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Military Aviation Regulation

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The Regulation is established on the basis of subsection 3 of § 7² of the Aviation Act.

Chapter 1 General Provisions

§ 1. Scope and regulation and application

(1) This Regulation establishes the requirements for the organisation of military aviation, including requirements for aircraft, the operation of aircraft, aviation security, military aviation facilities, military aviation personnel, and the procedure for investigating aviation accidents and incidents involving military aviation aircraft.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) [Repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(3) This Regulation shall also apply to the armed forces of the Member States of the North Atlantic Treaty Organisation (hereinafter ‘NATO’) and other foreign states, unless otherwise provided by an international treaty or some other international agreement.

(4) This Regulation does not apply to temporary areas used for the take-off and landing of manned aircraft, unless otherwise specified in this Regulation.

(5) Estonian Military Aviation Authority may, in addition to the provisions of this Regulation, establish more specific requirements and standard operating procedures in so far as it is not governed by this Regulation or if the Regulation does not confer this power on the Commander of the Estonian Defence Forces or a person authorised by them.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 2. Terms and definitions

The terms used in this Regulation shall be used in the following meaning:

- 1) [repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]
- 2) [repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]
- 3) ‘helicopter landing site’ means either a marked or unmarked area, that is not heliport or helipad (hereinafter ‘heliports’) and which is designated for the take-off and landing of helicopters;
- 4) ‘quality management system’ means a set of measures that an organisation uses to identify its objectives and to designate the requisite processes and resources for achieving desired results;
- 5) [repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]
- 6) ‘safety management system’ means a systemic set of measures for the purposes of ensuring safety, including organisational structure, accountability, policies and procedures;
- 7) [repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

8) 'operational flight plan' means a set of navigation, weather and aerodrome data, used for the purposes of planning and ensuring the safe flight of military aviation aircraft;

9) 'standard operating procedure' means a document that establishes technical requirements for aircraft, and instructions for military aviation personnel to be applied in specific circumstances arising from the inherent risks associated with aviation.

§ 3. Classification of aircraft

(1) Military aviation aircraft are divided into:

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- 1) manned aircraft;
- 2) unmanned aircraft.

(2) Unmanned aircraft are divided into:

- 1) Category I unmanned aircraft;
- 2) Category II unmanned aircraft;
- 3) Category III unmanned aircraft;

(3) An unmanned aircraft falls under Category I if it meets all of the following conditions:

- 1) its maximum take-off mass does not exceed 25 kilograms;
- 2) it is flown up to a height of 400 feet (120 metres) above the ground or a body of water, or up to a height of 164 feet (50 metres) from a fixed obstacle;
- 3) it is flown in a manner that the aircraft remains in the direct visual line of sight of the remote pilot, and the remote pilot is permitted to use an assistant to maintain eye contact with the aircraft;
- 4) its level of operating risk is low.

(4) An unmanned aircraft falls under Category II, if it meets all of the following conditions:

- 1) its maximum take-off mass does not exceed 150 kilograms;
- 2) it is flown, inter alia, also in controlled airspace but does not fly higher than Flight Level (FL) 195;
- 3) its level of operating risk is relatively high;
- 4) if necessary, a standard operating procedure shall be prepared in advance in order to lower the level of operating risk and, upon its approval by the Estonian Military Aviation Authority, the operator shall be entitled to fly independently in accordance with the established standard operating procedure.

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(5) An unmanned aircraft falls under Category III, if it meets all of the following conditions:

- 1) its maximum take-off mass exceeds 150 kilograms;
- 2) its level of operating risk is high;
- 3) it has been issued a valid airworthiness certificate.

(6) Loitering munition is not deemed to be unmanned aircraft. Loitering munition shall be handled in accordance with the requirements laid down in the regulation on the handling of weapons of Armed Forces established pursuant to subsection 6 of § 3 of the Weapons Act.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 4. Mandatory registration of aircraft in register of military aviation aircraft

(1) In order to operate an aircraft, it must be entered in the register of military aviation aircraft.

(2) [Repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 5. National identification insignia

(1) All aircraft entered in the register of military aviation aircraft must bear national identification insignia.

(2) The Estonian Air Force shall use the symbol designated in the regulation established pursuant to subsection 1 of § 5 of the Estonian Defence Forces Organisation Act as the national identification insignia.

(3) With the exception of the Estonian Air Force, the structural units of the Estonian Defence Forces, the Estonian Defence League, the Estonian Foreign Intelligence Service, the Estonian Centre for Defence Investment and the Ministry of Defence shall apply the symbol provided in Annex 1 to this Regulation as the national identification insignia.

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§ 6. Marking of aircraft

(1) Manned aircraft must bear the symbol specified in subsection 2 of § 5 of this Regulation and the registration number issued by the register of military aviation aircraft.

(2) Unmanned aircraft must bear the symbol specified in subsection 2 or 3 of § 5 of this Regulation, along with the registration number issued from the register of military aviation aircraft, a telephone number and, if

necessary, other contact information for the purposes of determining ownership and contacting the owner of the unmanned aircraft.

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(3) The symbol, registration number or contact details specified in subsection 2 need not be applied to Category I unmanned aircraft if this is not possible due to the dimensions of the aircraft. An appropriate notation must be made in the register of military aviation aircraft.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(4) The symbol, registration number or contact details specified in subsection 2 may be removed from the unmanned aircraft during the performance of a flight mission when flying outside Estonia or in the immediate vicinity of the Estonian border if absolutely necessary, taking into account the nature of the flight mission, including if the marking may prevent the successful completion of the mission. The decision to remove the symbol, registration number or contact details is made by the person responsible for carrying out the mission.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(5) The agency or structural unit required to perform flight missions specified in subsection 4 shall, for the performance of such missions, draw up rules of procedure and a checklist on the cases in which a decision may be taken to remove the symbol, registration number or contact details from the unmanned aircraft.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Chapter 2

Requirements for Aircraft and Aircraft Maintenance

Subchapter 1

Requirements for Manned Aircraft

§ 7. Requirements for manned aircraft introduced into service

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(1) Manned aircraft being introduced into service must be in compliance with the requirements established by the document “Certification of military aircraft and related products, parts and appliances, and design and production organisations” (EMAR 21) issued by the European Defence Agency or an equivalent standard or similar document for military aircraft.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) Privately owned or state aircraft put into service on a temporary basis must comply with the requirements set out in Section A of Annex I to Commission Regulation (EU) No 748/2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1–85) in the case of EASA aircraft, or with the requirements set out in an equivalent aircraft standard or similar document in the case of non-EASA aircraft. The airworthiness certificate issued to the aircraft must be valid for the entire period of operation of the aircraft.

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§ 8. Review of the initial airworthiness of manned aircraft introduced into service

(1) When reviewing the initial airworthiness of new manned aircraft introduced into service for the first time, at least the following aircraft documentation and information must be verified:

- 1) statement of conformity, or a signed confirmation the undertaking or agency from whom the aircraft is acquired, confirming that the aircraft conforms to the design approved by a competent authority;
- 2) mass and balance report;
- 3) loading plan;
- 4) flight manual.

(2) The statement of conformity specified in clause 1 of subsection 1 must be issued in accordance with, either:

1) EMAR 21 point 21.A.163(b);

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

2) EMAR 21 point 21.A.130 together with a confirmation specified in EMAR 21 point 21.A.130(d).

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(3) When reviewing the initial airworthiness of used aircraft, the competent authority must verify the Airworthiness Certificate issued in accordance with the document “Continuing Airworthiness

Requirements” (EMAR M) issued by the European Defence Agency if the aircraft is acquired or introduced into service from a Member State of the European Union.

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(4) If the aircraft is acquired or introduced into service from outside the European Union, at least the following aircraft documentation and information must be reviewed in order to determine the initial airworthiness of the aircraft:

- 1) confirmation of airworthiness from a competent national authority of the country from where the aircraft is acquired;
- 2) mass and balance report;
- 3) loading plan;
- 4) flight manual;
- 5) other documentation and information pertaining to the aircraft’s manufacture, previous maintenance or reconstruction.

(5) After reviewing the documentation and information specified in subsection 4, the aircraft must also undergo a technical inspection in accordance with subsection 4 of § 11, in order to determine its initial airworthiness.

(6) The results of the airworthiness review are submitted to the register of military aviation aircraft.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 9. Aircraft Airworthiness Review Board

(1) The verification of compliance with the requirements specified in § 7 in accordance with the procedure outlined in § 8 shall be performed by the Airworthiness Review Board (hereinafter ‘ARB’) formed by the head of the Estonian Military Aviation Authority.

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(2) The ARB referred to in subsection 1 shall have at least five members, including at least one representative from the Ministry of Defence. The ARB’s rules of procedure shall be established by the head of the Estonian Military Aviation Authority.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 10. Airworthiness Certificate

Based on the decision of the ARB referred to in subsection 1 of § 9, aircraft shall be issued either an Airworthiness Certificate or a Restricted Airworthiness Certificate with a term of validity of up to one year. The certificate can be repeatedly extended for up to one year, after undergoing continuing airworthiness review.

§ 11. Maintaining continuing airworthiness of manned aircraft

(1) Manned aircraft must continuously be in compliance with the requirements laid down in EMAR M.

