

**DRAFT LAW AMENDING THE LAW ON AVIATION**

**Article 1**

In the Law on Aviation ("Official Gazette of the Republic of Macedonia" No.14/2006, 24/2007 and 103/2008), after Article 2 a new Article 2-a shall be added, as follows:

**"Article 2-a**

**"Notwithstanding the provisions of Article 1 of this law:**

- the rules for allocating the slots shall be regulated by the Council Regulation (EEC) No.95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports which was taken over with Annex I of the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Regulation 95/93);

- the access to the market for performing ground handling airport services of aircrafts, passengers handling, baggage handling, cargo and mail handling and supplying the aircraft with fuel and oil at the airports opened for public air transport shall be regulated by the Directive 96/67/EC of 15 October 1996 on access to the ground handling market at Community airports of the Community which was taken over with Annex I to the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Directive 96/67);

- the investigation of aviation accidents, serious incidents, incidents and events is regulated with Directive 94/56/EC of 21 November 1994 on establishing the fundamental principles governing the investigation of civil aviation accidents and incidents which was taken over with Annex 1 to the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereafter referred to as EU Directive 94/56);

- the reporting of accidents, serious incidents, incidents and occurrences shall be regulated with Directive 2003/42/EC of 13 June 2003 on occurrence reporting in civil aviation which was taken over with Annex 1 to the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Directive 2003/42);

- the organisation of the working time, the duration of the rest period and other rights of the crew members of an aircraft shall be regulated with Directive 2000/79/EC of 27 November 2000 on concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation, which was taken over with the Annex I Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Directive 2000/79);

- the common requirements for operating public air transport in the international air traffic shall be regulated by Regulation (EC) no.1008/2008 of 24 September 2008 on common rules for the operation of air services in the Community, which was taken over with the Annex I Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Regulation 1008/2008) and

- the list of air carriers subject to an operating ban and its implementing rules shall be regulated by the Regulation (EC) no. 2111/2005 of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, which was taken over with the Annex I Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Regulation (EC) no. 2111/2005)."

## **Article 2**

In Article 3 paragraph (1) the word "the international" shall be changed and reads: "the accepted international", after the word EU the following shall be added: "/ECAA", and the item at the end of the sentence shall be deleted, and the following words shall be added: "as well as ratified international agreements."

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

"(3) The bylaws stipulated by this law for state (military, police and customs) aircraft shall be prepared by the competent Ministries in accordance with the relevant international standards, regulations and procedures ."

## **Article 3**

In Article 4 item 5 shall be deleted.

Item 6 shall be amended and reads:

"6 "Security check" (Screening)" means technical and/or other means (including manual search) intended for identification and/or detection of weapons, explosives or other dangerous goods, objects and substances which could be used for acts of unlawful interference;"

Item 7 shall be amended and reads:

"7. "The security programme" is a set of rules and procedures applied at national level, airport level, airline, or other legal entity, and the same shall be presented in writing and adopted or approved by a competent authority to protect the civil air services operation against the acts of unlawful interference:"

Item 10 shall be amended and reads:

"10. "Air traffic" means aircraft in flight or operating on the manoeuvring areas;"

After item 22 a new item 22-a shall be added and reads:

"22-a "Airport services provider" shall be a legal or natural person which provides to third parties one or more categories of airport services;"

After item 25 new item 25-a shall be added and reads:

“25-a. “ECAA“ is European Common Aviation Area established with an Agreement between Member States of the European Union and the Balkan countries, Iceland and Norway;”.

Item 30 shall be amended and reads:

“30. “The term aerodrome traffic zone“ means airspace with defined dimensions established around an aerodrome in order to safeguard the air traffic on that aerodrome;“

Item 37 shall be amended and reads:

”37. “Public air service“ means a flight or series of flights carrying passengers, cargo and/or mail for remuneration and/or rent;”

After item 40 a new item 40-a shall be added and reads:

“40-a “Airport user“ shall be a legal or natural person responsible for transport of passengers, mail and/or goods by air from or to the airport;”.

Item 46 shall be amended and reads as follows:

”46. “Accident“ means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:

a) a person is fatally or seriously injured as a result of:

— being in the aircraft, or

— direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or

— direct exposure to jet blast,

*except* when the injuries are from natural causes, selfinflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

b) the aircraft sustains damage or structural failure which:

— adversely affects the structural strength, performance or flight characteristics of the aircraft, and

— would normally require major repair or replacement of the affected component,

*except* for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or

c) the aircraft is missing or is completely inaccessible.

In item 47 after the word “security” the following words shall be added: “from actions of unlawful interference”.

After item 55 two new items 55-a and 55-b shall be added and read:

“55-a “Airport operator” shall be a legal entity which, with or without other activities, has the aim of managing and governing the airport infrastructure, coordinate and control the activities of the operators present at the relevant airport or system of airports, in accordance with the legislation of Republic of Macedonia;”.

“55-b “System of airports” shall be two or more airports grouped with the purpose of serving the same city or community of several settlements (conurbation);”.

In item 58 paragraph 3 words: “on a basis of a certificate of competence” shall be deleted.

Item 59 shall be amended and reads:

“59. “The term flight plan“ means specified information in respect to an intended flight or a portion of a flight of an aircraft submitted to the ATC services units;“

Item 60 shall be amended and reads:

“60. “The term apron“ means a defined area on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;”

Item 69 shall be amended and reads:

“69. “Scheduled air service” means a series of flights possessing all the following characteristics:

a) On each flight seats and/or capacity to transport cargo and/or mail are available for individual purchase by the public (either directly from the air carrier or from its authorized agents):

b) It is operated so as to serve traffic between the same two or more airports, either:

- according to a published timetable, or
- with flights so regular or frequent that they constitute a recognizably systematic series;”

After item 70 two new items 70-a and 70-b shall be added and read:

“70-a. “Independent service provider” shall be an airport user that independently performs one or more categories of airport services;”.

“70-b. “Independent service provision” shall mean when the airport user directly performs for itself one or more categories of airport services, for which it does not conclude a contract with a third party. The airport users shall not be regarded between themselves as third parties if:

- one of them has majority share in the ownership of the other or
- a same entity has a larger share in the ownership of both;”.

After item 74 a new item 74-a shall be added and reads:

“74-a “Aviation industry entities” shall be operators of aircrafts, aviation educational centres, aerodrome and airfield operators, airport services providers, aviation navigation services providers, organisations for aircraft design, construction or maintenance as well as other entities engaged with certain aviation activities specified under this law;” .

Item 81 shall be amended and reads:

“81. “Civil aviation” means any traffic performed by a civil aircraft with an exemption of traffic performed by the state aircraft referred in Article 3 of the Chicago Convention on civil aviation.”

#### **Article 4**

In Article 5, paragraph (1) the term “aviation” shall be replaced with the words: “civil aviation”.

Two new paragraphs (2) and (3) shall be added after paragraph (1) to read as follows:

(2) For regulation and implementation of the activities prescribed by this law for state aircraft the following entities are competent:

- The Ministry of Defence for military aircraft,
- The Ministry of Interior for police air craft and
- The Ministry of Finance for customs aircraft.

(3) For implementation of the technical investigation of aviation accidents and serious incidents in the sense of this law Government of the Republic of Macedonia shall establish a Committee for Investigating Aviation Accidents and Serious Incidents as an independent body for investigation.”

