

LAW AMANDING THE AVIATION ACT

Article 1

The Aviation Act (Official Gazette of the Republic of Macedonia, No. 14/06) Article 2 paragraph 1 the words: “air transport services” are replaced with the words: “air navigation services”, and the words: “and provides” are deleted.

Article 2

Article 4:

Item 8 is changed and reads:

“8. **“pilot-in-command”** means a pilot designated by the airline, or by the owner, who is responsible for operating the aircraft in a safe manner during flight;”

Item 29 is changed and reads as follows:

“29. **“Aeronautical Information Publication – AIP of the Republic of Macedonia”** means a publication containing aeronautical information of a lasting character essential to air navigation developed by the air navigation services provider and approved by the Agency; “

Item 37 is changed and reads:

“37. **“Public air service”** means a commercial scheduled and/or non-scheduled air service for transport of passengers, baggage, goods (cargo and/or dangerous goods), mail or subjects from one point to another in domestic or international air services provider;”

Item 45 is changed and reads:

“45. **“Non-schedule public air services”** means any type of air transport other than scheduled public air service;”

Item 53, after the words “decision altitude/height” the text in bracket is changed and reads: “(DA/H)” and after the words “minimum descent altitude/height” the text in bracket is changed and reads: “(MDA/H)”;

Item 55, after the word “aerodrome/airfield” the text “’s infrastructure” is inserted.

Item 58, paragraph 2 item (i) the words: “and duties in respect of ensuring optimal traffic flow and granting over-flights permission and permission for general aviation flights;” are deleted;

Item 58, item (h) is changed and reads: “personnel charged with duties in respect of installation, maintenance, inspection and monitoring of technical facilities, devices and equipment for provision of air navigation services (ATSEP)”;

Item 58, after item (j) a new item (k) is inserted and reads as follows:

“k) Personnel charged with duties in respect of regulation and ensuring optimal traffic flow.”

Paragraph 3, at the end of the text, the semicolon “;” is deleted and replaced with a period “.”, and the following words are inserted: “The other qualified personnel covers the following: professional fireman, ground handling personnel charged with duties in respect of provision fuel and lubricants to aircraft, medical personnel, personnel to protect the security of civil aviation against acts of unlawful interference, as well as personnel maintaining the airport infrastructure, i.e. maneuvering surfaces, objects and installations at the airport being of importance for the safety of air services.”

Item 77 is deleted.

Item 80, the words: “air transport services” are replaced with the words: “air navigation services”;

Sub-item (d) is changed and reads: “installation, maintenance, inspection and monitoring of the technical facilities, devices and equipment for provision of air navigation services (CNS Services);”

After item 81 two new items 82 and 83 are inserted and read as follows:

“82. ECIP means the European Convergence Implementation Plan, and

83. Airport infrastructure means runways, taxiways, aprons, vertical signalization installations and terminal building with associated facilities and installations.”

Article 3

Article 7, paragraph 3 item 4 is changed and reads: “- Approval of Aeronautical Information Publication;”

Article 7, paragraph 3 item 5 is changed and reads: “;-Carry out the administrative procedure regarding the issuance, renewal, revalidation, modification, suspension and revocation of licences, ratings, certificates, approvals and other documents specified under this Act.”

Article 4

Article 9, paragraph 2, item 1 is changed and reads: “- Enactment internal procedures and operation manuals;”.

Item 3, the comma “.” is deleted and the following words are inserted: “whenever there is a legal base under a bylaw enacted under this Act.”

After item 3, new item 4 is inserted and reads: “- Submission to the Government of the Republic of Macedonia the Financial Programme/Business Plan of the Agency for every following year.”

Article 5

Article 12, paragraph 1 item 1, the words “air traffic services” are replaced with the words “air navigation services”;

Item 5, the words “of airport apron and terminal building with its accompanying objects and” are replaced with the following words: “a portion of the charge for protection of aviation security against acts of unlawful interference”;

After item 5, a new item 6 is inserted and reads: “- portion of the charge for use of airport infrastructure (airport charge) and”.

Item 6 becomes item 7.