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(2) The Estonian Military Aviation Authority reviews the continuing airworthiness of the aircraft at least once per year. The results of the review are submitted to the register of military aviation aircraft.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(3) When reviewing the continuing airworthiness of an aircraft, the competent authority must review at least the following:

- 1) airframe, engine and propeller flight hours and the associated flight cycles have been properly recorded;
- 2) the flight manual is applicable to the aircraft configuration and reflects the latest revision status;
- 3) all maintenance due on the aircraft according to the approved maintenance programme has been carried out;
- 4) all known defects have been corrected, or, when applicable, carried forward in a controlled manner;
- 5) all valid airworthiness directives have been applied;
- 6) all modifications and repairs applied to the aircraft have been registered and are in compliance with the requirements provided in EMAR M point M.A.304;

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7) all installed parts and components, whose resource is indicated in calendar time, landings or cycles, have been properly marked and have not exceeded their resource limits provided for in the maintenance programme;

8) a requisite certificate of release to service has been issued for all maintenance works in accordance with the document “Requirements for Maintenance Organisations” (EMAR 145) issued by the European Defence Agency;

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- 9) the current mass and balance report reflects the configuration of the aircraft;
- 10) the aircraft complies with its type design;
- 11) if required, the most recent symmetry and alignment check report reflects the configuration of the aircraft.

(4) In addition to the requirements listed in subsection (3), the technical inspection must also review compliance with at least the following technical requirements in order to determine the continuing airworthiness of the aircraft:

- 1) all required markings and labels are properly installed;

- 2) the aircraft complies with its approved flight manual;
- 3) the aircraft configuration complies with the approved documentation;
- 4) no defects found that should not be present;
- 5) no inconsistencies found between the aircraft, the results of the inspections outlined in subsection 3 and the results of other airworthiness checks.

§ 12. Mandatory onboard documentation and information for manned aircraft

(1) All manned aircraft must carry on board at least the following documents:

- 1) certificate of registration;
- 2) Airworthiness Certificate;
- 3) aircraft logbook;
- 4) hold item list (HIL);
- 5) checklists, emergency and abnormal checklists;
- 6) minimum equipment list (MEL);
- 7) valid radio licence;
- 8) up-to-date aeronautical charts.

(2) In addition to the documents listed in subsection 1, all manned aircraft flights departing from the control zone or flight information zone must also carry on board at least the following documents:

- 1) passengers and cargo manifest;
- 2) aircraft flight manual;
- 3) if departing Estonian airspace, other required documents and information.

(3) The manifest referred to in clause 1 of subsection 2 is not required on board manned aircraft, if it is operating within a military training or military operations area, or if it cannot be disclosed for legal reasons. In such instances, the manifest must be preserved in the Estonian Defence Forces in accordance with the relevant procedures.

Subchapter 2 Requirements for Unmanned Aircraft

§ 13. General requirements for unmanned aircraft introduced into service

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Unmanned aircraft introduced into service must be in compliance with the following general requirements:

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

1) the principles laid down in the Product Conformity Act, the Electronic Communications Act, articles 12, 15 and 16 of Commission Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems (OJ L 152, 11.6.2019, p. 1–40), hereinafter ‘Commission Regulation 2019/945’), and article 10 of Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45–71) for the purposes of ensuring the safety of the remote pilot, aircraft maintenance personnel and third parties, as well as their property, in the process of operating unmanned aircraft;

2) the aircraft must be able to send a warning signal to the remote pilot that energy supplies have run out, enabling the remote pilot to safely land the unmanned aircraft when the aircraft is no longer able to fly back, including if the aircraft is configured to fly autonomously;

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

3) the aircraft must be equipped with a system that is able to transmit to the remote pilot information regarding the location and altitude of the aircraft, including if the aircraft is configured to fly autonomously;

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

4) its manual or flight manual must be sufficiently detailed to allow proper operation of the unmanned aircraft.

5) [repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 14. Requirements for Category I unmanned aircraft introduced into service

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Category I unmanned aircraft introduced into service must comply with the requirements prescribed in § 13, and their lights must be distinguishable from the obstacle lighting.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 15. Requirements for Category II unmanned aircraft introduced into service

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(1) Fixed wing-type Category II unmanned aircraft that are operated also outside segregated airspace must, in addition to the requirements provided in § 13, be in compliance with the airworthiness requirements established by NATO standard “AEP-83 – Light Unmanned Aircraft Systems Airworthiness Requirements” (STANAG 4703).

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) The minimum requirements for Category II unmanned aircraft that have a vertical take-off capability and are operated also outside segregated airspace shall incorporate at minimum the requirements provided in subsection 1 and shall be established by the Estonian Military Aviation Authority.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(3) In the event the Estonian Defence Forces should manufacture an unmanned aircraft or modify an already existing aircraft, it must be done in compliance with the requirements prescribed in subsection 1 or 2 for the purposes of ensuring its safe operation.

§ 16. Requirements for Category III unmanned aircraft introduced into service

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Category III unmanned aircraft, introduced into service by the Estonian Defence Forces, and operated also outside segregated airspace, must be in compliance with the requirements prescribed in § 7. In addition to the requirement set forth in the previous sentence, all fixed wing-type unmanned aircraft must also be in compliance with the airworthiness requirements set out in NATO standard “AEP-4671 – Unmanned Aircraft Systems Airworthiness Requirements (USAR)” (STANAG 4671), whereas all vertical take-off unmanned aircraft must be in compliance with NATO standard “AEP-80 – Rotary Wing Unmanned Aerial Systems Airworthiness Requirements” (STANAG 4702).

§ 17. Reviewing initial airworthiness of unmanned aircraft introduced into service

(1) The initial airworthiness of unmanned aircraft shall be reviewed by the ARB specified in § 9, unless otherwise specified in this Regulation. The ARB may have fewer than five members.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) The review of initial airworthiness is not required for Category I unmanned aircraft.

(3) The initial airworthiness of fixed wing-type Category II unmanned aircraft must be established in compliance with the requirements laid down in STANAG 4703.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(4) The initial airworthiness of vertical take-off Category II unmanned aircraft must be established in accordance with the requirements provided in the standard operating procedures. The standard operating procedures for this category of unmanned aircraft must be prepared in accordance with the standard referred to in subsection 3.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(5) Information on the initial airworthiness of a Category I and II unmanned aircraft, whose initial airworthiness is not reviewed by the ARB specified in § 9, must be submitted to the register of military aviation aircraft.

(6) The initial airworthiness of Category III unmanned aircraft must be reviewed in accordance with the requirements for initial airworthiness of manned aircraft as prescribed in § 8, and specific requirements for Category III unmanned aircraft as set forth in § 16.

§ 18. Airworthiness Certificate for unmanned aircraft

Category II and III unmanned aircraft shall be issued an Airworthiness Certificate or a Restricted Airworthiness Certificate, with a maximum term of validity of one year, on the basis of the decision of the ARB specified in § 9. The certificate can be repeatedly extended for up to one year, after undergoing continuing airworthiness review.

§ 19. Review of continuing airworthiness of unmanned aircraft

(1) The Estonian Military Aviation Authority reviews the continuing airworthiness of the aircraft at least once per year unless otherwise provided by this Regulation. The results of the review are submitted to the register of military aviation aircraft.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) The review of continuing airworthiness is not required for Category I unmanned aircraft.

(3) When reviewing the continuing airworthiness of a Category II unmanned aircraft, its compliance with the airworthiness requirements is verified in accordance with the provisions of subsection 3 or 4 of § 17.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(4) Category III unmanned aircraft must continuously meet the requirements laid down in § 11 and their continuing airworthiness shall be reviewed in accordance with the procedure outlined in subsections 3 and 4 of § 11.

(5) The ARB referred to in § 9 shall be entitled to conduct random inspections of the continuing airworthiness of unmanned aircraft whose initial airworthiness was not reviewed by the ARB, regardless of the category of the unmanned aircraft or which structural unit or agency is in possession of the aircraft in question.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 20. Documents of unmanned aircraft and their location

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(1) At minimum, the following documents must exist for an unmanned aircraft:

- 1) certificate of registration;
- 2) checklists, emergency and abnormal situation checklists;
- 3) unmanned aircraft flight manual;
- 4) cargo manifest.

(2) In addition to the documents listed in subsection 1, the following documents and information must exist for Category II and III unmanned aircraft:

- 1) aircraft logbook;
- 2) Airworthiness Certificate for unmanned aircraft, if required;
- 3) minimum equipment list (MEL);
- 4) hold item list (HIL);
- 5) radio frequency licence, if required;
- 6) if departing Estonian airspace, other required documents and information.

(3) The documents and information listed in subsections 1 and 2 may be on paper or electronically and may be located with the remote pilot or in an agency in the possession of the entity or department that is operating the unmanned aircraft as part of its duties.

(4) Where an unmanned aircraft or its documents are not in the same location as its remote pilot, the aircraft maintenance personnel or other persons who are responsible for the unmanned aircraft must be provided with access to the documents needed for establishing its continuing airworthiness or for carrying out maintenance.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Subchapter 3 Aircraft Maintenance

§ 21. Maintenance of manned aircraft

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(1) The unit responsible for maintenance of the aircraft and its activities must be in compliance with the requirements provided in EMAR M or EMAR 145.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) If the Estonian Defence Forces use an external manufacturer or maintenance organisation for aircraft maintenance, the organisation and its activities must be in compliance with the requirements provided in EMAR M or EMAR 145 or other equivalent requirements if the manufacturer or maintenance organisation is located outside the European Union.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 22. Maintenance of unmanned aircraft

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(1) The maintenance of unmanned aircraft must be performed in accordance with the flight manual provided by the manufacturer.