#### **Article 5**

In Article 6 item d) after the word “bylaws” the following words shall be added: “provided by this law”.

Item e) shall be deleted.

Item f) becomes item e).

Item g) shall be amended and reads:

“g) other duties specified under the regulations in the field of the aviation.”

Item h) shall be deleted.

#### **Article 6**

Article 7 paragraph (2) shall be amended and reads:

“(2) The Agency shall be an independent regulatory body with public authorisations specified under this law.”

Paragraph (3) shall be amended and reads:

“(3) The Agency in its activities and in enacting of decisions of its competency shall be completely politically, financially and functionally independent from other state body or public legal entity, as well as from industrial entities performing activities in the field of the aviation and shall be impartial to them.”

After paragraph (3) four new paragraphs (4), (5), (6) and (7) shall be added and read:

“(4)The Agency shall become a legal entity after its respective registration in the Central Registry of the Republic of Macedonia.

(5) The Agency is located in Skopje.

(6) The Agency has a Statute which regulates the issues relevant for performing its respective activities and operations.

(7) The Agency has its own emblem/logo established by the Statute.

(8) For the purpose of completion of certain activities in framework of its competences, the Agency may engage other domestic or foreign legal entities or natural persons always taking care of conflict of interests.”

#### **Article 7**

After Article 7 three new Articles 7-a, 7-b and 7-c shall be added and read:

##### **“Article 7-a**

(1) The Agency’s operation is a public one.

(2) The Agency is responsible for its operations in front of the Assembly of the Republic of Macedonia.

#### Article 7-b

The Agency shall cover the following competencies:

- performance of duties within its framework in accordance with regulations in the field of the aviation, as well as on basis of national strategy on aviation development and international agreements in the field of aviation being ratified by the Republic of Macedonia to ensure safe and regular civil air traffic operation;
- supervision of the implementation of the provisions of the regulations in the field of the aviation;
- participates in preparation of the draft laws in the field of the aviation;
- enacts bylaws in the field of aviation specified under this law;
- approval of Aeronautical Information Publication;
- carry out the administrative procedure and decision regarding the issuance, extension, renewal, modification, suspension and revocation of licences, ratings, certificates, approvals and other documents specified under this law as well as book keeping of them;
- registration of aircraft, aerodromes, airfields and book keeping of landing strips;
- make proposals regarding the measures in respect to new aviation technologies development and application;
- aircraft search and rescue organization and coordination;
- preparation of aviation literature, and
- other duties specified under the regulations in the field of the aviation.

#### Article 7-c

"The provision of the Law on Common administrative procedures shall be applied subsidiary to the procedures provided for under this Law unless it is otherwise specified under this Law or bylaws enacted there upon."

#### **Article 8**

Article (8) shall be amended and reads:

"The bodies of the Agency are Management Board and Director General."

#### **Article 9**

Article (9) shall be amended and reads:

"(1) The Management Board consists of three members, one of which is the Management Board President.

(2) The Management Board's operations are managed by the Management Board President.

(3) The President and the members of the Management Board are appointed by the Assembly of the Republic of Macedonia, upon a proposal of the Committee for Election and Appointment Issues of the Assembly of the

Republic of Macedonia, with a four years term, and possibility for one more subsequent term.

(4) For the position President and members of the Management Board, persons can be nominated with completed faculty education in the field of technical, legal or economy sciences, with working experience of more than five years in the in the area of civil aviation and active knowledge of English language.

(5) As President and member of the Management Board, persons can be nominated who are employed in other legal entities, provided that it shall not cause conflict of interests in accordance with a law.

(6) The President and the members of the Management Board are appointed not later than 60 days before the expiry of the term of their predecessors.

(7) Throughout the term duration, the President and the members of the Management Board cannot be: delegates in the Assembly of the Republic of Macedonia, members of the Government of the Republic of Macedonia, persons performing duties in the bodies and entities of the political parties, members in administrative and supervisory boards of public enterprises or joint stock companies or members of other types of associations of legal and natural entities that could result into conflict of interests.

(8) The President, a member of the Management Board, persons in matrimony or illegitimate union with the President or member of the Management Board, as well as close relatives in first line until second generation, are prohibited to have shares, or deposits directly or indirectly in the organization which performs activities in relation to the responsibilities of the Agency.

(9) For the position President and members of the Management Board, persons cannot be nominated who have been convicted with a valid court sentence for criminal act with penalty – prison with duration of more than six months or sentence prohibiting the performing the profession, activity or duty for the duration of the sentence or prohibition.

(10) If the appointment procedure is not completed before the expiry of the term of the President and the members of the Management Board, whose term has expired, the President and the members of the Management Board shall continue performing their function for a period not longer than six months.

(11) The President of the Management Board is entitled to a monthly allowance in the amount of 50% of the average net monthly salary in the economy in the Republic of Macedonia and the members of the Management Board are entitled to a monthly allowance in amount of 40% of the average net monthly salary in the economy in the Republic of Macedonia.

(12) The monthly allowance funds and the funds for other costs of the President and the members of the Management Board are provided from the Agency' funds, defined with the annual financial plan.”

## **Article 10**

After Article 9 six new Articles 9-a, 9-b, 9-c, 9-d, 9-e and 9-f shall be added which read:

#### “Article 9-a

- (1) The Management Board adopts decisions on sessions.
- (2) The sessions are called by the President of the Management Board at least once monthly.
- (3) The Management Board sessions are public. By way of derogation, the Management Board may decide whether the session or debate regarding an issue shall be closed for the public.
- (4) The decisions of the Management Board are adopted with majority of votes of the total number of Management Board members.

#### Article 9-b

The Management Board of the Agency has the following responsibilities:

- enacts Statute and other acts of the Agency;
- adopts the draft and enacts the annual program of activities and development;
- adopts the draft and enacts an annual financial plan;
- adopts the annual financial report with final account,
- adopts report on the realization of the annual program of activities and development;
- appoints the Director General of the Agency relating to this law;
- enacts the general acts in respect of Agency's organization and job systematization, salaries as well as pricelists and costs of operation thereof;
- cooperates with other state bodies and institutions, units of the local self government;
- submits reports, suggestions and recommendations to the Assembly of the Republic of Macedonia and other state bodies and institutions in the area of civil aviation and
- performs other activities defined with Statute and this law.

#### Article 9-c

(1) The Assembly of the Republic of Macedonia, upon a proposal of the Commission for issues in the elections and nomination of members of the Assembly of the Republic of Macedonia can dismiss the president and the members of the Management Board of the Agency before the expiry of the mandate for which they are nominated because of the following reasons:

- upon its request;
- in case of prevention from performing the working tasks as a result of illness longer than six months or because of death;
- acceptance on a position that is not in line with his/her function member of the Management Board;
- if he/she is convicted with an effective court conviction for a criminal act to serve prison sentence for a period of more than six months or conviction for prohibition of performing the professional activities or obligations on the day of sentencing the conviction;
- violation of the provisions of the regulations in the field of the aviation or misuse of the function and



- unjustified absence in three sessions in a row or absence of five sessions in the current year.

(2) Not submitting the annual program of activities and development of the Agency as well as the annual financial report to the Assembly of the Republic of Macedonia is a base for collective dismissal of the president and members of the Management Board.