Article 12, paragraph 3, after number 5 the words “and 6” are inserted, and the words: “securing of the apron and terminal building” are replaced with the following words: “protection against acts of unlawful interference and a by a portion of the charge for use of airport infrastructure (airport charge).”

Article 12, after paragraph 3 a new paragraph 4 is inserted and reads as follows: “Charge level for obtaining approvals and consents referred to in paragraph (1) item 2 of this Article shall be prescribed by the Government of Republic of Macedonia.”

Article 12, paragraph 4 becomes paragraph 5

Article 6

Article 14, item 7 the words: “Air transport services” are replaced with the following words “Air navigation services;”

Article 7

Article 23, paragraph 1 the words: “Air transport services” are replaced with the following words: “Air navigation services;”

Article 8

Article 25 paragraph 3 is changed and reads as follows: “Notwithstanding the provision of paragraph 1 of this Article in case of danger or unfavourable whether conditions, humanitarian activities, activities to protect people and material assets due to fire, hail etc. and for efficiency of air services operations, the competent air traffic control may grant a permission for entry/exit beyond boundary corridor as well as make and approve a change of the flight route of an aircraft.”

After paragraph 3 a new paragraph 4 is inserted and reads: “The competent air traffic control shall be obliged, in case of an entry/exit of aircraft without request and permission to operate, to notify, without any delay, the Ministry of Defence and the Ministry of Internal Affairs.”

Article 9

Article 28, paragraph 2 the words: “as well as for operation at airways specified for domestic air services or beyond the airways” are deleted.

Article 10

Article 29, paragraph 2 is deleted.

Article 11

Article 33 is changed and reads as follows:

“(1) For the purpose of safe and regular public air services operation, the legal entity performing public air services (hereinafter referred to as “an airline”), shall have required personnel, aircraft, equipment as well as meet other special requirements necessary for safe and regular operation. The method of carrying out the public air services operation and the special requirements in respect of required personnel, aircraft, equipment and other special requirements necessary for safe and regular operation shall be prescribed by the Government of Republic of Macedonia.

(2) The operating licence of an airline satisfying the requirements referred to in paragraph 1 of this Article shall be issued and renewed by the Agency. The operating license shall not confer any specific routes and market access rights.

(3) The Agency shall neither issue or renew an operating license nor allow the validity thereof unless the requirements referred to in paragraph 1 of this Article have been met, for which a decision is made.

(4) The operating licence of an airline which has ceased to meet the requirements referred to in paragraph 1 of this Article shall be suspended by the Agency for a period not longer than 60 days. If the airline has failed to meet the requirements within the specified period, its operating licence shall be revoked by the Agency, for which a decision is made.

(5) Any airline established into a State of the European Common Aviation Area, shall not be permitted to carry out public air services operation within the territory of the Republic of Macedonia for remuneration, unless it is a holder of a respective operating licence issued by the respective State.

(6) The operating licence shall remain valid as long as the airline meets the requirements referred to in paragraph 1 of this Article. The Agency may review the compliance with the requirements referred to in paragraph 1 of this Article, one year after the granting of the operating license, and every five years thereafter.

(7) Whenever an airline has ceased its operation for six months or has failed to start its operation within six months after the granting of operating licence, it shall be obliged to resubmit its operating licence to the Agency for approval.

(8) In case of change in one or more elements affecting the legal status of the airline (takeover or merger or separation), the airline shall be obliged to resubmit its operating license for approval.

(9) The air operator certificate (AOC) means a document issued to a legal entity during the procedure of issuance of the operating licence to carry out public carriage by air, certifying that the legal entity has professional ability and organization to ensure the safe operation of aircraft engaged in the aviation activities specified in the Certificate.

(10) Issuance, renewal, revalidation and continual validity of an operating licence shall at any time be dependent upon the possession of a valid Air Operator Certificate, which is in compliance with the activities specified in the operating licence.

(11) Form, content, recording and procedure in respect of issuance, renewal, revalidation and modification of the licence and certificate referred to in paragraphs 2 and 9 of this Article shall be prescribed by the Agency.