(2) All Category I and II unmanned aircraft must have a maintenance logbook for logging all performed maintenance activities and the aircraft's flight hours.

(3) Category I and II unmanned aircraft may be maintained within the Estonian Defence Forces only by persons who have completed relevant training.

(4) If Category II unmanned aircraft are maintained outside the Estonian Defence Forces, the manufacturer or maintenance organisation providing the maintenance must be in compliance with at least the principles set forth in clause 2.2 of Annex IX to Regulation (EU) 2018/1139 of the European Parliament and of the Council 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 (OJ L 212, 22.08.2018, pp 1–122). [RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(5) The Estonian Defence Forces unit responsible for maintenance for Category III unmanned aircraft and its activities, or the external manufacturer or maintenance organisation, must comply with the requirements set forth in § 21.

Chapter 3

Requirements for Aircraft Operation

§ 23. Flight preparation

(1) A flight task must be issued prior to each flight.

(2) Prior flight, the pilot in-command and the remote pilot of an unmanned aircraft must verify that:

- 1) the aircraft is airworthy;
- 2) an operational flight plan has been prepared;
- 3) a flight plan has been submitted to the air traffic service unit in compliance with § 25;
- 4) the aircraft has undergone necessary maintenance, and all devices, instruments and equipment necessary for carrying out the flight mission are operational;
- 5) the mass and balance of the aircraft are within permitted limits, and are expected to remain within those limits for the duration of the flight;
- 6) the manned aircraft is carrying on board all documents and information listed in § 12, or with the unmanned aircraft is accompanied by all the documents and information prescribed in § 20;
- 7) the goods and equipment on board the aircraft have been stowed and secured properly.

(3) If the goods mentioned in clause (2) 7) comprise hazardous materials, including ammunition or munitions, the stowing of cargo must be in compliance with the requirements set forth in the 1944 Convention on International Civil Aviation (hereinafter ‘the Chicago Convention’), except when an exemption has been applied for in accordance with § 60.

(4) In addition to requirements outlined in subsection (2), a remote pilot must verify that the unmanned aircraft has sufficient energy to complete its flight mission.

§ 24. Aerodrome selection

(1) The dimensions and features of the aerodrome, or another area selected for this activity (hereinafter referred to jointly as ‘aerodrome’), used for take-off and landing, must meet all relevant aircraft operation requirements.

(2) If the planned flight route goes beyond 500 nautical miles (927 kilometres) from the take-off aerodrome, the flight plan must indicate at least two alternate aerodromes:

- 1) alternate take-off aerodrome, for situations that preclude the return to the aerodrome of departure;
- 2) alternate destination aerodrome, for situations that preclude landing at the destination aerodrome.

(3) If the planned flight route is up to 500 nautical miles (927 kilometres) from the take-off aerodrome, the following elements must be indicated in the flight plan:

- 1) at least one alternate aerodrome, for situations when the forecast meteorological conditions at the destination aerodrome or take-off aerodrome do not meet the minimum requirements for landing an aircraft, or if the weather forecast at the destination aerodrome is unavailable, or if it is not possible to land at that location due to other reasons;
- 2) an alternate take-off aerodrome, located at a maximum distance of one flight hour from the original departure aerodrome and provided that the weather forecast permits landing at the planned alternate take-off aerodrome, if the weather conditions at the original departure aerodrome are not suitable for landing or if it is not possible to land at that location due to other reasons.

§ 25. Submission of flight plan to Air Traffic Control Unit

(1) Pursuant to Section 4 of the Annex to the Commission Implementing Regulation (EU) No 923/2012, 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 (OJ L 281, 13.10.2012, pp 1–66, hereinafter ‘Commission Regulation 923/2012’), the flight plan must be submitted to the air traffic control unit prior to each flight, unless otherwise specified in the flight task.

(2) If the flight task does not call for a flight plan to be submitted to the air traffic control unit, the pilot must coordinate the flight or a part thereof beforehand with the relevant Estonian Defence Forces unit, who shall forward relevant flight safety information to the air traffic control unit, unless agreed otherwise.

(3) There is no obligation to prepare a flight plan for Category I unmanned aircraft.

§ 26. Preparation of operational flight plan

(1) An operational flight plan must be prepared for each flight. A flight plan may comprise several parts.

(2) All operational flight plans must include the following information:

- 1) aerodrome location indicator or, in the absence thereof, the designation of the aerodrome;
- 2) aircraft type and identification;
- 3) flight date;
- 4) name or name code of the pilot in-command of the aircraft;
- 5) departure aerodrome, including the actual time of departure;
- 6) destination aerodrome, including the actual time of arrival;
- 7) flight type;
- 8) navigation and flight time data, including waypoints, distances, times, planned flight levels and altitudes.

(3) Depending on the flight task, the following information must be indicated in the operational flight plan, in addition to the data listed in subsection 2:

- 1) flight speed;
- 2) estimated fuel quantity and operating time;
- 3) mass and balance calculations;
- 4) alternate aerodromes;
- 5) weather data;
- 6) minimum altitudes en route to the destination and alternate aerodrome;
- 7) minimum meteorological requirements at the destination and alternate aerodromes.

§ 27. Exemptions from preparation of operational flight plan

(1) Operational flight plans shall be prepared only if specifically required for flights under visual flight rules (hereinafter 'VFR') that use the same aerodrome for take-off and landing and the flight takes place in the flight information zone or control zone of that aerodrome, during military training and during military defence of the state.

(2) The structural units using Category I and II unmanned aircraft in the performance of their duties must establish their own requirements for preparing operational flight plans in accordance with the requirements set forth in § 26 and taking into account the specific nature of the unit's duties.

(3) Operational flight plans are generally not required for Category I unmanned aircraft with take-off weight below five kilograms if the duration of the flight is less than 20 minutes.

§ 28. Pre-flight planning of fuel amount and reserves

(1) All calculations of required fuel amount must be based on the relevant quantities indicated in the aircraft flight manual.

(2) In addition to the requirements laid down in subsection 1, the required fuel amount must also include reserve fuel. The calculation of reserve fuel amount must take into consideration the requirements set forth in § 56¹ of the Aviation Act.

(3) In addition to the requirements stipulated in subsection 1, the reserve fuel amount for helicopters must be sufficient to fly for:

- 1) 30 minutes;
- 2) 20 minutes if they are flying in an area with a sufficient number of suitable landing sites in case of an emergency.

§ 29. Aircraft mass and balance

(1) Prior to the flight, the crew must ensure that the mass and balance of the aircraft are within the limits indicated in the aircraft flight manual.

(2) The calculations of aircraft mass and balance must also take into consideration the restrictions established for aircraft take-off and landing at planned aerodromes.

§ 30. Minimum aircraft equipment

(1) The aircraft minimum equipment list (MEL) must be prepared based on the minimum equipment list provided by the aircraft production organisation.

(2) The aircraft minimum equipment list must also include replacement equipment, if available, and if the use of it complies with the flight manual provided by the aircraft production organisation.

(3) The aircraft is deemed fit for operation, if replacement equipment is available for inoperative MEL items and the crew observes the operating restrictions indicated in the minimum equipment list. The inoperative MEL item or other component must be repaired or replaced with a new one at the first available opportunity.

§ 31. Additional equipment on board of manned aircraft

(1) Manned aircraft must have on board at least the following equipment and instruments:

- 1) first aid kit;
- 2) a fire extinguisher or fire-extinguishing system, unless this is excluded by the aircraft production organisation due to flight safety purposes;
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]
- 3) life jackets or other equivalent flotation devices, if flying over water at a distance of more than 50 nautical miles (93 kilometres) from the shore or shoreline;
- 4) a life raft with capacity to accommodate all passengers aboard the aircraft, and signal flares for distress signalling, if flying over water at distance of more than 100 nautical miles (185 kilometres) from the shore or shoreline;
- 5) survival suit, if flying over water during periods when water temperatures are below 12°C, and it would not be possible to reach land in the event of engine failure.

(2) In addition to the items listed in subsection 1, all aircraft flying over water must be equipped with radio altimeters with adjustable altitude alert function if the planned flight altitude is less than 500 feet (152 metres).
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 32. Onboard oxygen

If the flight mission requires flying at an altitude above 10,000 feet (3,000 metres), manned aircraft must be equipped with an oxygen system and sufficient oxygen reserves for pilots, crew members and passengers to use during the mission.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 33. Winter-time pre-flight aircraft maintenance

(1) Winter-time pre-flight maintenance is performed, if:

- 1) the aircraft is covered with rime, ice, snow or sleet;
- 2) the weather forecast predicts weather conditions that are likely to cause the accumulation of rime, frost, ice or snow on the aircraft during the flight.

(2) De-icing may be performed using only such de-icing substance that has been approved by the production organisation, or de-icing substance that has been tested for aerodynamic suitability.

§ 34. Pre-flight inspection of aircraft

(1) All flights must undergo pre-flight inspection before take-off.

(2) Pre-flight inspection is performed by the pilot. Pre-flight inspection of unmanned aircraft may be performed by certifying staff or person who has undergone relevant training.

(3) Pre-flight inspection data must be entered in the aircraft flight log.