(3) In case there is a reason for dismissal of a member of the Management Board of the Agency before the expiry of the mandate for which it is appointed, the Management Board of the Agency should notify the Commission for issues related to the election and nominating of members of the Assembly of the Republic of Macedonia within a period of seven days of acknowledging the reason.

#### Article 9-d

(1) The Agency is led by a Director General.

(2) The Director General of the Agency is appointed by the Management Board of the Agency by a public announcement.

(3) The Director General has a mandate of four years with a possibility for one more subsequent term.

(4) The Director General of the Agency has to have completed faculty education in the area of technical, legal or economic sciences, with over five years of working experience in the area of civil aviation and at least three years working experience at a managing position and active knowledge of the English language.

(5) The Management Board of the Agency is obliged to appoint the Director General not later than 30 days after the expiry of the mandate of his/her forerunner.

(6) The Director General of the Agency, persons in matrimony or illegitimate union with the Director General of the Agency, close relatives in first line until second generation, are prohibited to have shares, or deposits directly and indirectly in the organization that perform activities in relation to the responsibilities of the Agency.

(7) The Director General of the Agency cannot be a person convicted with an effective court conviction for a criminal act to serve prison sentence for a period of more than six months or conviction for prohibition of performing the professional activities or obligations on the day of sentencing the conviction for the duration of the sentence or the conviction.

(8) The Director General is engaged professionally in the Agency and has a full time job in the Agency.

#### Article 9-e

(1) The Director General manages the functioning of the Agency and is responsible for the legal functioning of the Agency, whereby it has the following authorizations:

- it represents and promotes the Agency;
- enactment of acts in first instance;
- proposes, prepares and enacts bylaws and internal working procedures;

- issuance of authorizations to legal entities to perform a part of the Agency's competencies;
- prepares draft annual program for activities and development, the annual financial plan of the Agency, financial report with final account and report on the realization of the annual program of activities and development of the Agency;
- proposes general acts in respect of Agency's organization and job systematization, salaries as well as pricelists and costs of an operation thereof;
- proposes acts to be enacted by the Management Board;
- implements the decisions adopted by the Management Board;
- makes decisions in respect of issues not covered by the Managing Board;
- appoints the aviation inspectors;
- appoints persons at managerial posts in the Agency upon previous approval from the Management Board;
- cooperates with other state bodies and institutions, local self-government units and NGOs as well as citizen associations and
- performs other activities as by this law and the Statute of the Agency.

(2) The Director General of the Agency is obliged to establish internal control through implementation of an appropriate system for financial management and control as well as internal audit pursuant to the Law on Public Internal Financial control.

(3) The Director General is entitled to take part at the meetings of the Management Board, without the right to vote.

(4) The Director General can resign by submitting a written form to the Management Board.

(5) If the mandate of the Director General has ended, but a new Director General has still not been selected, then the Director General still holds the position of a Director General until a new one is appointed, but not longer than six months.

#### Article 9-f

The Director General can be dismissed by the Management Board before the expiry of his/her mandate in case:

- upon his own/her own request,
- in case of prevention from performing the working tasks as a result of illness longer than six months or because of death,
- acceptance on a position that is not in line with his/her function of the Director, General,
- if he/she is convicted with an effective court conviction for a criminal act to serve prison sentence for a period of more than six months or conviction for prohibition of performing the professional activities or obligations on the day of sentencing the conviction and
- violation of the provisions of the regulations in the field of aviation or misuse of the function.

### **Article 11**

Article (10) shall be amended and reads:

“Versus the decisions of Director General of the Agency made during administrative proceedings, unsatisfied side is entitled to a court protection by the Administrative court within a period of 30 days from the day when the decision was received.”

### **Article 12**

In Article 11 paragraph (3) shall be deleted.

Paragraph (4) becomes paragraph (3).

Paragraphs (5) and (6) shall be deleted.

### **Article 13**

In Article 12 paragraph (1) indent 2 shall be amended and reads:

“- charge for issuing, extending, renewing and changing certificates, licences, approvals, consents and other provided for in this law or bylaws adopted on the basis of this law;”

Indent 5 shall be deleted.

Indent 6 which becomes indent 5 shall be amended and reads as follows:

"- a portion of the charges for use of runway and taxiway, that is, for take-off and landing and lighting and".

Indent 7 becomes indent 6.

Paragraphs (2) and (3) shall be amended and read as follows:

"(2) The amount of the portion of the charge referred to in indent 1 paragraph (1) of this Article shall be determined on the basis of the approved annual financial plan with the Agency's cost of operation, depending on the administrative costs and costs for safety and continuing supervision of aviation navigation services provision, in a manner stipulated in accordance with paragraph (4) Article 56 of this law.

"(3) The amount of the portion of the charge referred to in indent 5 paragraph (1) of this Article shall be 2% from the charge for use of runway and taxiway, that is, for take-off and landing and lighting collected by the airport's operator and paid every month to the Agency's account."

In paragraph (4) the words: "the Government of the Republic of Macedonia" shall be replaced by the words: "the Management Board of the Agency with pricelist, depending on actual administrative and supervisory costs".

### **Article 14**

Article 13 shall be amended and reads:

"(1) The Agency shall submit the draft annual program for activities and development and draft annual financial plan for consent to the Assembly of the Republic of Macedonia by the end of December each year.

(2) The Management Board enacts the annual program for activities and development and the annual financial plan referred to in paragraph (1) of

this Article by the end of January each year upon a previous consent by the Assembly of the Republic of Macedonia.

(3) The Management Board of the Agency enacts the annual financial report with the final account and the report for realization of the annual program for activities and development of the Agency for previous year by the end of March each year and submits them to the Assembly of the Republic of Macedonia.

(4) The annual financial plan contains data on the revenues and expenditures of the functioning of the Agency.

(5) The annual financial report contains final account as well as an audit report of the previous year.

(6) The audit is conducted by an external independent auditor, selected pursuant to the Law on Public Procurement.

(7) Upon a request of the Assembly of the Republic of Macedonia, the Agency shall submit a report on the functioning and development of the Agency and financial report for a period shorter than one year.“

### **Article 15**

In Article 16 paragraph (1) the words: "international agreement" shall be replaced with the words: "agreement between the aeronautical authorities", and the words: "supervisory functions and duties of the Agency" shall be replaced with the words: "functions and duties of the Agency pertaining to Articles 12, 30, 31 and 32-a of the Chicago Convention".

In Article 16 paragraph (2), the words: "international agreement" shall be replaced with the words: "agreement between the aeronautical authorities", and the words: "supervisory functions and duties of the aeronautical authorities of that country" shall be replaced with the words: "functions and duties of the aeronautical authorities of that country resulting from Articles 12, 30, 31 and 32-a of the Chicago Convention".

After paragraph (2) five new paragraphs (3), (4), (5), (6) and (7) shall be added and read:

“(3) The functions and duties to be transferred pursuant to Article 83-bis of the Chicago Convention shall be precisely specified in the agreement referred to in paragraphs 1 and 2 of this Article.

(4) The transfer of the functions and duties shall have effect upon the concluded agreement referred to in paragraphs (1) and (2) of this Article shall be submitted to ICAO and published thereof pursuant to Article 83 of the Chicago Convention.