Article 12

Articles 39, 40 and 41 are deleted.

Article 13

Article 42, paragraph 1, the words: “satisfies the requirements” are replaced with the words “has aircraft, equipment, and satisfies the other special requirements necessary for safe and regular operation.”

Paragraph 4 is changed and reads as follows:

“The operating certificate of a legal and/or physical entity which has ceased to meet the requirements referred to in paragraph 1 of this Article shall be suspended by the

Agency for a period not exceeding 60 days. If the legal and/or physical entity has failed to meet the requirements, the Agency shall revoke its operating certificate, for which a decision is made.”

Paragraph 5, after the word: “contents” the word “registry” is inserted, and after the word “issuance” the word “and” is replaced with comma “,”, and after the word “renewal” the words “revalidation and change” are inserted.

After paragraph 5 a new paragraph 6 is inserted and reads as follows:

“The procedure of operation of carriage by air for own needs, as well as the special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation shall be prescribed by the Agency.

Article 14

Article 43, paragraph 1, the words: “satisfies the requirements” are replaced with the words “has aircraft, equipment, and satisfies the other special requirements necessary for safe and regular operation.”

Paragraph 4 is changed and reads as follows:

“The operating certificate of a legal and/or physical entity which has ceased to meet the requirements referred to in paragraph 1 of this Article shall be suspended by the Agency for a period not exceeding 60 days. If the legal and/or physical entity has failed to meet the requirements, the Agency shall revoke its operating certificate, for which a decision is made.”

Paragraph 5, after the word: “contents” the word “registry” is inserted, and after the word “issuance” the word “and” is replaced with comma “,”, and after the word “renewal” the words “revalidation and change” are inserted.

After paragraph 5 a new paragraph 6 is inserted and reads as follows:

“The procedure of operation of aerial works, as well as the special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation shall be prescribed by the Agency.

Article 15

Article 44, paragraph 1, the words: “satisfies the requirements” are replaced with the words “has aircraft, equipment, and satisfies the other special requirements necessary for safe and regular operation.”

Paragraph 4 is changed and reads as follows:

“The operating certificate of a legal and/or physical entity which has ceased to meet the requirements referred to in paragraph 1 of this Article shall be suspended by the Agency for a period not exceeding 60 days. If the legal and/or physical entity has

failed to meet the requirements, the Agency shall revoke its operating certificate, for which a decision is made.”

Paragraph 5, after the word: “contents” the word “recording” is inserted, and after the word “issuance” the word “and” is replaced with comma “,”, and after the word “renewal” the words “revalidation and change” are inserted.

After paragraph 5 a new paragraph 6 is inserted and reads as follows:

“The procedure of operation of sports flights, as well as the special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation shall be prescribed by the Agency.

Paragraph 6 becomes paragraph 7”.

Article 16

Article 45 is deleted.

Article 17

Article 46 paragraph 1, after the word: “modification” the word “revalidation” is inserted”.

Article 18

Article 49 paragraph 1, item 4 is changed and reads as follows: “4) Flight Crew Licence and”

Article 19

Article 53 is changed and reads as follows:

“(1) Air navigation services shall be provided within the flight information region to ensure safe, regular and efficient air services operation.

(2) Air navigation services shall be provided on exclusive basis by a services provider designated by this Act, which must be granted an operating licence on provision of air navigation services.

(3) For the purpose to be granted an operating license on provision of air navigation services, the services provider shall have the required personnel, equipment, and meet the other special requirements necessary for safe and regular operation.

(4) The Agency shall grant an operating license on provision of air navigation services with validity period of two years.

(5) The form, contents and procedure for issuance, renewal, revalidation, modification and suspension of an operating license shall be prescribed by the Agency.

(6) The Government of the Republic of Macedonia shall, depending on the real costs, establish the level of an administrative charge for issuance, renewal, revalidation and modification of the operating licence referred to in paragraph 2 of this Article.

(7) The procedure for provision of air navigation services as well as the special requirements in respect of required personnel, equipment and other special requirements necessary for safe and regular operation shall be prescribed by the Government of the Republic of Macedonia.