§ 35. Aircraft marshalling and visual signals

(1) Aerodrome traffic must be regulated in compliance with the marshalling signals specified in point SERA.3301 of Chapter 3 of Section 3 of Annex “Rules of the Air” to Commission Implementing Regulation (EU) No 923/2012 and in the NATO standard “AFSP-2 – Aircraft Marshalling Signals” (STANAG 3117).

(2) During the flight, visual communication shall be conducted in accordance the signals laid down in NATO standard “AFSP-4 – In-Flight Visual Signals” (STANAG 3379).

§ 36. Use of afterburner

Afterburner may only be used in the following cases:

- 1) to ensure the safe operation of the aircraft;
- 2) during take-off, if necessary;
- 3) during military training;

- 4) during demonstration flights;
- 5) during identification flights.

Chapter 4 Rules of Air for Military Aviation

Subchapter 1 General Requirements

§ 37. Air traffic management for military aviation

(1) Military air traffic shall be conducted in accordance with rules for general air traffic (GAT) or operational air traffic (OAT).

(2) The operation of aircraft that follow GAT rules, as referred to in subsection 37 (1), shall be conducted in accordance with the requirements laid down in Commission Implementing Regulation (EU) No 923/2012 and the Aviation Act.

(3) The operation of aircraft that follow OAT rules, as referred to in subsection 37 (1), shall be conducted in accordance with the requirements laid down in Commission Implementing Regulation (EU) No 923/2012 in conjunction with the rules for operational air traffic laid down in this Regulation, ensuring that the operation of aircraft would pose the least possible threat to general aviation safety, persons, property or other aircraft.

(4) OAT rules shall apply to all flights conducted by aircraft operated by the Estonian Defence Forces, units tasked with providing air navigation services and operating aerodromes, as well as military aircraft of NATO member states and Estonia's other military cooperation partners, and aircraft operated under the auspices of NATO or the United Nations.

§ 38. Provision of air navigation services

(1) The provision of air traffic services for military aviation shall be ensured by a certified air navigation service provider (ANSP) or by the air traffic service unit of the Estonian Defence Forces.

(2) The Estonian Defence Forces' air traffic service unit is entitled to provide non-certified air navigation services in the Estonian airspace mainly for the purposes of servicing the operational air traffic of military aviation.

(3) Certified air navigation service providers are entitled to provide air traffic services for the operational air traffic of military aviation if the applicable air traffic control procedures have been approved by the Estonian Defence Forces.

Subchapter 2 Operational Air Traffic Rules

§ 39. Minimum flight altitude

(1) Flying below the minimum visual flight altitude is permitted only in cases required by the flight task. In such cases, manned aircraft must follow the low-level flying rules laid down in § 49.

(2) It is prohibited to fly Category III unmanned aircraft below the minimum flight altitude specified by the production organisation.

§ 40. Maximum flight altitudes for unmanned aircraft

(1) Category I unmanned aircraft may be flown no higher than 400 feet (120 meters) above the ground or body of water.

(2) Category II unmanned aircraft may be flown no higher than FL195.

(3) The maximum flight altitude for Category III unmanned aircraft is the maximum altitude specified by the production organisation.

§ 41. Requirements for dropping, releasing or spraying objects and substances from aircraft

(1) Objects or substances may be dropped, released or sprayed from aircraft only in the following circumstances:

- 1) to ensure the safe operation of the aircraft;
- 2) military training;
- 3) rescue work.

(2) Objects or substances may be dropped, released or sprayed from aircraft only in specially designated sections of airspace or in uncontrolled airspace over a military training area, except in the case of the activity referred to in clause 1 of subsection 1.

(3) In order to delineate an appropriate section of airspace for activities referred to in subsection 2, the structural unit of the Estonian Defence Forces whose task is to ensure aviation safety in military aviation shall assess the safety of the operation and apply appropriate safety measures in order to avoid any unjustified threat to other users of airspace, the environment, as well as people on the ground or their property.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 41¹. Organisation of parachuting

(1) The Estonian Defence Forces shall draw up safety rules for parachuting in military aviation, which describe the applicable rules of procedure, safety requirements, necessary equipment and other requirements for the safe performance of parachuting, as well as the qualification requirements for parachutists, parachute instructors and jumpmasters.

(2) In addition to the safety rules specified in subsection 1, each unit or agency organising parachuting must have drawn up and established a parachuting manual which details the safety rules specified in subsection 1, taking into account the specific nature of the functions performed by the unit or agency.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 42. Requirements for demonstration flights

All demonstration flights must be conducted in compliance with the airspace classification and instructions provided by the relevant air traffic services unit. The plan for demonstration flights must be approved by the structural unit of the Estonian Defence Forces responsible for the organisation of aviation activities and, if necessary, also by the Estonian Transport Administration.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 43. Requirements for operation of manned formation flights

(1) In the case of standard formation flights, each aircraft participating in a formation shall maintain a distance from the flight lead aircraft not exceeding one nautical mile (1852 metres), both laterally and longitudinally, and 100 feet (30 metres) vertically.

(2) Non-standard formation flight is a formation flight that deviates from the standard formation distances provided in subsection 1.

(3) In the case of non-standard formation flight, the maximum horizontal distance allowed between two aircraft in the formation shall be three nautical miles (5600 metres) and the vertical distance 1000 feet (300 metres), unless otherwise coordinated with the air traffic control unit.

(4) In the case several aircraft or formation flights join up into a single formation within controlled airspace, the aircraft pilots-in-command or flight leaders may assume responsibility for the safe operation of aircraft, releasing the air traffic control unit from the responsibility to maintain separation minima.

(5) The flight leader shall determine the time or distance intervals for the take-off or landing between individual aircraft or formations comprising the formation flight and shall be responsible for informing the air traffic service unit thereof. The air traffic service unit shall treat the formation as a single aircraft with regard to the formation's take-off and landing.

(6) Aircraft may be refuelled in the air. In such cases, the Estonian Defence Forces shall assess the safety of the operation and apply appropriate safety measures in order to avoid any unjustified threat to other users of airspace, the environment, as well as people on the ground or their property.

§ 44. Requirements for operation of unmanned formation flight

(1) It is prohibited to use unmanned aircraft in formation flights specified in § 43.

(2) Unmanned aircraft may take part in formation flights provided that the flight comprises only unmanned aircraft that are specifically designed for that purpose.

(3) The requirement provided in subsection 5 of § 43 must be followed during the take-off and landing of formation flights comprising unmanned aircraft.

§ 45. Granting priority to formation flight

Any aircraft flying alone must give way to formation flight and maintain a safe distance from the formation.

§ 46. Operation of aircraft in prohibited and restricted areas

[Repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 47. Use of aircraft lights

(1) All taxiing and flying aircraft shall activate their navigation lights, as well as anti-collision lights during night-time and during day-time low-level flights, except in cases when:

- 1) they would interfere with, or are likely to interfere with, the satisfactory performance of the mission;
- 2) they would interfere with, or are likely to interfere with, the external observation of the aircraft;
- 3) it is required by the flight task.

(2) In the case of exceptions provided in subsection 1, the pilot-in-command of the aircraft must give prior notification to the appropriate unit of the Estonian Defence Forces.

§ 47¹. General requirements for operation of VFR flights

(1) The minimum meteorological requirements for VFR flights may be reduced only if required by the flight mission or permitted by this Regulation.

(2) In order to operate VFR flights, the unit must have appropriate flight procedures in place, which, prior to their establishment, must also be approved by the Estonian Military Aviation Authority.

(3) In compiling the flight procedures specified in subsection 2, a risk analysis must be taken into account in order to ensure flight safety throughout the flight.

(4) VFR flights are subject to the low-level flight rules provided in § 49.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 48. Night visual flight rules

(1) VFR flights are permitted at night only if the following conditions are met:

- 1) mandatory submission of a flight plan, if the flight departs from an aerodrome and is operated without any being monitored by an appropriate unit of the Estonian Defence Forces;
- 2) monitoring radio communication with the relevant air traffic service unit throughout the flight, except when flying in airspace segregated for the Estonian Defence Forces;
- 3) compliance with the minimum meteorological conditions for VFR flights, i.e. the ground must be visible to the pilot at all times, and the aircraft must be flown at a speed that would allow for adequate monitoring of surrounding air traffic and possible obstacles for the purposes of avoiding collisions;
- 4) when flying with night vision devices, the minimum meteorological conditions for day-time VFR flights must be met.

(2) When flying Category II unmanned aircraft at night, the minimum meteorological conditions specified in clause 4 of subsection 1 must be met.

§ 49. Low-level flight rules

(1) The minimum flight altitude for a low-level flight is determined by the flight mission, but it shall not exceed 2000 feet (600 metres) above the ground or water.

(2) When planning low-level flights, the following requirements must be taken into account:

- 1) densely populated areas should be avoided, if possible;
- 2) the minimum flight altitude above densely populated areas must be 500 feet (152 metres);
- 3) flights below the minimum flight altitude flown over densely populated areas must be approved in advance by the Estonian Defence Forces and, if necessary, by the Estonian Civil Aviation Administration;
- 4) at all stages of the flight, it must be possible to make an emergency landing at a safe distance from densely populated areas.

(3) Low-level flight route planning must be based on up-to-date route maps, taking into account proposed flight altitudes or, alternatively, the planned route or area must be checked in advance, but not earlier than seven days

before the low-level flight is scheduled to take place. Both of these requirements must be met when planning low-level night flights.