(5) The provisions referred to in paragraphs (1), (2), (3) and (4) of this Article shall be applicable to cases covered by Article 77 of the Chicago Convention.

(6) The validity of the agreement for transfer referred to in paragraphs (1) and (2) of this Article shall be established pursuant to the validity period specified in the agreement for the lease, charter of an aircraft or similar agreement in respect of the aircraft used according to Article 83-bis of the Chicago Convention.

(7) Certified copies of the concluded agreement for transfer and airline's Air Operator Certificate (AOC) shall be carried in the aircraft being the

subject of an agreement for the lease, charter of an aircraft or any similar agreement.”

#### **Article 16**

Article 17 shall be amended and reads:

“(1) Operation of an unmanned aircraft within the aerodrome control zone is prohibited unless it is equipped with an identification device - transponder.

(2) An unmanned aircraft may operate within the Macedonian airspace in accordance with the requirements prescribed by the Government of the Republic of Macedonia.”

#### **Article 17**

In Article 18 paragraph (3) words: ”specified by the Government of the Republic of Macedonia and” shall be deleted.

In paragraph (6) the words: “Ministry of Transport and Communications” shall be replaced with the words: “Government of the Republic of Macedonia”.

In paragraph (8) the words: “shall be prescribed by the Director General of the Agency” shall be replaced with the words: "shall be prescribed with the rules and procedures in respect of the aircraft operation in accordance with Article 15 of this law."

Paragraph (11) shall be amended and reads:

“(11) The permission mentioned in paragraph (10) of this Article shall not be required for the aircraft engaged in provision of search and rescue services, medical services and state aircraft performing operational flights.”

#### **Article 18**

In Article 19 paragraph (3) shall be deleted.

#### **Article 19**

In Article 25 paragraph (1) shall be amended and reads:

“(1) In principle an aircraft shall enter the Macedonian airspace, i.e. shall exit there from at a boundary point, taking into consideration the purpose of efficient and flexible use of the airspace.”

Paragraph (2) shall be amended and reads:

“(2) The boundary points shall be approved by the Agency at proposal of the aviation navigation service provider, in accordance with the established plan of EUROCONTROL and ICAO, taking into account the goal of efficient and flexible use of airspace.”

In paragraph (3) the words: “boundary control point” shall be replaced with the words: “boundary point”.

#### **Article 20**

In Article 26 paragraph (2) shall be amended and reads:

“(2) For civil foreign aircrafts entering the territory of the Republic of Macedonia with the purpose of landing, the permission referred to in paragraph (1) of this Article shall be issued by the Agency, and for civil foreign aircrafts entering the territory of the Republic of Macedonia with the purpose of over flight, the permission shall issued by the aviation navigation service provider.“

In paragraph (3) words: ”upon previous opinion by the Ministry of defence and Ministry of Interior” shall be amended and reads:” upon previous consent by the Ministry of Defence.“

#### **Article 21**

In Article 28 paragraph (2) after the word “Defence“ a comma shall be added and the following words shall be added: “Ministry of Finance – Customs Administration“, and the full stop at the end of the sentence shall be replaced by a comma, and the following words shall be added: “unless otherwise stipulated by international agreement which was ratified by the Republic of Macedonia.“

#### **Article 22**

In Article 29 after paragraph (1) a new paragraph (2) shall be added and reads:

“(2) For the usage of active photographic equipment, foreign aircraft shall have a special permission in accordance with the Law on Defence.

#### **Article 23**

Article 32 shall be amended and reads:

“The airways shall be approved by the Agency at a proposal from the aviation navigation service provider, in accordance with the established plan of EUROCONTROL and ICAO.“

#### **Article 24**

Article 33 shall be amended and reads:

“(1) For the purpose and public air transport safety and regularity, the legal entity performing public air transport shall have the necessary staff, aircrafts, equipment, as well as meet the special requirements necessary for safe and regular operation. The manner of performing the public air transport, as well as the special requirements regarding the necessary staff, aircrafts equipment and the other special requirements necessary for safe and regular operation shall be regulated by the Agency.

(2) The airline satisfying the requirements referred to in paragraph (1) of this Article, shall issue a new or renewal Operating Licence and the certificate for meeting the safety requirements for performing public air transport (Air Operator Certificate-AOC) by the Agency, for which a decision is made.

(3) The Agency shall not issue or renew the Operating Licence and the certificate for meeting the safety requirements for performing public air

transport (Air Operator Certificate-AOC) or allow it to be valid in case the requirements referred to in paragraph (1) of this Article have not been met, for which a decision is made.

(4) The airline which ceases to satisfy the requirements referred to in paragraph (1) of this Article, the have the Operating Licence and the certificate for meeting the safety requirements for performing public air transport (Air Operator Certificate-AOC) suspended by the Agency for a period which cannot be longer than 60 days. If the airline does not meet the requirements within the specified period, the Agency shall revoke the Operating Licence the certificate for meeting the safety requirements for performing public air transport (Air Operator Certificate-AOC), for which a decision is made.

(5) The form, the contents, the records and the manner of issuing, renewing and modifying the certificates referred to in paragraph (2) of this Article shall be stipulated by the Agency.“

### **Article 25**

In Article 34 paragraph (2) the words: “special permission to operate international scheduled or non-scheduled public air service“ shall be amended with the words: “approval issued on the basis of Article 26 of this law.“

Paragraph (3) is amended and reads:

"(3) Notwithstanding paragraphs (1) and (2) of this Article, international air services between the Republic of Macedonia and Member State of ECAA Agreement may be operated by a domestic airline or an airline of a State Member of ECAA in accordance with the provisions of EU Regulation 1008/2008."

In paragraph (4) the words: "without permission" shall be replaced with the words: "without approval".

Paragraph (5) shall be deleted.

### **Article 26**

Articles 35 and 36 shall be deleted.

### **Article 27**

In Article 37 paragraph (1) the words: "according to the time table" shall be deleted.

### **Article 28**

Article 38 is amended and reads:

"(1) The Director General of the Agency shall prescribed the rules for the implementation of the list of airlines being subject to operation a ban in accordance with EU Regulation 2111/2005 and shall published the list of airlines being subject to operation a ban.

(2) In order to achieve an advancement of the Safety Management System and achievement of acceptable level of safety in the air traffic the Agency shall established National Aviation Safety Programme upon previous consent by the Government of the Republic of Macedonia.

(3) Airlines, aerodrome operators, providers of the air navigation services and aircraft maintenance organizations are obliged to establish and to maintain Safety Management System in accordance with National Aviation Safety Programme.”

#### **Article 29**

In Article 44 after paragraph (7) a new paragraph (8) shall be added and reads:

“(8) The rules on military parachute activities shall be prescribed by the Minister of Defence.”

#### **Article 30**

The subtitle “4. REQUIRED PERSONNEL” shall be amended and reads: “4. SPECIAL AVIATION ACTIVITIES”

#### **Article 31**

After the subtitle 4 a new Article 45 shall be added and reads:

#### **Article 45**

1)The Ministry of Defence and the Ministry of Interior shall organize and perform special aviation activities.

2)The rules on performing the special aviation activities shall be prescribed by the competent Ministries.”

#### **Article 32**

Article 46 shall be amended and reads:

“(1) A charge for issuing, renewing and modifying the certificates referred to in Articles 33, 42, 43 and 44 of this law shall be paid to the Agency.