(8) The Government of the Republic of Macedonia shall prescribe the method, procedure and requirements for provision of air navigation services provided for operational flights of the state aircraft according to the needs of the competent ministries, that is:

- The Ministry of Internal Affairs, in respect of police aircraft;
- The Ministry of Defence, in respect of military aircraft, and
- The Ministry of Finance, in respect of customs aircraft.

Article 20

Article 54 is deleted.

Article 21

Article 55, the words: “air transport services” are replaced with the words: “air navigation services”.

Article 22

Article 56 paragraph 1, the words: “air transport services” are replaced with the words: “air navigation services”.

After paragraph 1 a new paragraph 2 is inserted and reads as follows:

“Any revenue earned by the provision of air navigation services shall be paid at the account of the Budget of the Republic of Macedonia, with the Civil Aviation Agency on the account number 787 – self-financing activity incomes and the financing of the air navigation services provider shall be administered by the Budget of the Civil Aviation Agency as transfer to the air navigation services provider at the account open at a commercial bank which annual financial plan on appropriation of funds shall be approved by the Government of the Republic of Macedonia, at the proposal of the Agency and the services provider developed for the current year referring to the next fiscal year, and the development of the financial plan must be in timing with the terms for drawing up and adjustment of the Budget of the Republic of Macedonia.”

Paragraph 2 becomes paragraph 3 and after the word: “charge” the following words are inserted: “and allocation”

Paragraph 3 becomes paragraph 4, and after the item 6 a new item 7 is inserted and reads as follows: “in cases specified in international agreements or documents ratified by the Republic of Macedonia.”

Article 23

Article 59 is changed and reads as follows:

“(1) Technical facilities, equipment, devices and objects for provision of air navigation services are all such operational technical facilities which by their operation and function , are required to ensure safe and regular provision of air navigation services or are at disposal to the parties involved in the air services operation.

(2) Technical facilities, equipment, devices and objects referred to in paragraph 1 of this Article shall be procured, installed and maintained in such a way and state/condition as to ensure safe and regular air services operation.

(3) Data in respect of technical facilities, equipment, devices and objects for provision of air navigation services shall be published in a way usually used in the field of air services operation. The failure or stoppage of certain technical facility, equipment or device used for provision of air navigation services shall be, without any delay, published in a way usual for air services operation and the reasons thereof shall be eliminated as soon as possible.

(4) Technical facilities, equipment, devices and objects for provision of air navigation services must be protected against any damage or destruction.

(5) Any obstacles, emission devices, objects, long-distance power lines or other devices emitting electromagnetic waves shall be prohibited to be placed at a distance from which they may interfere the operation of the technical facilities and devices intended for provision of air navigation services.

(6) Legal entities providing telecommunications and post and telegraph services shall be obliged to give priority in the communications line which is necessary for provision of air navigation services.

(7) The method of installation, maintenance and protection of technical facilities, devices, equipment and objects referred to in paragraph 1 of this Article shall be prescribed by the Agency.“

Article 24

After Article 59, new Articles 59-a and 59-b are inserted:

“Article 59-a reads as follows:

(1) Rules and requirements in respect of systems interoperability, their components and related procedures for provision of air navigation services with the European ATM network shall be prescribed by the Government of the Republic of Macedonia.

(2) If the Agency finds that the systems and their components are not in compliance with the rules and requirements for interoperability referred to in paragraph 1 of this Article, it shall take all necessary measures regarding the limitation of the area of their application or prohibit their use provided that the operation safety and continuity is ensured.

Article 59-b reads as follows:

Upon the prior approval of the air navigation services provider, the Agency shall prescribe the procedures for meeting of all PAN-European assignments and objectives specified in EUROCONTROL ECIP .“

Article 25

Article 60, paragraphs (1) and (4) the words: “air transport services” are replaced with the words: “air navigation services”.

Paragraph 4, the number “54” is replaced with the number “53”.