(4) When planning low-level flights, the aircraft pilot must indicate on the route map any obstacles that fall within:

- 1) the radius of 4.32 nautical miles (8,000 metres) of the route line for jet and propeller-driven aircraft;
- 2) the radius of 2.7 nautical miles (5,000 metres) of the route line for helicopters.

§ 50. Special VFR flights in control zone

(1) The air traffic control unit of the Estonian Defence Forces may authorise a special VFR flight in the control zone if the visibility in the control zone is at least 1500 metres. For helicopters, the visibility must be at least 800 metres.

(2) The authorisation obtained from the air traffic control unit of the Estonian Defence Forces must ensure the dispersion of flights, except in cases where the aircraft is operating in accordance with the operational air traffic rules and the pilot-in-command of the aircraft assumes responsibility for the safe operation of the aircraft.

§ 51. Operation of unmanned aircraft under instrument flight rules

The operation of Category III unmanned aircraft shall comply with instrument flight rules (IFR) laid down in clauses SERA.5015, SERA.5020 and SERA.5025 of the Annex to Commission Implementing Regulation (EU) No 923/2012.

§ 52. Exceptions to speed limits

(1) The indicated airspeed limit for flights below FL100 shall be 250 knots, except in the following circumstances:

- 1) due to aircraft technical or safety related reasons;
- 2) if it is prescribed otherwise in the flight task;
- 3) for training flights in segregated airspace;
- 4) upon instructions from of the air traffic control unit.

(2) In the case of exceptions listed in subsection 1, all flights below FL100 shall not exceed the airspeed of 550 knots indicated or 0.9 M, depending on which one is attained first.

§ 53. Requirements for aircraft communications and secondary surveillance radar transponder

(1) For flights conducted under operational air traffic rules, the pilot is required to:

- 1) establish two-way radio communication with the air traffic control unit in accordance with the airspace class requirements set out in clause SERA.6001 of the Annex to Commission Implementing Regulation (EU) No 923/2012 or with an appropriate unit of the Estonian Defence Forces that is tasked with transmitting the requisite flight information to the air traffic control unit in order to ensure flight safety, unless otherwise agreed;
- 2) if possible, maintain monitoring of emergency air-ground voice communications on VHF or UHF radio frequencies 121.5 MHz or 243 MHz.

(2) In the event of radio communications interference, the pilot-in-command of the aircraft must proceed in accordance with the rules laid down in Annexes 2 and 10 to the Chicago Convention.

(3) In the case of a standard formation flight, the flight leader shall transmit the secondary surveillance radar transponder code or the aircraft participating in the formation shall transmit their codes in accordance with the instructions received from the air traffic control unit.

(4) Where an unmanned aircraft does not have the capability specified in subsection 1, it must be ensured that the remote pilot can be contacted by other means, including if the aircraft is configured to fly autonomously. [RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 54. Use of airborne collision avoidance system

(1) If the aircraft is equipped with a traffic hazard warning and collision avoidance system, it must be activated on all aircraft flying outside the airspace segregated for the Estonian Defence Forces.

(2) In the case of a standard formation flight where all participating aircraft are equipped with an airborne collision avoidance system (ACAS), only the formation leader may activate the secondary surveillance radar transponder.

Chapter 5

Carriage of Passengers and Cargo

§ 55. Passenger transport via air terminal

(1) As a general rule, in order to board an aircraft that is not an unmanned aircraft, passengers must go through an air terminal, where they shall undergo a pre-flight security check.

(2) Before being cleared for boarding, all passengers must be checked in for the flight. This requires the performance of at least the following operations or actions:

- 1) as a general rule, if the check-in takes place at the aerodrome, the passengers shall be checked-in at the air terminal;
- 2) a passenger manifest must be prepared, listing at least the first name and the surname of each passenger;
- 3) this passenger manifest shall be made available, inter alia, to air terminal staff.

(3) The crew manifest shall be prepared if required by regulations in force at the departure aerodrome.

(4) If passengers are being transported outside the Schengen Area or if they are arriving from outside the Schengen Area, the Estonian Police and Border Guard Board shall be engaged, if necessary.

(5) The boarding of passengers, including standing by in the waiting area, and deboarding shall take place in accordance with established procedures at the air terminal.

(6) Aboard the aircraft, passengers are required to comply with the instructions given by the flight crew. Passengers must be briefed about the flight safety requirements, including how to act in the event of an emergency.

§ 56. Passenger transport without using air terminal

(1) If passengers board an aircraft that is not an unmanned aircraft, without going through an air terminal:

- 1) a passenger manifest must be prepared, listing at least the first name and the surname of each passenger;
- 2) this passenger manifest shall be made available, among others, to the structural unit from where the flight is departing;
- 3) passengers must be demonstrated how to safely approach and leave from the aircraft;
- 4) passengers must be briefed about flight safety requirements, including how to act in the event of an emergency;
- 5) prior to start-up, the crew shall ensure that there are no unauthorised persons in close proximity to the aircraft.

(2) The pilot-in-command shall be responsible for conducting the pre-flight security check.

§ 57. General requirements for carriage of goods

(1) The carriage of goods shall be conducted in accordance with the Chicago Convention and relevant NATO standards, taking into account the exemptions laid down in this Regulation.

(2) Annex 2 to this Regulation lays down the exemptions from the requirements set out in subsection 1 for cases when the Estonian Defence Forces should authorise the carriage of passengers or cargo on the same aircraft or in the same aircraft compartment. In such cases, the safety of the operation of the aircraft, flight crew and passengers must be ensured.

(3) The exemption referred to in subsection 2 may only be requested in case of the following events:

- 1) military training;
- 2) national defence operation;
- 3) participation in international military cooperation.

§ 58. Carriage of cargo by unmanned aircraft

(1) As a general rule, unmanned aircraft are permitted to carry cargo that do not fall under the category of dangerous goods as specified in the Chicago Convention.

(2) All cargo carried by unmanned aircraft must be equipped with a GPS tracking system.

(3) As a general rule, weapons, ammunition and munitions may be carried by unmanned aircraft only within the boundaries of a military training area.

§ 59. Requesting exemption for carriage of passengers

(1) If the carriage of passengers or the carriage of passengers together with cargo aboard the same aircraft requires an exemption to allow the passenger to board the aircraft, this exemption must be requested from the structural unit:

- 1) that has possession of the aircraft belonging to the Estonian Defence Forces;
- 2) that is tasked with providing logistical support and support services to the Estonian Defence Forces, if the aircraft used for the flight in question is not owned by or is not in the possession of the Estonian Defence Forces.

(2) The request for this type of exemption must be submitted in a format that can be reproduced in writing, and it must contain at least the following information:

- 1) the passenger's first name and surname, as well as their personal identification code or date of birth;
- 2) the purpose of the trip;
- 3) aircraft data, including its registration number;
- 4) the flight number, if known;
- 5) the applicant's first name and surname, as well as their rank and the designation of their structural unit.

(3) The written approval to grant the exemption must include at least the following information:

- 1) the passenger's first name and surname, as well as their personal identification code or date of birth;
- 2) the purpose of the trip;
- 3) aircraft data, including its registration number;
- 4) the flight number, if known;
- 5) the date of validity of the exemption;
- 6) the first name and surname, as well as the rank of the person who granted the exemption.

(4) The refusal to grant an exemption does not have to be justified.

§ 60. Requesting exemption for carriage of cargo

(1) If the carriage of cargo requires applying an exemption, the request must be submitted to the structural unit responsible for the organisation of aviation activities in the Estonian Defence Forces.

(2) The application for this type of exemption must be submitted in a format that can be reproduced in writing, and it must contain at least the following information:

- 1) the identification number and classification of the dangerous substance or article in accordance with the United Nations Recommendations on the Transport of Dangerous Goods;
- 2) the full name of the goods;
- 3) description and quantity of the packaging, including the net quantity of explosives per package;
- 4) sender's information;
- 5) recipient's information;
- 6) aircraft data, including its registration number;
- 7) the flight number, if known;
- 8) the purpose of the flight in accordance with subsection 3 of § 57;
- 9) the applicant's first name and surname, as well as their rank and the designation of their structural unit.

(3) The written approval to grant an exemption must include at least the following information:

- 1) the identification number and classification of the dangerous substance or article in accordance with the United Nations Recommendations on the Transport of Dangerous Goods;
- 2) the full name of the goods;
- 3) description and quantity of the packaging, including the net quantity of explosives per package;
- 4) sender's information;
- 5) recipient's information;
- 6) aircraft data, including its registration number;
- 7) the flight number, if known;
- 8) the date of validity of the exemption;
- 9) the first name and surname, as well as the rank of the person who granted the exemption.

(4) If the exemption is applied for the carriage of passengers and cargo on the same aircraft, the written approval to grant an exemption specified in subsection 3 must also include the information specified in clauses 1 and 2 of subsection 3 of § 59.

(5) The refusal to grant an exemption does not have to be justified.

Chapter 6

Aviation Security Requirements

§ 61. Application of aviation security requirements

(1) The aviation security requirements, including pre-flight security checks, laid down in this Chapter apply only to the aerodromes, heliports and unmanned aircraft control centres operated by an agency within the area of government of the Ministry of Defence.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) All certified aerodromes or heliports that are used primarily for civil aviation shall be subject to the aviation security regulations established at that aerodrome or heliport unless such aerodrome or a part thereof or the heliport is reserved exclusively for an agency within the area of government of the Ministry of Defence. In the latter case, the aerodrome or a part thereof, or the heliport in question, shall be subject to the aviation security requirements laid down in this Regulation.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 62. General requirements for aviation security

(1) Aviation security shall be organised in accordance with the requirements for Estonian Defence Forces' security areas as laid down in the Estonian Defence Forces Organisation Act, and the requirements laid down in this Regulation.

