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ON AMENDMENT OF THE AVIATION ACT

Article 1

In Article 4, item 71 of the Aviation Act ("Official Gazette of the Republic of Macedonia" No. 14/2006, 24/2007, 103/2008, 67/10 and 24/12) the words "panoramic flight" shall be deleted.

Article 2

In Article 7-b, paragraph (1), after subparagraph 9, two new subparagraphs 10 and 11 shall be added that read:

"- shall protect passengers' rights and provide rights for persons with disabilities as well as persons with reduced mobility,"

- shall issue flight permissions and Designations to national air carriers,"

After paragraph (1) a new paragraph (2) shall be added that reads:

"(2) Notwithstanding the provisions of paragraph (1) of this Article, certain activities that fall in the competence of the Agency shall be performed by EASA if provided for by the present Act, the regulations enacted in accordance with this Act and/or Regulation 216/2008 of the European Union on the common rules in the field of civil aviation, and establishment of EASA, adopted in accordance with Annex 1 of the Multilateral agreement on the establishment of a European Common Aviation Area ("Official Gazette of the Republic of Macedonia" No. 27/2007 and 98/2009)."

Article 3

In Article 9, paragraph (5) shall be amended and read:

"Agency employees, employees of other legal persons dealing with civil aviation and established by the State, as well as employees of other legal persons may be nominated for President and member of the Management Board, unless it presents a conflict of interest according to Law."

Article 4

In Article 9-d, paragraph (2), the word "appointed" shall be replaced by "elected".

Article 5

In Article 9-e, paragraph (1), subparagraph 11, the words:" upon previous approval from the Management Board" shall be deleted.

After subparagraph 11, a new subparagraph 12 shall be added that reads:

"- shall issue orders and/or operational directives related to safety and security from unlawful interference,"

Article 6

In Article 12, after paragraph (5), two new paragraphs (6) and (7) shall be added that read:

"(6) The Agency may also be financed from the Concession revenue for utilization of the airports in the Republic of Macedonia, paid for the previous year.

(7) The Assembly of the Republic of Macedonia shall, at Agency's proposal, endorse a Decision on use of the funds provided for in paragraph (6) of this Article, following the receipt of considered opinion of the Government of the Republic of Macedonia."

Article 7

In Article 13, paragraph (3) shall be amended and read:

"The Report on the accomplishment of the Annual Performance and Development Program of the Agency for the previous year, followed by financial and accounting reports delivered in accordance with the International Financial Reporting Standards, shall be adopted by the Agency's Management Board not later than 25 February of each year:"

Paragraph (5) shall be amended and read:

"The Report delivered by any independent auditor shall be furnished to the Management Board of the Agency not later than 1 June of each year."

After paragraph (5), a new paragraph (6) shall be added that reads:

"(6) The Report on the accomplishment of the Annual Performance and Development Program of the Agency for the previous year shall be furnished by the Management Board of the Agency to the Assembly of the Republic of Macedonia for endorsement not later than 30 June, together with the Report delivered by the independent auditor."

Paragraph (6) shall become paragraph (7).

Paragraph (7) shall be deleted.

Article 8

In Article 34, paragraph (4) shall be deleted.

Article 9

In Article 53, paragraphs (1) and (2) shall be amended and read:

"(1) The air navigation services shall be provided on an exclusive basis within specific airspace blocks under the responsibility of the Republic of Macedonia by the Air Navigation Services Provider to be designated by the Government of the Republic of Macedonia, as long as it holds a valid certificate of competence for provision of air navigation services.

(2) In case of existence of a functional airspace block established on the basis of an international agreement in accordance with Article 57 of this Law and stretching across the airspace of the Republic of Macedonia, the signatory states shall jointly designate with the Agreement, one or more air navigation services providers and determine their rights and responsibilities."

After paragraph (2) a new paragraph (3) shall be added that reads:

"(3) The designation provided for in paragraphs (1) and (2) of this Article shall relate to provision of ATC and Meteorological services."

Paragraph (3) shall become paragraph (4).