Article 26

After Article 60, six new Articles are inserted: 60-a, 60-b, 60-c, 60-d, 60-e and 60-f:

“Article 60-a

The scope of activities of the air navigation services provider covers the following:

1. Provision of air navigation services (ANS) covering the following:
 - 1.1) ATM services (Air Traffic Management) which includes:
 - a) Air Traffic Services, that is;
 - Air Traffic Control, services provided to an aircraft through clearances and instructions granted by the competent air traffic control to ensure safe, regular and smooth flow of air services operation;
 - Flight Information Service, services provided by publication of information useful for safe conduct of flight;
 - recording of payment of en-route charges, and
 - Alerting Service, services provided to an aircraft in need of search and rescue aid through notification and coordination of the competent entities;
 - b) Air Traffic Flow Management, services provided to ensure maximum utilization of the capacity of the air traffic control and volume of air services operation, and

- c) Airspace Management, services provided to ensure maximum and flexible utilization of the airspace among all users;

1.2) Aeronautical Information Service (AIS), responsible for the provision, processing and distribution of aeronautical information/data, urgent notifications (NOTAMs), aeronautical information circular, aeronautical charts and flight procedures;

1.3) Meteorological services covering the provision, processing and distribution of meteorological information, meteorological forecasts, meteorological reports, meteorological warnings, and

1.4) Installation, maintenance, inspection and monitoring of technical facilities, devices and equipment intended for provision of air navigation services (CNS Services), and

2. Training of ANS personnel

Article 60-b

The air navigation service provider shall be financed by:

- air navigation services charge;
- charges on ANS personnel training, and
- taxes, loans, credits and other financial and technical support;

Article 60-c

(1) Air navigation services provider shall administer the technical facilities, equipment, devices and objects for provision of air navigation services as well as with lands related thereto.

(2) Air navigation services provider shall insure the technical facilities, equipment, devices and objects for provision of air navigation services against damage or destruction thereof.

Article 60-d

(1) Air navigation services provider shall develop and enact a programme on provision of air navigation services covering human resources development, technical and technological compliance of the technical facilities, equipment, devices and objects intended for provision of air navigation services in accordance with the international standards, revenues level, in order to ensure safe, regular and smooth air services operation.

(2) The Programme referred to in paragraph 1 of this Article with the annual financial plan containing data on designed revenues and expenditures for the next year, audit and financial report of the previous year, as well as the anticipated capital and operational expenditures for the next year, made during the current year, shall be approved by the Government of the Republic of Macedonia.

(3) The air navigation services provider shall, once in a year, submit to the Government of the Republic of Macedonia a report on business results/achievements.

Article 60-e

(1) The air navigation services provider shall have insurance for third party liability up to an amount established by the Government of the Republic of Macedonia.

(2) The air navigation services provider shall provide a risk assessment and mitigation system for the risks being present during provision of air navigation services according to the accepted international standards.

Article 60-f

(1) Personnel in charge with provision of air navigation services, during a strike, must ensure safe air services operation in accordance with this Act and regulations governing strikes and the Collective Agreement.

(2) The personnel referred to in paragraph 1 of this Article shall, during a strike, ensure the following:

- operation of aircraft engaged in search and rescue mission;
- operation of aircraft engaged in humanitarian missions;
- operation of state aircraft and operational flights of security character.”

Article 27

Article 70 paragraph 1 item 3, after the word: “objects” the words in brackets “(airport charge) are inserted”.

Paragraph 3, the text after the words: “airport operator” is deleted.

Paragraph 4, a new item is inserted and reads as follows: “- in cases specified by the international agreements or documents accepted by the Republic of Macedonia.”

Article 28

Article 73 paragraph 3 is changed and reads as follows: “The Agency shall suspend the certificate of an aerodrome or airfield that has ceased to satisfy the requirements referred to in paragraph 1 of this Article, for a period not exceeding 60 days. If an aerodrome or airfield has failed to satisfy the requirements within the specified period, the Agency shall revoke the certificate, for which a decision is made”.

Paragraph 4, after the word: “contents” the words: “registry” are inserted, and after the word: “issuance” the conjunction “and” is replaced with comma “,” and after the word “renewal” the following words: “revalidation, modification and transfer” are inserted.