(2) Aviation security requirements apply to:

- 1) aerodromes, including air terminals;
- 2) heliports;
- 3) unmanned aircraft control centres;
- 4) departing flights;
- 5) incoming flights, unless the aviation security requirements at the departure aerodrome are equivalent to those stipulated in the Aviation Act or this Regulation;
- 6) persons who are working or are present within the territory of the aerodrome.

(3) The aviation security requirements applicable in the cases listed in clauses 1 to 5 of subsection 2 may be subject to exemptions based on security threat assessments.

(4) If necessitated by security concerns, persons and their belongings as well as cargo shall be inspected upon entry into the territory of the Estonian Defence Forces or the Estonian Defence League.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(5) The area of an aerodrome or heliport area must be isolated from the rest of the areas if required by security concerns or for other reasons.

(6) No cargo shall be loaded on an aircraft before undergoing pre-flight security check, or if the owner of the cargo has not applied required security measures or confirmed the application of such measures, or if the pilot in-command has not taken responsibility for the cargo.

(7) The Estonian Defence Forces' structural unit that is tasked with the organisation of aviation security in the area of government of the Estonian Ministry of Defence must prepare a list of substances and articles that are prohibited from being brought into the territory of an aerodrome or heliport or taken aboard aircraft in luggage.

§ 63. Aviation security at air terminals

(1) Air terminals shall be subject to the measures established for Estonian Defence Forces security areas as stipulated in the Estonian Defence Forces Organisation Act. In the event that the Estonian Defence Forces Organisation Act does not provide for necessary measures, appropriate measures shall be applied in accordance with equivalent requirements set forth in the Aviation Act, Regulation (EC) No 300/2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repeals Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72–84), or in the European Commission Implementing Regulation (EU) No 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299, 14.11.2015, p. 1–142), or requirements laid down in this Regulation.

(2) As a general rule, pre-flight inspections shall not be performed for baggage that comprises weapons or other special equipment belonging to servicemen of the Estonian Defence Forces.

(3) Exemptions are allowed for the inclusion of prohibited substances and articles in baggage aboard an aircraft, if the substance or article is needed for completing the flight task or the task assigned to the serviceman who is a passenger aboard the aircraft.

§ 64. Aviation security at unmanned aircraft control centres

(1) Appropriate security measures shall be applied at Unmanned Aircraft Control Centres, in order to protect the control centre:

- 1) against physical threats or sabotage;
- 2) against threats to communications systems and other cyber threats.

(2) If two or more control centres have been scheduled to operate an unmanned flight, all of the control centres involved must be secured for the entire duration of the flight of the unmanned aircraft.

§ 65. In-flight security measures

During the flight, any passenger representing a potential hazard shall be subject to appropriate security measures.

§ 66. Mandatory aviation security rules and guidelines

(1) The Estonian Defence Forces' structural unit that is tasked with the organisation of aviation security in the area of government of the Ministry of Defence must prepare aviation security rules that describe the methods and procedures for operating aerodromes, air terminals, heliports and unmanned aircraft control centres.

(2) The aviation security rules must cover, inter alia, provisions for internal quality control regarding the oversight related to these methods and procedures.

(3) The structural unit or agency whose duties include the operation of unmanned aircraft must prepare aviation security guidelines for its unit in accordance with the aviation security rules specified in subsection 1.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(4) The aviation security rules are submitted to the Ministry of Defence.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Chapter 7 Requirements for Military Aviation Facilities

§ 67. Application of requirements for military aviation facilities

(1) This Chapter applies to the aerodromes and heliports operated by the agencies within the area of government of the Ministry of Defence and to other areas selected for the operation of military aviation aircraft, unless otherwise specified in this Regulation.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) The requirements laid down in this Chapter shall not apply to mobile surveillance equipment.

§ 68. General requirements for military aviation facilities

(1) Aerodromes and heliports of the Estonian Defence Forces cannot be used for the operation of commercial air transport, except for the operation of civil aircraft in the possession of the Estonian Defence Forces and the Estonian Defence League, for emergency landing of aircraft or if expressly authorised by the Commander of the Estonian Defence Forces or person authorized by them.

(1¹) Aerodromes and heliports of the Estonian Defence League may be given to persons in private law for their use if this does not hinder the performance of military training or other tasks of the Estonian Defence Forces or the Estonian Defence League.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) It must be ensured that aerodromes, parts thereof or heliports are not used by aircraft for which the aerodrome, parts thereof or heliport, or their rules of operation are not suitable under normal circumstances, except in the event of emergency landings or other reasons that shall be determined on a case-by-case basis.

(3) The structural unit on whose territory the aerodrome, heliport or helicopter landing site is located, must designate a unit that shall be responsible for the maintenance of the aerodrome, heliport or helicopter landing site, and provide the necessary resources.

(4) The structural unit on whose territory the aerodrome, heliport or helicopter landing site is located, must take into account the safe operation of the aerodrome, heliport or helicopter landing site located on its territory when planning construction and landscaping on its premises.

§ 69. Construction and maintenance of heliports and helicopter landing sites

(1) The areas used for the take-off and landing of helicopters shall be divided as follows:

- 1) heliports and helipads (hereinafter 'heliports');
- 2) helicopter landing sites.

(2) The construction of heliports must take guidance from the requirements laid down in the regulation established pursuant to subsection 2 of § 36 of the Aviation Act or relevant NATO standards.

(3) The choice of location of helicopter landing sites, including temporary helicopter landing sites, must ensure the safety of landing and take-off, and that the aircraft remains within a safe distance from obstacles surrounding the helicopter landing site.

(4) If necessary, the construction, operation and maintenance of helicopter landing sites, including temporary helicopter landing sites, shall take guidance from the requirements of relevant NATO standards.

(5) All helicopter landing sites must have a fact sheet describing, at minimum, the coordinates of the helicopter landing site and the nearest obstacles, and an appended map of the surrounding area. The fact sheet must be available both at the structural unit on whose territory the helicopter landing site is located, as well as at the structural unit responsible for the organisation of aviation activities in the Estonian Defence Forces.

§ 70. Requirements for aerodrome movement areas

(1) The aerodrome areas designated for the landing, take-off, taxiing and parking of aircraft (hereinafter referred to together as 'movement area') must meet at least the following conditions:

- 1) the dimensions and characteristics of the parts of the movement area, including its bearing strength and surface characteristics, are suitable for the aircraft using it;
- 2) water shall be drained from the movement area to avoid the accumulation of stagnant water that might endanger the operation of aircraft;
- 3) the slope and slope changes of the movement area do not endanger the operation of aircraft;
- 4) there are no obstructions in the movement area that might endanger the operation of the aircraft;
- 5) if there are multiple landing and take-off areas, they must be designed in a manner that their utilisation does not pose excessive risk to aircraft operations.

(2) Areas designated for the taxiing or parking of aircraft must take into account the requirements set forth in clauses 1 to 4 of subsection 1, including the locations within those areas that are designated for support equipment and devices.

(3) Appropriate measures must be implemented for aerodrome movement areas for the purposes of preventing access for unauthorised persons and vehicles, as well as animals who might endanger aircraft during operation.

(4) In addition to the requirements laid down in subsections 1 to 3, the design and construction of aerodromes must take guidance from the technical requirements set out in Annex 14 to the Chicago Convention or in the relevant NATO standards.

§ 71. Development of flight procedures

(1) Flight procedures must be established at aerodromes and heliports for the purposes of safeguarding an aircraft that is approaching to land or taking off from an aerodrome or heliport in order to ensure the appropriate distance from obstacles located in the vicinity of the aerodrome or the heliport.

(2) The flight procedures referred to in subsection 1 comprise visual and instrument flight procedures.

(3) The development of flight procedures must take guidance from the following documents:

- 1) International Civil Aviation Organization Document No. 8168, Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) Volume II – Construction of Visual and Instrument Flight Procedures;
- 2) "NATO Supplement to ICAO Doc 8168 – OPS/611, Volume II, For the Preparation of Instrument Approach and Departure Procedures – AATCP-1" (STANAG 3759);
- 3) NATO standard "Aerodrome and Heliport ATS Procedures – AATMP-06" (STANAG 3297).

(4) If the development of flight procedures deviates from the requirements set forth in subsection 3, those parts of the flight procedure that deviate from the requirements set forth in subsection 3 must undergo risk analysis to ensure continued flight safety.

(5) All flight procedures, with the exception of those developed for use in national defence operations or for use in the framework of international military operations, shall be published on the web page of the Estonian Defence Forces.

(6) If an organisation or agency other than the Estonian Defence Forces develops the flight procedures for an aerodrome operated by the Estonian Defence Forces, these procedures shall be subject to approval by the Estonian Defence Forces.

- (7) Visual and instrument flight procedures must be reviewed and, if necessary, updated if:
- 1) there are any changes in any of the underlying criteria used for the development of flight procedures;
 - 2) an obstacle that may hinder the application of existing procedures is constructed or installed within the immediate vicinity of the aerodrome;
 - 3) five years have elapsed since the procedures were developed or last reviewed.

