptional cases where a Participant has an urgent DIC requirement or urgently needs to notify a flight, that Participant may contact the OPR designated by the Participant concerned with the overflight or landing. The list of OPR (template in Annex B) will be filled in and updated by the Participants in accordance with the mechanism laid down in Number 7.

6.3 Annual DIC

6.3.1 An Annual DIC will be issued on a renewable basis, for a calendar year starting January 1st of each year.

6.3.2 Military transport aircraft of the Participants will be permitted to fly over each other country's territory and to land at and take-off from military and civilian airports (to the exception of the airports and/or areas specifically mentioned in the list of exempted airports and/or areas (template in Annex C) to be completed by each Participant in accordance with the mechanism laid down in Number 7) whilst adhering to all national rules, international agreements, ICAO rules, restrictions described in the national military and civilian Aeronautical Information Publications, ATC regulations, NOTAMs or other special requirements.

6.3.3 The Annual DIC is valid for all transportation missions, carrying all types of cargo (excluding ICAO/IATA non-compliant dangerous goods), overflying or landing in the respective Participants' national airspace or territory, including support to any operation. The Participant may place a specific reservation on a particular operation following the mechanism laid down in Number 7.

6.3.4 The Annual DIC is valid for all Participants' military transport aircraft needed to support the missions specified in Number 6.3.3 above.

6.3.5 During the sojourn in the airspace or territory concerned, any type of ISTAR and/or EW equipment as well as Defensive Aids Sub Systems will be put in "OFF", "INACTIVE", "SAFE" or "STAND-BY" mode.

6.3.6 When using the Annual DIC, the DCN will be mentioned in item 18 of the ICAO Flight Plan. Additionally, the Participants will notify the flights as follows:

a. For flights with VIP on board:

- Overflights: not required.
- Landings: NLT 1 working day before ETD.

b. For flights with ICAO/IATA compliant DG:

- Overflights and landings: not required.

c. For flights with ICAO/IATA non-compliant DG:

- The Annual DIC does not cover flights with ICAO/IATA non-compliant goods.

d. For all other flights: not required.

e. For aircraft carrying ISTAR and EW equipment a notification period of 1 working day is required.

6.4 Harmonised Procedures to handle DIC

6.4.1 Notification period for transportation flights covered by a permanent DIC:

a. For flights with VIP on board: NLT 1 working day before ETD.

- b. For flights with ICAO/IATA-compliant DG: NLT 1 working day before ETD.
- c. For flights with ICAO/IATA non-compliant DG: this Number of the TA does not cover flights with ICAO/IATA non-compliant goods.
- d. For other flights (transport of passengers and material other than DG): NLT 1 working day before ETD.

6.4.2 Request period for transportation flights not covered by a permanent DIC:

- a. For flights with VIP on board:
 - Overflights: NLT 2 working days before ETD.
 - Landings: NLT 4 working days before ETD.
- b. For flights and landings with ICAO/IATA compliant DG: NLT 2 working days before ETD.
- c. For flights and landings with ICAO/IATA non-compliant DG: NLT 10 working days before ETD.
- d. For other flights (transport of passengers and material other than DG):
 - Overflights and landings: NLT 2 working days before ETD.

6.4.3 A DIC will be valid for a period of 24 hours before ETD until 72 hours after ETA.

6.4.4 The Harmonised Procedures do not cover flights of aircraft carrying ISTAR and EW equipment.

7. Registration Mechanism

7.1 A web-based registration mechanism will be established among the Participants in order to register or update the following elements:

- a. Declaration of chosen option (template in Annex E).
- b. List of "OPR" (template in Annex B).
- c. List of exempted airports and/or areas (template in Annex C).

7.2 Participants will declare their chosen option at the signature of the TA and register it for the first time not later than at the date this TA enters into effect.

7.3 Participants will fill in the list of "OPR" in the registration mechanism for the first time not later than the date this TA enters into effect.

7.4 Participants will inform all other Participants on specific reservations they could make on a particular operation and hereby suspend temporarily the annual DIC until further notice.

7.5 A State wishing to accede to this TA will register the elements provided in Number 7.1 not later than 10 days after it has been granted access to the registration mechanism.

7.6 The custodian of the registration mechanism will be the DIC Secretariat. This function will be performed by the European Defence Agency.

7.7 The DIC Secretariat will maintain the up to date version of the "EUROPEAN UNION DIPLOMATIC CLEARANCE (DIC) FORM" in Annex A.

8. Disputes