Paragraph 5, after the word: “modification” the word “revalidation” is inserted”.

Article 29

Article 79 paragraph 1, after the word: “aerodrome” the text is changed and reads as follows: “shall be used, maintained and supervised by the operator in accordance with the procedures prescribed by the Agency.”

Article 30

Article 84 paragraph 1 after the words: “Republic of Macedonia, the words “and procedures regarding the procedures for protection of aviation security against acts of unlawful interference”

Article 31

Article 85 paragraph 1, after the words: “domestic airlines” the words: “services providers at the airport” are inserted.

Article 32

Article 86 paragraphs 2 and 5, after the word: “airlines” the words: “services providers at the airport” are inserted and in paragraph 5 the word: “domestic” is deleted;

Paragraph 4, the words: “National Committees” are replaced with the word: “Agency”.

Article 33

Article 88 item 7, at the end of the sentence the period “.” is deleted and the words: “and the international agreements ratified by the Republic of Macedonia” are inserted.

After item 7, a new item 8 is inserted and reads: “- the amount of charge for use of airport infrastructure and airport services.”

Article 34

Article 96 paragraph 3 the number “92” is replaced with “95”

Article 35

Article 98 paragraph 2, after the word: “issuance” the words: “and modification” is inserted.

Paragraph 3, after the word: “contents” the word: “registry” is inserted.”.

Article 36

Article 113 paragraph 1, the words: “the Ministry of Transport and Communications” are replaced with the word: “the Agency.”

Paragraph 3, after the word: “issuance” the words: “renewal, revalidation and modification” are inserted.

Paragraph 4, after the word: “contents” the word “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.”

Article 37

Article 117 paragraph 1 after the word: “prescribed” the words “by the Agency” are inserted.

Paragraph 2, the period “.” at the end of the sentence is deleted and the words: “as well as to meet the other special requirements” are inserted.

Paragraph 3 is changed and reads as follows: “The special requirements in respect of the personnel, equipment, facilities and other special requirements to be satisfied by the legal entity referred to in paragraph 2 of this Article shall be stipulated by the Agency.

Article 38

Article 118 paragraphs 2, 3 and 4, the words “homologation certificate” are replaced with the words: “type certificate”.

Paragraph 4, after the word: “issuance” the words: “renewal, revalidation and modification” are inserted.

Paragraph 6, after the word: “contents” the word: “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.”

Article 39

Article 121 paragraph 4, after the word: “issuance” the words: “renewal, revalidation and modification” are inserted.

Paragraph 5, after the word: “contents” the word: “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.”

Article 40

Article 122 paragraph 1, after the word: “which” the text is changed and reads: “that have the required personnel, equipment and meets other special requirements necessary for safe and regular operation.”

Paragraph 3, after the word: “issuance” the words: “renewal, revalidation and modification” are inserted.

Paragraph 6, after the word: “contents” the word: “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.

After paragraph 6 a new paragraph 7 is inserted and reads as follows: “The procedure of maintenance, technical inspection of the maintenance and development of maintenance technical and technological documentation and special requirements in respect of required personnel, equipment and other special requirements necessary for safe and regular operation shall be stipulated by the Agency.”

Article 41

Article 124 paragraph 5, after the word: “issuance” the words: “renewal, revalidation and modification” are inserted.

Paragraph 6, after the word: “contents” the word: “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.”

Article 42

Article 131 paragraph 1, the words: “withhold the execution” are replaced with the word: “suspend”.

Paragraph 4, the words: “homologation certificate” are replaced with the words: “type certificate”.

Paragraph 5 the text: “which homologation has been rendered” is replaced with the text: “type certificate has been accepted”.

Article 43

Article 132 paragraph 2, the words: “withhold the execution” are replaced with the word: “suspend” and at the end of the sentence the following text is inserted: “or by

the aeronautical authorities of the State where the homologation has been carried out. (Mandatory Continuing Airworthiness Information).”

Article 44

Article 133 paragraph 2 after the word: “issuance” the words: “renewal, revalidation and modification” are inserted.

Paragraph 5, after the word: “contents” the word: “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.”