(2) The amount of the charge referred to in paragraph (1) of this Article shall be determined by the Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs.“

#### **Article 33**

In Article 48 paragraph (1) after the word “law” the following words shall be added: “and regulations enacted on the basis of this law.“.

Paragraphs (3) and (4) shall be deleted.

#### **Article 34**

In Article 49 paragraph (2) the words: “stipulated by the Director General of the Agency” shall be replaced by the words: “stipulated by the bylaws referred to in Article 33 paragraph (1) and Article 42 paragraph (6) of this law.”



### **Article 35**

In Article 50 paragraph (1) after the word “law” the following words shall be added: “issued by the Agency”.

In paragraph (2) the words: “engaged in international air services” shall be replaced with the words: “of domestic airlines”.

### **Article 36**

Article 52 shall be amended and reads:

“(1) Any documents concerning the airworthiness and any licenses issued or verified by a Contracting State of ICAO being the State of Registry of the aircraft shall be rendered valid by the Republic of Macedonia according to Article 33 of the Chicago Convention, provided that the requirements under which such documents and licenses have been issued or verified are equal or stronger than the minimum standards established according to the Chicago Convention.

(2) Regarding Article 33 of the Chicago Convention, if a Contracting State of ICAO in which an aircraft has been registered transfers its responsibilities for issuance or validation of documents referred to in paragraph (1) of this Article to the State of operator of the aircraft according to Article 83-bis of the Chicago Convention, the Republic of Macedonia shall also recognize the validity of the documents referred to in paragraph (1) of this Article issued by the State of operator of the aircraft additionally to those documents issued by the State of Registry of the aircraft provided that the Republic of Macedonia has been formally notified about the agreement for transfer of responsibilities made according to Article 83-bis of the Chicago Convention.

(3) If an aircraft being the subject of an agreement for transfer of responsibilities should enter into the airspace of the Republic of Macedonia, and the Republic of Macedonia has not been formally notified about the agreement for transfer of responsibilities made in accordance with Article 83-bis of the Chicago Convention, the State of Registry of the aircraft shall be fully competent in respect of Articles 30, 31 and 32-a of the Chicago Convention regardless the agreement for transfer of responsibilities.”

### **Article 37**

The title “III AIR TRAFIC SERVICES” shall be amended and reads: “III AVIATION NAVIGATION SERVICES”.

### **Article 38**

In Article 53 paragraph (2) shall be amended and reads:

“(2) The aviation navigation services shall be provided on exclusive basis by the service provider established in accordance with Article 60 of this law, designated by the Government of the Republic of Macedonia and having a certificate in proficiency for providing aviation navigation services. The designation by the Government of the Republic of Macedonia of an aviation navigation service provider established in accordance with Article 60 of this

law, shall also apply in case of established functional airspace block, and for possible assignment of other aviation navigation services providers, decision shall be made with the international agreement on establishing functional airspace blocks.“

In paragraph (6) the words: “the Government of the Republic of Macedonia depending on actual costs” shall be replaced by the words: “Management Board of the Agency with an pricelist, depending on actual administrative and supervisory costs.“.

Paragraph (8) shall be amended and reads:

“(8) The manner of provision of the required air navigation services for state aircraft shall be regulated by a cooperation agreement between the Air Navigation Services Provider and the competent Ministries.”

### **Article 39**

In Article 56 paragraph (1) the full stop at the end of the sentence shall be deleted and the following words shall be added: “consisting of charge intended for financing the costs for over flight services (En-Route Charges) and charge intended for financing the costs for terminal services.“

Paragraph (2) shall be amended and reads:

“(2) The charge intended for financing the costs for over flight services (En-Route Charges) referred to in paragraph (1) of this Article shall be collected by EUROCONTROL and shall transfer it to the Agency and to the aviation navigation service provider on the basis of previously concluded agreement.“

Paragraph (3) shall be amended and reads:

“(3) The charge intended for financing the costs for terminal services (Terminal Charges) referred to in paragraph (1) of this Article, shall be collected by the aviation navigation service provider.“

Paragraph (4) shall be amended and reads:

“(4) The manner of determining the amount of the charge referred to in paragraph (1) of this Article and the manner of collection shall be prescribed by the Government of the Republic of Macedonia in accordance with the international agreements ratified by the Republic of Macedonia.“

After paragraph (4) a new paragraph (5) shall be added and reads:

“(5) Notwithstanding to the flights prescribed with EU Regulation 1794/2006 from air navigation charges referred to in paragraph (1) of this Article may be exempt the flights of military, police and customs aircraft as well as other flights which may be exempt in accordance with EU Regulation 1794/2006 upon previous enacted decision by the Government of the Republic of Macedonia.”

### **Article 40**

Article 58 shall be amended and reads:

“(1) The organisation and use of the airspace shall be prescribed by the Government of the Republic of Macedonia.

(2) The Government of the Republic of Macedonia shall establish a civil-military Committee for performance of the duties related to Airspace Management and flexible use of airspace.

(3) The Committee shall consist of representatives of the Ministry for Transport and Communications, the Ministry of Defence, the Ministry of Interior, the Agency and the aviation navigation service provider.

(4) The aviation navigation service provider representative shall coordinate the operation of the Committee.

(5) The Committee by latest of 31<sup>st</sup> January of the following year, shall submit to the Government of the Republic of Macedonia the report on its operation in the previous year.”

#### **Article 41**

In Article 59 paragraph (6) after the words: “post and telegraph services“ the following words shall be added: “as well as electricity distribution and supply services“.

#### **Article 42**

The subtitle “2. AIR TRAFFIC SERVICE PROVIDER” shall be amended and reads: “2. AIR NAVIGATION SERVICE PROVIDER”.

#### **Article 43**

In Article 60 paragraph (4) shall be deleted.

#### **Article 44**

In Article 60-a item 1) sub-item 1.1) sub-item a) indent 3 shall be deleted.

In item 1) sub-item 1.4) after the word “navigation“ the following words shall be added: “which means preventive and corrective maintenance, setting, calibration, monitoring, supervision, management, appointing and introduction to operation, as well as development and modification of procedures and instruction for operating and maintaining the operative technical means in a condition enabling safe and regular air traffic.“

In sub-item 1.4) the conjunction “and“ shall be replaced by the colon mark and two new items 2) and 3) shall be added and read:

“2) keeping of records, collecting, processing and forwarding data used for collecting the charges for the aviation navigation services;

3) preparing and regular updating of the Aeronautical Information Publication and“.

Item 2) shall become item 4).

#### **Article 45**

In Article 60-b indent 1 shall be amended and reads:

“- the portion of the charge realised on the basis of provision of aviation navigation services whose amount is determined by the cost of operation of the aviation navigation service provider in a manner stipulated in accordance with Article 56 paragraph (4) of this law,“

#### **Article 46**

In Article 60-e paragraph (1) words: “up to an amount established by the Government of the Republic of Macedonia” shall be deleted.

#### **Article 47**

In Article 66 paragraph (2) shall be deleted.

#### **Article 48**

After Article 71 a new “71-a“ shall be added and reads:

##### **“Article 71-a**

(1) The Government of the Republic of Macedonia may designate an airport as a coordinated airport or schedules facilitated airport in accordance with the Council Regulation (EEC) 95/93 when problems with the capacity of that airport occur.