Paragraph (4) shall become paragraph (5) and read:

"(5) The air navigation services providers with principal place of business in the Republic of Macedonia shall be issued the Certificate of Competence for provision of air navigation services by the Agency, with a validity period of two years."

Paragraphs (5), (6), (7) and (8) shall become paragraphs (6), (7), (8) and (9).

Article 10

Article 60-d shall be amended and read:

"(1) The Air Navigation Services Provider shall develop an Air Navigation Services Provision Program as well as an Annual Financial Plan, with previously obtained consent by the Agency, and shall send them for approval to the Government of the Republic of Macedonia, not later than the end of each year.

(2) The Annual Financial Report together with the Balance Sheet, Auditor's Report for the previous year as well as the Performance Report for the previous year shall be furnished by the Air Navigation Services Provider to the Government of the Republic of Macedonia for approval not later than the end of May of each year, after obtaining a positive opinion by the Agency."

Article 11

In Article 84, paragraph (2), the word "domestic" shall be deleted.
In paragraph (3), the words:" domestic airlines" shall be replaced by the word the "airlines".

Article 12

In Article 126, after paragraph (3), a new paragraph (4) shall be added that reads:

"(4) Any inspection of airborne aircraft shall be conducted by an airborne aircraft inspection commission established by the Agency."

Paragraph (4) shall become paragraph (5) and the words: "the crew members and the aviation technical personnel on board the aircraft" shall be replaced by the words: "the airborne aircraft inspection commission established by the Agency".

Article 13

In Article 146, after paragraph (2), a new paragraph (3) shall be added that reads:

"(3) The special requirements, manner and procedure for establishing the medical fitness of aeronautical personnel performing and providing works of significance to the safety of aircraft in regard to state aircraft shall be prescribed by Minister of Defense, Minister of the Interior or Minister of Finance."

Paragraph (3) shall become paragraph (4).

Article 14

In Article 147, after paragraph (6), two new paragraphs (7) and (8) shall be added and read:

"(7) The medical examinations of aviation personnel performing and providing works of significance to the safety of aircraft in regard to state aircraft shall be conducted by medical institutions or individual medical examiners authorized by the Minister of Defense, Minister of the Interior or Minister of Finance.

(8) The specific conditions, manner and procedure for authorising the medical institutions or individual medical examiners provided for in paragraph (7) of this Article shall be prescribed by the Minister of Defense, Minister of the Interior or Minister of Finance."

Article 15

In Article 163, paragraph (1), after the words "flight data" the following words shall be added: "that work in operational shifts".

Article 16

Article 182 shall be amended and read:

"(1) In the event of violation of the provisions of this Act or any regulations enacted in accordance with this Act, the inspector shall make a Report and prepare a Decision to be endorsed by the Agency's Director General.

(2) The Decision provided for in paragraph (1) of this Article shall:

a) order the perpetrator of the violation to take corrective actions for eliminating the established inadequacies and deficiencies;

b) prohibit any activities contrary to the provisions of this Law and the regulations enacted in accordance with this Law, and

c) seize any foreign aircraft at airport and take other measures in accordance with international agreements ratified by the Republic of Macedonia."

Article 17

In Article 188, paragraph (1), item 1, the number "4" shall be replaced by number "3".

Article 18

In Article 190, paragraph (1), item 17, the words "paragraph (2) shall be deleted.

Article 19

In Article 190-a, the word "the inspector" shall be deleted, and the words "shall carry out" shall be replaced by "is carry out".

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Article 20

The provisions contained in Article 6 of this Law adding two new paragraphs (6) and (7) in Article 12 of the Aviation Act ("Official Gazette of the Republic of Macedonia" No. 14/2006, 24/2007, 103/2008, 67/10 and 24/12) shall be applied as from 1 January 2013.

Article 21

The legislative-legal commission of the Assembly of the Republic of Macedonia is hereby authorized to establish the consolidated text of the Aviation Act.

Article 22

The present Law shall enter into force on the eight day from the date of its publishing in the "Official Gazette of the Republic of Macedonia".