§ 72. Requirements for safe operation of aerodrome and heliport navigation and surveillance equipment

(1) It must be ensured that aerodrome or heliport safety related equipment functions properly and shall not, in case of failure, constitute an unacceptable risk to aviation safety. To that end, appropriate safeguards must be applied.

(2) Devices and their electrical power supply systems must be designed in a manner that in case of failure the user is not provided with irrelevant, misleading or incomplete information and essential services are not disrupted.

(3) Radiation sources or mobile or permanently installed objects must not interfere with or impair the operation of aeronautical communications, navigation or surveillance systems.

§ 73. Requirements for safe operation of aerodromes and heliports

(1) The operation of an aerodrome or heliport must ensure the safe operation of the aircraft at the aerodrome or heliport. This must include, among other things, at least:

- 1) the implementation of a system for reporting occurrences;
- 2) if necessary, marking obstacles located in the vicinity of the aerodrome or heliport and equipping them with warning lights that are visible, among others, by night-vision devices;
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]
- 3) preparation of an emergency plan for the aerodrome or heliport;
- 4) ensuring adequate maintenance of the movement area, as well as and other relevant areas, and the existence of relevant operating procedures;
- 5) ensuring the existence of a quality and safety management systems.

(2) All aerodromes and heliports must ensure the availability of rescue and fire-fighting services corresponding to the aircraft using the aerodrome or heliport, that must, in the event of an incident or accident, respond with the required speed, as well as appropriate personnel, equipment and fire-fighting equipment corresponding to the nature of the incident or accident.

§ 74. Aerodrome and heliport maintenance requirements

(1) Maintenance manuals must be prepared for aerodrome or heliport facilities in order to properly maintain those facilities and to ensure flight safety.

(2) The maintenance of aerodromes and heliports must include, among other things, the inspection of the entire surface of the movement area, including covering materials, bordering areas and storm water drainage systems, as well as regular assessment of their condition.

(3) In order to meet the requirements specified in subsection 2:

- 1) the entire surface of the movement area must be cleaned in order to prevent or eliminate loose objects and other items that could damage aircraft or the operation of their systems;
- 2) the possibility for hazardous damage occurring in the movement area must be minimised;
- 3) if the runway friction coefficient falls below the minimum level, the friction of the runway or a part thereof must be improved;
- 4) other necessary measures shall be taken as situation requires.

§ 75. Mandatory aerodrome and heliport manuals

(1) All aerodromes and heliports must prepare an operating manual. The manual must be prepared in accordance with the requirements for the manual's content as stipulated in the regulation issued on the basis of subsection 2 of § 35¹ of the Aviation Act.

(2) A copy of the aerodrome and heliport manual or a part thereof must be located:

- 1) at the aerodrome or heliport;
- 2) with the relevant unit of the Estonian Defence Forces responsible for aerodromes and heliports;
- 2¹) with the relevant unit of the Estonian Defence League responsible for aerodromes and heliports;
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]
- 3) [repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]
- 4) at the Ministry of Defence.

(3) These aerodrome and heliport manuals must be updated as necessary.

Chapter 8

Requirements for Military Aviation Personnel

§ 76. Requirements for certifying staff

All certifying staff must comply with the requirements set out in Annex III to the document “Military Aircraft Maintenance Licencing” (EMAR 66) issued by the European Defence Agency.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 77. Requirements for air traffic safety electronics personnel

Air traffic safety electronics personnel (ATSEP) must comply with the requirements set out in:
1) NATO standard “NATO minimum requirements for personnel providing air traffic management (ATM) and air navigation services (ANS) in NATO-led Operations – AATMP-46” (STANAG 7204);
2) European Commission Implementing Regulation (EU) 2017/373 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1–126, hereinafter Commission Regulation 2017/373).
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 77¹. Requirements for aerodrome or heliport personnel

- (1) Aerodrome or heliport personnel must have completed appropriate training.
- (2) The specific requirements for the knowledge and skills of aerodrome or heliport personnel, such as air terminal specialists, runway maintenance specialists, firefighters, meteorologists and flight information specialists, shall be established by the Commander of the Estonian Defence Forces or a person authorised by them.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 78. Requirements for pilots of manned aircraft

- (1) The pilots of manned aircraft must comply with at least one of the following requirements:
 - 1) they must hold at least a commercial pilot licence (CPL) in accordance with the regulation established pursuant to subsection 2 of § 24 of the Aviation Act, and corresponding to the type of aircraft that the pilot operates;
 - 2) completed an accredited military aviation pilot training programme at an educational institution providing military education, which must be, at a minimum, equivalent, to commercial pilot training;
 - 3) they fulfil the requirements laid down in Commission Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1–193), which are equivalent to the requirements set out in clause 1.
- (2) In addition to the requirements set out in subsection 1, the pilot must have completed aircraft type rating training.

§ 79. Additional requirements for pilots of manned aircraft

- (1) Pilots of manned aircraft who work as flight instructors or a flight examiners must hold a commercial pilot licence (CPL) in accordance with the regulation established pursuant to subsection 2 of § 24 of the Aviation Act, corresponding to the type of aircraft that the pilot operates, or they must have completed an accredited military pilot training programme at an educational institution providing military education, which must be, at a minimum, equivalent to commercial pilot training.
- (2) In addition to the requirements set out in subsection 1, the pilot must have completed type rating training.
- (3) The pilot may apply for an instrument rating for manned aircraft in accordance with the regulation established pursuant to subsection 2 of § 24 of the Aviation Act.

§ 80. Requirements for other aircrew members on manned aircraft

- (1) Other aircrew members on manned aircraft must have completed appropriate training.
- (2) The specific requirements for the knowledge and skills of other aircrew members on manned aircraft, such as operator-observers, flight engineers, pursers, shall be established by the Estonian Military Aviation Authority.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 81. Requirements for remote pilots

(1) The knowledge and skills of remote pilots must be in compliance with the requirements set out in NATO standard “Minimum Training Requirements for Unmanned Aircraft Systems (UAS) Operators and Pilots – ATP-3.3.8.1” (STANAG 4670), including with the type of unmanned aircraft that the remote pilot operates.

(2) For operating Category I unmanned aircraft, the remote pilot must have completed at least a one-day training course in accordance with the requirements for qualification level I as set out in STANAG 4670 that are sufficient for the technical limitations of unmanned aircraft laid down in subsection 3 of § 3.

(3) For operating Category II unmanned aircraft, the knowledge and skills of remote pilots must be in compliance with qualification level I, II or III as specified in STANAG 4670, depending on the type of unmanned aircraft the remote pilot shall operate.

(4) For operating Category III unmanned aircraft, the remote pilot must, in addition to the requirements set forth in subsection 1, also hold a commercial pilot licence (CPL) as specified in § 78, or they must, at a minimum, meet the requirements of qualification level IV as specified in STANAG 4670. If the pilot holds a commercial pilot licence, they must also have completed appropriate type rating training.

(5) Remote pilots with higher qualification levels are permitted to operate unmanned aircraft with lower qualification level requirements. In such cases, remote pilots must complete only the appropriate type rating training required for that specific type of unmanned aircraft.

§ 82. Requirements for crew members of unmanned aircraft

All crew members of unmanned aircraft must have completed appropriate training covering the operation or maintenance of the type of unmanned aircraft for which they are a crew member.

§ 83. Requirements for air traffic controllers

Air traffic controllers must comply with the requirements laid down in Commission Regulation (EU) No 2015/340 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 (OJ L 63, 6.3.2015, p. 1–122).

§ 84. Requirements for flight procedures designers

Flight procedures designers must comply at minimum with the requirements laid down in clause FPD.OR.115 of Annex XI to Commission Regulation 2017/373 and they must have completed on-job training in an organisation that develops military flight procedures.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 85. Requirements for fighter controllers and senior fighter controllers

(1) The skills and knowledge of fighter controllers must at minimum meet the requirements set out in NATO standard “NATO Qualifications for Fixed Wing Above Water Warfare/Aerospace Surveillance and Control System (AWW/ASACS) Aircraft Controllers – ATP-3.3.5.2” (STANAG 1183).

(2) The requirements for the skills and knowledge of senior fighter controllers shall be established by the Commander of the Estonian Defence Forces or a person authorised by them.

(3) The language proficiency of fighter controllers and senior fighter controllers in English as a working language must at minimum meet the NATO standard 6001 “Language proficiency levels – ATrainP-5” (STANAG 6001) level 2222.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 86. Requirements for joint terminal attack controllers

Joint terminal attack controllers (JTAC) must have completed NATO accredited JTAC training curriculum at a military education institution, and their skills and knowledge must meet the requirements set out in NATO standard “Joint Terminal Attack Controller Program – ATP-3.3.2.2” (STANAG 3797).

§ 86¹. Requirements for joint fire observers

Joint fire observers (JFO) must have completed training for joint fire observers at one of the education institutions specified in the Joint Fire Support Executive Steering Committee (JFS ESC) Action Plan Memorandum of Agreement 2004-03, and their skills and knowledge must at minimum meet the requirements set forth in the same document.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 87. Requirements for air-to-ground range control officers

All air-to-ground range control officers must have requisite aviation knowledge and skills, such as those of a pilot, air traffic controller or fighter controller, and they must have completed training for air-to-ground range control officers.