(2) The Government of the Republic of Macedonia shall appoint a natural or legal person as a coordinator or independent schedules facilitator upon a previous consultations with airlines, airport operator or Coordination Committee, where such a Committee exists.

(3) The coordinator or independent schedules facilitator appointed in accordance with paragraph (2) of this Article are entitled to an allowance up to a amount prescribed by the Government of the Republic of Macedonia.

(4) The Government of the Republic of Macedonia shall establish Coordination Committee at a coordinated airport in accordance with the Council Regulation (EEC) 95/93.

(5) The Government of the Republic of Macedonia shall prescribe rules for the allocation of slots.”

#### **Article 49**

In Article 73 paragraph (5), Article 121 paragraph (4), Article 122 paragraph (3), Article 124 paragraph (5) and Article 126 paragraph (4) the words: “the Government of the Republic of Macedonia at a proposal of the Agency” shall be replaced by the words: “Management Board of the Agency with an pricelist depending on the actual administrative and supervisory costs.”.

#### **Article 50**

In Article 82 paragraph (1) shall be amended and reads:

“(1) Fire fighting and rescue and medical services shall be provided at an aerodrome and airfield, and fire fighting and rescue services, emergency medical services and ground handling services for aircrafts, passengers, baggage, freight and mail and fuel and oil supply shall be provided at an airport, that provide airport services under the conditions and in a manner stipulated by the Director General of the Agency.”

After paragraph (1) two new paragraphs (2) and (3) shall be added which read:

“(2) The fire fighting service, emergency medical service, that is the fire fighting provision and medical service, as well as the ground handling services for aircrafts, passengers, baggage, freight and mail and fuel and oil supply to the aircrafts shall be organised by the aerodrome operator, i.e. the airport operator.

(3) The airport operator may grant the performance of airport services regarding ground handling for aircrafts, passengers, baggage, freight and mail and fuel and oil supply to the aircrafts to another legal entity, under conditions and manner stipulated in Article 82-g of this law.”

Paragraphs (2), (3) and (4) shall become paragraphs (4), (5) and (6).

Paragraph (5) shall be deleted.

### **Article 51**

After Article 82 thirteen new Articles 82-a, 82-b, 82-c, 82-d, 82-e, 82-f, 82-g, 82-h, 82-i, 82-j, 82-k, 82-l and 82-m shall be added which read:

#### **“Article 82-a**

Access to market for performing ground handling services for aircrafts, passengers, baggage, freight and mail and fuel and oil supply to the aircrafts at the airports opened to public air transport shall be performed in accordance with Council Directive 96/67/EC.

#### **Article 82-b**

(1) The provisions of the Council Directive 96/67/EC shall apply to all airports located in the territory of the Republic of Macedonia and are open to public air transport, in the following cases:

(a) The provisions from Article 82-d paragraph (1) of this law, referring to the categories of airport services not covered with Article 82-d paragraph (2) of this law shall apply for every airport regardless of the traffic volume;

(b) The provisions referring to the categories of airport services listed in Article 82-d paragraph (2) of this law shall apply for airports with annual traffic not less than 1 million passengers or 25,000 tons of freight.

(c) The provisions referring to the categories of airport services listed in Article 82-c of this law shall be applied for airports:

– with annual traffic not less than 3 million passengers or 75,000 tons of freight or

– with annual traffic which was not less than 2 million passengers or 50,000 tons of freight for a period of six months prior to April 1st or October 1st of the previous year.

(2) The provisions of the Council Directive 96/67/EC shall apply to all airports located in the territory of the Republic of Macedonia and are open to public air transport with annual traffic not less than 2 million passengers or 50,000 tons of freight.

(3) If the airport reached one of the thresholds for transport of freight stipulated in this Article, without reaching the established threshold for

transport of passengers, in such a case the provisions of the Council Directive 96/67/EC shall not apply to the categories of airport services referring exclusively to passengers.

(4) The Ministry of Transport and Communications every year until July 1st shall submit to the European Commission data on the airports on the territory of the Republic of Macedonia, which will reach certain thresholds of traffic referred to in this Article.

#### Article 82-c

(1) The Ministry of Transport and Communications shall ensure free access of the airport services providers to the market of airport services of third parties. The airport services providers need to be established in a member-state of the ECAA, in accordance with the provisions of Article 82-b of this law.

(2) The airport services provision may be limited to at least two authorised airport services providers for each of the listed categories of airport services:

- ground handling of baggage;
- ground handling of aircrafts on the apron;
- supply with fuel and oils and
- ground handling of freight and mail, related to their physical manipulation upon arrival, departure or transfer between the freight terminal and the aircraft.

(3) The number of authorised airport services providers referred to in paragraph (2) of this Article cannot be limited to less than two for each category of airport services.

(4) In addition, at least one of the authorised airport services providers may not be directly or indirectly controlled by:

- the airport operator;
- any airport user that has transported more than 25% of the registered passengers or freight at that airport in the year prior to the year of selecting the airport services providers and
- authority controlling or is directly or indirectly controlled by the airport operator or any other airport user.

(5) In case of limiting the number of authorised airport services providers in accordance with paragraphs (2) and (3) of this Article, no airport user can be precluded, regardless of which part of the airport has been allocated to it, from having the possibility of choice between at least two airport services providers in terms of each category of airport services subject to limitation, under the requirement stipulated in paragraphs (2), (3) and (4) of this Article.

#### Article 82-d

(1) The Ministry of Transport and Communications shall ensure freedom of independent provision of airport services referred to in Article 82-b of this law.

(2) As an exception of paragraph (1) of this Article, the independent supply may be performed by at least two airport users, under the condition

they were selected on the basis of relevant, objective, transparent and non-discriminating criteria for the following categories of airport services:

- ground handling of baggage;
- ground handling of aircrafts on the apron;
- supply with fuel and oils and
- ground handling of freight and mail, related to their physical manipulation upon arrival, departure or transfer between the freight terminal and the aircraft.

#### Article 82-e

(1) The airport operator shall manage the centralised infrastructure used for providing airport services, whose complexity, costs or environment influence do not allow for division or duplicating of systems for baggage sorting, defrosting, water purification and fuel distribution.

(2) The use of centralised infrastructure shall be mandatory for airport services providers and for the airport users that supply themselves independently.

(3) The management of the centralised infrastructure should be transparent, objective and non-discriminating and should not obstruct the access of airport services providers and airport users that supply themselves independently within the limitations determined with Council Directive 96/67/EC.

#### Article 82-f

(1) If for a particular airport there are special limitations to the available space or capacity, which prevents the opening of the market and/or the implementation of the independent supply, in accordance with Council Directive 96/67/EC which arise from the air traffic delay and the degree of utilization of the space, the Ministry of Transport and Communications after previous opinion from the Agency can:

- in accordance with Article 82-c paragraphs (2), (3) and (4) of this law limit the number of providers of one or more categories of airport services which are not listed in Article 82-c paragraphs (2) and (3) of this law to a section or to the entire airport;

- to approve the provision of one or more airport services listed in Article 82-c paragraphs (2) and (3) of this law to a single airport services provider;

- approve the independent supply of limited number of airport users for categories of airport services which are not listed in Article 82-d paragraph (2) of this law, under the condition those users were selected on the basis of relevant, objective, transparent and non-discriminating criteria and

- prohibit or limit the independent supply of one airport user for categories of airport services listed in Article 82-d paragraph (2) of this law.