Article 45

Article 134 paragraph 1, after the word: “licence” the following words are inserted: “according to the accepted international standards and recommended practices” and after the word: “authorization” the following words are inserted: “or certificate of competency.”

Article 46

Article 136 paragraph 2, after the word: “which” the text is changed and reads: “that have the necessary training personnel, equipment, as well as meet the other special requirements necessary for safe and regular operation.”

Paragraph 6 after the word: “issuance” the words: “renewal, revalidation and modification” are inserted.

Paragraph 7, after the word: “contents” the word: “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.

New paragraph 8 is inserted and reads as follows: “The method of carrying out the training for professional qualifications as well as the special requirements in respect of the required training personnel, equipment and other special requirements necessary for safe and regular operation is stipulated by the Agency.”

Article 47

Article 137 paragraph 2 is changed and reads as follows:
“The examination shall be carried out by authorized examiners chosen from the aviation experts’ list.”

Article 48

Article 139 paragraph 2 is changed and reads as follows:

“Requirements for issuance of licences, the procedure of issuance, revalidation, change and suspension, as well as the form, content, validity period in accordance with the international standards, regulations, guiding principles and recommended practices referred to in Article 3 of this Act, licences registry and type shall be prescribed by the Agency.”

After paragraph 2, a new paragraph 3 is inserted and reads as follows:

“Requirements for issuance of certificates of competency, continual refreshment of acquired knowledge, procedure of issuance and suspension, registry and type of certificates of competency shall be prescribed by the Agency.”

Article 49

Article 143 paragraph 1 items 2, 3 and 4 and paragraphs 2, 3, 4 and 5 after the word: “licence” the words: “or the certificate of competency” are inserted.

Paragraph 1, after the item 4 a new item 5 is inserted and reads as follows:

“5. the holder has been involved in serious incident or accident until clarifying the circumstances which have lead to that serious incident or accident.”

Paragraph 3, after the number “3”, the conjunction “and” is replaced with comma “,”, and “and 5” is inserted.

Article 50

Article 145 paragraph 2, the words: “air transport services” are replaced with the words: “air navigation services”.

Article 51

Article 147 paragraph 3, after the word: “revalidation” the word: “renewal” is inserted.

Paragraph 4, after the word: “contents” the word: “registry” is inserted and the conjunction “and” after the word: “issuance” is replaced with comma “,”, and after the word: “renewal” the words: “revalidation and modification” are inserted.

Article 52

Article 148 paragraph 3 is deleted.

Article 53

Article 149 paragraphs 1 and 2 the words: “per week” are replaced with the words: “within seven subsequent days”.

After paragraph 5 a new paragraph 6 is inserted and reads as follows:
“The aircraft crew shall be compulsory insured against accidents.”

Article 54

Article 150 paragraph 1, at the end of the sentence the period “.” is deleted and the words: “or the certificate of competency” are inserted.

Article 55

Article 157, after paragraph 1 two new paragraphs 2 and 3 are inserted:

“(2) The personnel referred to in paragraph (1) of this Article shall be insured against accidents.

(3) The personnel referred to in paragraph (1) of this Article shall be obliged to notify, without delay, the authorized persons according to the established procedures on incident reporting about any safety jeopardize, that is any incident related to aircraft and equipment design, manufacture, maintenance and repair.”

Article 56

After Article 157 a new Sub-Chapter 6 is inserted and reads as follows:

“6. PERSONNEL IN CHARGE OF INSTALLATION, MAINTENANCE, INSPECTION AND MONITORING OF THE TECHNICAL FACILITIES, DEVICES AND EQUIPMENT INTENDED FOR PROVISION OF AIR NAVIGATION SERVICES”

Article 57

Article 158 paragraph 1, before the word: “maintenance” the word: “installation” is inserted, and after the word: “maintenance” the words: “inspection and monitoring” are inserted.

After paragraph 1, two new paragraphs are inserted and read as follows:

“(2) The personnel referred to in paragraph (1) of this Article shall be mandatory insured against accidents. The financial funds for this purpose shall be provided by the air navigation service provider.