§ 88. Recognition of professional qualifications acquired abroad

[Repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 89. Training requirements for remote pilots

(1) The training of unmanned aircraft pilots and crew members must take guidance from the requirements laid down in STANAG 4670. In the case of Category I unmanned aircraft remote pilot training, the qualification requirements may forego those that are not necessary for remote pilots operating Category I unmanned aircraft, taking into consideration the technical limitations set forth in subsection 3 of § 3.

(2) [Repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 90. Health requirements for military aviation personnel

(1) The health status of military aviation personnel must comply with the requirements laid down in the Aviation Act, Military Service Act or other legislation.

(2) The health status of persons specified in §§ 78, 79 and 83 shall be assessed in accordance with the relevant health requirements laid down for those positions in the Aviation Act.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(3) The health status of remote pilots operating Category III unmanned aircraft shall be assessed in accordance with the health requirements laid down in the Aviation Act for air traffic controllers. If the remote pilot holds a commercial pilot licence, his or her health shall be assessed based on the requirements established for pilots.

(3¹) The health status of the persons specified in §§ 80 and 85 to 87, of the remote pilot operating Category II unmanned aircraft and of the crew members of unmanned aircraft of Categories II and III must be assessed on an annual basis.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(4) The health status of military aviation personnel in active service other than those specified in subsections 2 to 3¹ shall be assessed pursuant to the requirements set forth in the Military Service Act.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Chapter 8¹ **Organisation of Supervision over Military Aviation**

[RT I, 28.03.2023, 1 - entry into force 31.03.2023]

§ 90¹. Principles of exercising supervision over military aviation

(1) Supervision over military aviation is exercised by the Estonian Military Aviation Authority in accordance with the Aviation Act, the Administrative Procedure Act, the Government of the Republic Act and other relevant laws.

(2) The Estonian Military Aviation Authority shall submit to the Ministry of Defence by 31 March of each year a supervision report for the previous calendar year, including a summary of the supervisory procedures carried out, the violations detected, the precepts issued and their execution by the entities to which the precept was issued, as well as a description of the supervisory priorities for the previous year and the current calendar year.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Chapter 9 **Procedure for Investigating Aviation Accidents and Incidents Involving Military Aviation Aircraft**

§ 91. Implementation of quality and safety management systems

(1) Quality and safety management systems shall be implemented for the purposes of reducing aviation accidents and incidents.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) Where appropriate, the structural unit responsible for the management of aviation safety in military aviation draws up mandatory guidelines for the implementation of the quality or safety management systems.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 91¹. Reporting aviation occurrences

Aircraft operators are obliged to report all aviation occurrences. The reporting procedure is established by the structural unit responsible for the management of aviation safety in military aviation.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 92. Objective of investigations into aviation occurrences

(1) The objective of investigations into aviation accidents and incidents is to improve aviation safety, prevent accidents/mishaps and dangerous situations, and reduce the damage resulting from accidents.

(2) Investigations into aviation occurrences are not aimed at apportioning blame or liability.

§ 93. Object of investigation and investigation procedure

(1) The investigation boards referred to in §§ 94 and 95 shall investigate occurrences listed in subsection 1 of § 47 of the Aviation Act and involving on-board weapons systems within the scope specified in this Regulation if such occurrences involve only manned and unmanned aircraft in the possession of the agency within the area of government of the Ministry of Defence or the armed forces of a foreign state.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(2) In the investigation of aviation accidents and incidents involving military aviation aircraft, the provisions of the Aviation Act on the procedure for investigating accidents and incidents and the exceptions set out in NATO standard “Safety Investigation of Accidents/Serious Incidents Involving Military Aircraft, Missiles, and/or UASs – AFSP-1.3” (STANAG 3531) apply.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(3) [Repealed – RT I, 28.03.2023, 1 – entry into force 31.03.2023]

§ 94. Investigation Board of Estonian Defence Forces

(1) The Investigation Board of the Estonian Defence Forces (hereinafter ‘EDF Investigation Board’) shall investigate all aviation occurrences.

(2) The EDF Investigation Board is tasked with determining, independently of the parties involved in the aviation accident or incident, the circumstances which led to an occurrence. The EDF Investigation Board must, as far as it is practicable and reasonable, put forward safety recommendations in order to reduce the likelihood of similar incidents occurring in the future.

(3) The EDF Investigation Board is a temporary board of inquiry operating under the structural unit of the Estonian Defence Forces that is tasked with organising aviation activities within the Estonian Defence Forces. The investigation board shall operate under the specified structural unit also in the event that the aviation occurrence under investigation involves multiple structural units or multiple agencies.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(4) The person appointed as the head the EDF Investigation Board must possess professional expertise in the field of military aviation and knowledge about aviation safety. The other members of the EDF Investigation Board must have sufficient expertise in the areas relevant to the investigation.

(4¹) Instead of the investigation board, an aviation occurrence may also be investigated by a person responsible for aviation safety who is employed by the unit tasked with the management of aviation safety in military aviation in the case of an occurrence specified in clause 3 or 4 of subsection 1 of § 47 of the Aviation Act.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(5) Persons in reserve who have relevant expertise in the area of military aviation may also be appointed to serve on the EDF Investigation Board upon his/her consent.

(6) If the EDF Investigation Board is investigating an occurrence involving multiple structural units or multiple agencies, at least one person from the structural unit or agency that is involved in the aviation occurrence under investigation must be appointed to serve on the EDF Investigation Board.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(7) The EDF Investigation Board is entitled to engage external experts from outside the Estonian Defence Forces.

(8) The EDF Investigation Board shall be formed and its rules of procedure shall be approved by the Commander of the Estonian Defence Forces or a person authorised by them.

§ 95. Investigation Board of Ministry of Defence

(1) The Investigation Board of the Ministry of Defence (hereinafter ‘MoD Investigation Board’) is tasked with conducting, independently of the parties involved in the aviation accident or incident, additional investigation into the circumstances that created the dangerous situation and led to the occurrence.

(2) The MoD Investigation Board may initiate additional investigation in the event of the following aviation occurrences:

- 1) an occurrence that has resulted in injury or death;
- 2) an occurrence involving a member of armed forces of a foreign state or its aircraft;
- 3) an occurrence resulting in irreversible damage to manned aircraft or to Category III unmanned aircraft;
- 4) an occurrence involving the handling of weapons, ammunition or munitions;
- 5) an occurrence requiring a resolution at the strategic level or the reallocation of resources;
- 6) an occurrence that is under increased public attention.

(3) The MoD Investigation Board is a standing committee comprising at least five members. The MoD Investigation Board shall include a Chair, a Vice-Chair, at least three other members, two alternates and a secretary. The members of the MoD Investigation Board, including the Chair and the Vice-Chair, must have either legal, aeronautical, military aviation or technical expertise or sufficient expertise in areas relevant to the investigation. The Minister of Defence shall appoint the members of the MoD Investigation Board.

(4) Employees of the Estonian Defence Forces with relevant aeronautical expertise may also be appointed to the MoD Investigation Board.

(5) The MoD Investigation Board is entitled to engage other external experts in its work from outside the Ministry of Defence.

§ 96. Preparation of investigation report

(1) The Investigation Boards of the Estonian Defence Forces and the Ministry of Defence must both prepare an investigation report outlining the course and results of their investigations.

(2) The investigation report must include a section listing the recommendations on how to reduce the recurrence of similar occurrences in the future.

(3) The MoD Investigation Board may include in its report, in addition to recommendations, also precepts.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

(4) In the event that the Ministry of Defence has independently initiated an investigation of an aviation occurrence, the EDF Investigation Board must disclose all information relevant to the investigation and submit its own investigation report to the MoD Investigation Board.

(5) The Investigation Boards referred to in §§ 94 and 95 are entitled to prepare a joint report on aviation accidents and incidents listed in subsection 1 of § 93.

§ 97. Compliance with recommendations and precepts

(1) The precepts included in the reports specified in subsection 3 of § 96 are mandatory for compliance.

(2) A report on compliance with the recommendations and precepts issued by the MoD Investigation Board is submitted by the agency to whom they were issued within a reasonable time period, but not later than one year.

(3) By 31 March each year, the EDF Investigation Board submits to the Ministry of Defence a report on all aviation occurrences in military aviation, including an overview of how many recommendations were made by the EDF Investigation Board and how many of them were complied with or are planned to be complied with.
[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

Chapter 10

Implementing Provisions

§ 98. Implementation of requirements

(1) The requirements for unmanned aircraft laid down in Commission Regulation 2019/945, as set out in subsection 1 of § 13, apply from 1 July 2020.

(2) The requirement laid down in § 76 for aircraft certifying staff applies from 1 October 2020.

(3) The requirement laid down in subsection 2 of § 77 for air traffic safety electronics personnel applies from 2 January 2020.

(4) The requirement laid down in subsection 1 of § 78 for pilots applies from 1 October 2020.

(5) The requirements laid down in § 81 for remote pilots and the requirement laid down in subsection 2 of § 89 apply from 1 October 2020.

(6) Where a unit organising parachute dropping has not established a parachuting manual prior to the entry into force of § 41¹ of this Regulation, it must be established within three months after the entry into force of that section.

[RT I, 28.03.2023, 1 – entry into force 31.03.2023]

[Annex 1](#) Symbol to be applied to military aircraft
[RT I, 28.03.2023, 1 - entry into force 31.03.2023]

[Annex 2](#)