(2) All exceptions for which it was decided in accordance with paragraph (1) of this Article must:

- specify the category or categories of airport services for which the exception has been approved and the specific limitations of the available space or capacity which justify such exception and

- be accompanied with a plan of corresponding measures for overcoming the limitations.

(3) The exceptions from paragraph (1) of this Article must not:

- call into question the goals of the Council Directive 96/67/EC;
- lead to disturbance in the competition between airport services and/or airport users that supply themselves independently and
- be applied in a scope larger than is necessary.

(4) The exceptions referred to in paragraph (1) indents 1, 3 and 4 of this Article shall not be valid more than three years. The Ministry of Transport and Communications shall adopt a new decision on any request for exception, which will also be subject to the procedure stipulated in this Article, not later than three months prior to the expiry of this time period.

(5) The exception from paragraph (1) indent 2 shall not be valid more than two years, but the Ministry of Transport and Communications, on the basis of the provisions referred to in paragraph (1) of this Article, may approve the extension of this period for a one-time period of two years.

#### Article 82-g

(1) The airport operator shall organise and implement a procedure for selecting airport services providers for providing airport services at an airport if their number is limited in the cases stipulated with Article 82-c paragraphs (2) and (3) or with Article 82-f of this law.

(2) The selection procedure shall be performed in accordance with the following principles:

a) in cases when the airport services providers need to meet the appropriate standard requirements and technical specifications, then such requirements and specifications shall be specified after consultations with the Board of Airport Users. The criteria for selection specified by the standard requirements or technical specifications must be relevant, objective, transparent and non-discriminating;

b) the airport services providers shall be selected:

- after consultations with the Board of Airport Users by the airport operator, under the condition that the airport operator:

1. does not provide similar airport services;

2. does not have direct or indirect control over any provider of such services and

3. has not share with those airport services providers,

- in all other cases, by the Ministry of Transport and Communications after previous consultation with the Board of Airport Users and the airport operator.

c) the airport services provider shall be selected for a period not longer than seven years;

d) if the airport services provider stops performing the activities prior to the expiry of the period for which it was selected, a new airport services provider shall be selected on the basis of the same procedure.

(3) If the number of airport services providers is limited in accordance with Article 82-c paragraphs (2) and (3) or Article 82-f of this law, the airport operator give airport services independently without being subject to the procedure for selection stipulated in paragraph (2) of this Article. The airport



operator, without implementing the procedure stipulated in this Article, may authorise another legal entity to provide airport services at that airport under the condition that:

- the airport operator has direct or indirect control over that legal entity or
- the legal entity has direct or indirect control over the airport operator.

(4) The airport operator within a period of three days from adopting the decision on selection notifies the Board of Airport Users on the result of the selection procedure.

#### Article 82-h

(1) The airport services provider and the independent service provider may initiate the performance of services after receiving the approval from the Agency.

(2) The approval referred to in paragraph (1) of this Article shall be issued at request of the airport services provider or the independent service provider after the implemented selection procedure, if it meets the requirements prescribed by the Government of the Republic of Macedonia on the basis of Article 82 paragraph (1) of this law.

(3) The requirements for issuing the approval must be related to the stable financial condition and sufficient insurance coverage, security and safety of installations, aircrafts, equipment and persons, as well as to the protection of environment and observance of relevant social legislation.

(4) The requirements for issuing the approval must be in accordance with the following principles:

- be applied in a non-discriminatory manner to different airport services providers and airport users;
- be related to the planned goal and
- must not, in practice, limit the access to the market or the freedom of independent supply which is at level below the one stipulated by the Council Directive 96/67/EC.

(5) The approval shall be issued for a period not longer than seven years.

(6) The Agency shall revoke the approval referred to in this Article only if the approval holder no longer meets the requirement listed in paragraph (2) of this Article, for reasons caused by the approval holder itself. The bases for rejecting or revoking must be communicated to the airport services provider or the independent service provider and to the airport operator.

(7) The Agency at proposal of the airport operator shall withdraw the approval to the airport services provider or to the independent services provider if it does not observe the stipulated requirements for airport operation referred to in Article 82 paragraph (1) of this law.

#### Article 82-i

(1) The airport services providers and the independent services providers must have access to the facilities of the airport, including the centralized infrastructure necessary for performance of their activities. The

space for providing airport services must be divided between the different airport service providers and the independent services providers, in a manner necessary for exercising their rights, as well as for enabling honest and efficient competition on the basis of relevant, objective, transparent and non-discriminatory rules and criteria.

(2) The airport operator shall determine a charge for accessing and using the infrastructure on the basis of relevant, objective, transparent and non-discriminatory criteria.

#### Article 82-j

(1) In case when the airport operator, the airport user or the airport services provider also provide airport services, they must have a separate account for the charge from provided airport services in relation to accounts from other activities.

(2) The annual financial statements of the airport operator must clearly indicate that there are no financial flows between its activity as airport operator and its activity as airport services provider.

(3) An independent authorised auditor shall perform audit and shall confirm in the audit report whether the accounts referred to in paragraphs (1) and (2) of this Article have been separated.

#### Article 82-k

(1) At every airport to which the Council Directive 96/67/EC refers to, the airport users shall establish Board of Airport Users. All airport users shall have the right to be on that Board, or to be represented on it by an other person.

(2) The Board of Airport Users shall adopt Rules of Procedure.

#### Article 82-l

(1) The Ministry of Transport and Communications, the Agency, the airport operator, the Board of Airport Users and the airport services providers referred to Article 82-h of this law, at least once a year shall organise meetings for consultations regarding the application of the provisions of this law.

(2) The consultations should refer to the prices of airport services for which exceptions have been approved regarding the organisation and provision of those services.

#### Article 82-m

(1) If the Ministry of Transport and Communications determines that other countries have not legally and actually provided the Macedonian airport services providers and independent services providers with:

– the same treatment received by the airport services providers and independent services providers of those countries in the Republic of Macedonia;

- the same treatment received by the airport services providers and independent services providers in the countries where they were established (as national) and

- the same treatment received by the airport services providers and independent services providers from third countries,

may fully or partially cease to observe the obligations arising from the application of the Council Directive 96/67/EC.

(2) The Ministry of Transport and Communications shall notify the European Commission on the type and scope of the decision referred to in paragraph (1) of this Article within 30 days from the day it is adopted.”

#### **Article 52**

Before Article 83 new title “III-a” shall be added and reads: “III-a. AVIATION SECURITY”.

#### **Article 53**

Article 83 shall be amended and reads:

“(1) Within the perimeter of the aerodrome, only persons executing official duties and in possession of a valid airport identification card and vehicles with a valid airport permit, are permitted.

(2) The airport identification card and valid vehicle permit referred to in paragraph (1) of this Article shall be issued by:

- the airport operator upon previous opinion of the Ministry of Interior in accordance with the criteria listed in the National Civil Aviation Security Programme and

- the Ministry of Defence with respect to the military section of a mixed airport.“.