(3) The personnel referred to in paragraph (1) of this Article shall be obliged to notify, without delay, the authorized persons according to the established procedures on incident reporting about any safety jeopardize, that is any incident related to the installation, maintenance, inspection and monitoring of the technical facilities, devices and equipment.”

Article 58

The number “6” of Sub-chapter 6 is replaced with number “7”.

Article 59

Article 160, after paragraph 1 a new paragraph 2 is inserted and reads as follows:
“(2) The personnel referred to in paragraph (1) of this Article shall be insured against accidents. The financial funds for this purpose shall be provided by the air navigation service provider.”

Article 60

Article 162 the words: “their immediate superior” are replaced with the words: “authorized persons according to the established procedure on incident reporting”.

Article 61

Article 163 paragraph 1, number: “40” is replaced with number: “32”; “462” with “416” and the word: “per week” is replaced with the words: “within seven subsequent days”.

Article 62

Article 167 paragraph 2, the word: “the Agency” is replaced with: “the Ministry of Transport and Communications”.

Article 63

Article 180, the words: “air transport services” are replaced with the words: “air navigation services”.

Article 64

Article 181, the words: “the Government of the Republic of Macedonia” are replaced with the words: “the Ministry of Transport and Communication.”

Article 65

Article 182 paragraph 2, item (c) is changed and reads: “(c) detain foreign aircraft at airport and take other necessary measures according to the international agreements ratified by the Republic of Macedonia.”

Paragraph 2 and 3, the word: “inspector” is replaced with the word: “the Agency”

Article 66

After Article 182 a new Article 182-a is inserted and reads:

“Article 182-a

The Inspector shall submit request on initiation of misdemeanor procedure or criminal proceeding in case of any violation of the provisions of this Act.”

Article 67

Article 186 paragraph 2, after the word: “content” the word: “registry” is inserted.

Article 68

The title of Chapter 10 is changed and reads: “Penalty Clauses”.

Note:

/from Article 69 to 72 inclusive/

Article 73

Article 192 paragraph 1, the words: “1 (one) year from the date of entry into force of this Act“ are replaced with words: “two years from the date of entry into force of this Act.”

Article 74

Article 193 is changed and reads:

“(1) Upon the date of entry into force of this Act, the Civil Aviation Administration shall continue its work as Civil Aviation Agency.

(2) Until the commencement with the operation of the Services Provider referred to in Article 60 of the Aviation Act, all activities related to the provision of air navigation services shall be carried out by the Agency.

(3) The Services Provider referred to in Article 60 of the Aviation Act shall be established within a period of at least one year from the date of entry into force of this Act.

(4) Capital assets, property, rights and liabilities of the Agency and Services Provider referred to in Article 60 of the Aviation Act shall be shared on the ground of a separation balance sheet and a part of the employees of the Agency shall be undertaken by the Services Provider referred to in Article 60 of the Aviation Act according to the Deed on Organization and Job Classification” thereof.

(5) The separation balance sheet referred to in paragraph (4) of this Article shall be developed by a Commission established by the Government of the Republic of Macedonia, composed of the representatives from the Ministry of Finance, Ministry of Transport and Communications, Civil Aviation Agency and Services Provider referred to in Article 60 of the Aviation Act.”

Article 75

Article 195 paragraph 2, the number “4” is replaced with “3” and the words: “acceptance of the Republic of Macedonia as a full Member State of the European Union” is replaced with the words: “entry into force of the international agreement on establishment of the European Common Aviation Area.”

After paragraph 2 a new paragraph 3 is inserted and reads:

“Provisions referred to in paragraph 5 Article 11 of this Act shall apply from the date of entry into force of the international agreement on establishment of the European Common Aviation Area.”

Article 76

Upon the date of entry into force of this Act, terminate the effect of the provisions specified in Article 96 to Article 106 Chapter V of the Law on Transport of Dangerous goods (Official Gazette of SFRY, No. 27/90).

Article 77

This Act shall enter into force on the eighth day from the date of the publication thereof in the "Official Gazette of the Republic of Macedonia".