#### **Article 54**

Article 84 shall be amended and reads:

“(1) The airport operator shall develop an Airport Security Programme which has to be in compliance with the relevant provisions in the National Aviation Security Programme. The Airport Security Programme must be approved by the Agency.

(2) Each domestic airline shall develop an Airline Security Programme which has to be in compliance with the relevant provisions in the National Aviation Security Programme. The Airline Security Programme must be approved by the Agency.

(3) The airport operator and the domestic airline shall implement the security measures in accordance with the appropriate and approved Security Programmes in order to safeguard civil aviation against actions of unlawful interference.

(4) All physical or legal persons present at the airport must comply with the prescribed security requirements, rules and measures.

(5) The Government of the Republic of Macedonia shall prescribe the security requirements, rules and manner of protection against actions of unlawful interference.

(6) At airports where more than 40 staff members hold airport identification cards giving access to security restricted areas, critical parts of security restricted areas shall be established.

#### **Article 55**

Article 85 shall be amended and reads:

1. At each airport an Aviation Security Committee shall be established by the Airport operator.
2. The members of this Committee are the representatives of:
  - the operator of the airport,
  - the Domestic airlines,
  - the service providers at the airport,
  - the foreign airlines
  - the Agency,
  - the Air navigation services provider,
  - the Ministry of Transport and Communications, the Ministry of Interior, the Ministry of Defence and the Ministry of Finance - Customs Authority and
  - other representatives if their activities are relevant for the security.
3. The Committee referred to in paragraph (1) of this Article shall supervise and monitor the implementation of the security measures as well as advise on all other activities directly related to aviation security at the airport.

#### **Article 56**

Article 86 shall be amended and reads:

- (1) For the purpose of taking preventive measures, organized action and elimination of consequences to safeguard against the acts of unlawful interference in civil aviation the Government of the Republic of Macedonia shall establish a National Civil Aviation Security Committee.
- (2) Members of the National Civil Aviation Security Committee shall be representatives nominated by the Ministry of Transport and Communications, the Ministry of Interior, the Ministry of Defence and the Ministry of Finance - Customs Authority Agency, the Air navigation service provider, the operator of airports, the service providers at the airport, the domestic airlines and other representatives if their activities are relevant for the security.
- (3) The National Civil Aviation Security Committee shall be chaired by the Director General of the Agency in capacity of a national coordinator for aviation security.
- (4) The Government of the Republic of Macedonia shall prescribe:
  - the National Civil Aviation Security Programme containing directives for establishing the Airport Security Programme and Airline Security Programme;
  - the National Civil Aviation Security Training Programme;
  - the National Civil Aviation Security Quality Control Programme and
  - other programmes and plans.

### **Article 57**

After Article 86 new title "III-b" shall be added and reads "III-b. FACILITATION" and two new Articles 86-a and 86-b shall be added and read:

#### **Article 86-a**

(1) At each airport an Aviation Facilitation Committee shall be established by the airport operator.

(2) The members of this Committee are the representatives of:

- the operator of the airport,
- the domestic airlines,
- the service providers at the airport,
- the foreign airlines,
- the Agency,
- the air navigation services provider,
- the Ministry of Transport and Communications,
- the Ministry of Interior,
- the Ministry of Finance - Customs Authority and
- other representatives if their activities are relevant for the

facilitation.

(3) The Committee referred to in paragraph (1) of this Article shall supervise and monitor the implementation of the facilitation measures as well as advise on all other activities directly related to aviation facilitation for the airport.

(4) The airport operator shall develop an Airport Facilitation Programme which has to be in compliance with the provisions in the National Aviation Facilitation Programme. The Airport Facilitation Programme must be approved by the Agency.

(5) The airport operator shall implement the facilitation measures in accordance with the approved Facilitation Programmes.

(6) The Government of the Republic of Macedonia shall prescribe the measures and procedure for facilitation of civil aviation.

#### **Article 86-b**

(1) For the purpose of taking facilitation measures in civil aviation, the Government of the Republic of Macedonia shall establish a National Committee on Facilitation.

(2) Members of the National Committee on Facilitation shall be representatives nominated by the Ministry of Transport and Communications, the Ministry of Interior, the Ministry of Finance - Customs Authority, the Agency, the Air navigation service provider, the operator of airports, the service providers at the airport, the domestic airlines and other representatives if their activities are relevant for the facilitation.

(3) The National Committee on Facilitation shall be chaired by the Director General of the Agency in capacity of a national coordinator for facilitation.

(4) The Government of Republic of Macedonia shall prescribe the National Aviation Facilitation Programme."

### **Article 58**

The title "IV. CONCESSIONS" shall be amended and reads: "IV. CONCESSIONS AND PUBLIC-PRIVATE PARTNERSHIP AND SELECTION OF SUPPLIERS".

### **Article 59**

Article 87 shall be amended and reads:

"Concession and public private partnership may be granted for the following properties and activities of public interest:

- construction and use of a new aerodrome or airfield;
- reconstruction and use of the existing aerodromes and airfields;
- provision of airport services and

- route for schedule public air transport within ECAA that is previously determined by the Government of the Republic of Macedonia as a route of public interest in accordance with requirements, manner and procedure prescribed with Regulation (EC) no.1008/2008 of the European Parliament and of the Council.

### **Article 60**

Article 88 shall be amended and reads:

"(1) The procedure for granting the concession or public private partnership referred to in Article 87 paragraph (1) of this law, may be granted in accordance with the Law on concessions and other types of public private partnership.

(2) The concession or public private partnership referred to in Article 87 paragraph (1) of this law may be granted for a period not more than 30 years.

(3) Notwithstanding the provision of paragraph (2) of this Article for the provision of groundhandling airport services for aircraft, passengers, baggage, freight and mail and supply with fuel and oils, airport operator may assign another provider of those services under the requirements, manner and procedure prescribed by this law in accordance with Council Directive 96/67/EC of a period not more than 7 years.

(4) The duration of the period for which the concession or public private partnership referred to in Article 87 paragraph (1) of this law is granted, can be extended, but entirely duration of this period may not be more than 30 years for one concessionere or public private partner.

(5) The concedent or public private partner shall decide for the extention of the duration of the period for which the concession or public private partnership referred to in Article 87 paragraph (1) of this law is granted, on the base of the assessment of success and quality in execution of the relevant activity by the concessionere or public private partner.

(6) Upon the expiration of the period for which the concession or public private partnership is granted, and upon a request by the concessionere or public private partner, the concedent or public private partner may extend the duration of the period for which the concession or public private partnership is granted upon previously received opinion for the success and quality in execution of the relevant activity by the Ministry of Transport and

Communication and the Agency, with conclusion of a new agreement or amendment of a existing agreement.”

#### **Article 61**

Articles 89 shall be deleted.

#### **Article 62**

Article 90 shall be amended and reads as follows:

“Concession Agreement and the rights and responsibilities thereunder may be transferred in whole or partly upon a prior decision on consent, unless the continuous and qualitative implementation of the concession is endangered.”

#### **Article 63**

In Article 92 paragraph (3) shall be amended and reads:

The manner of keeping records for aircraft other than ICAO standard aircraft (ultralight aircraft, powered wings and wings for free flight flying), as well as amateur constructed aircraft shall be prescribed by the Director General of the Agency.”

Paragraph (4) shall be deleted.

#### **Article 64**

In Article 93 paragraph (2) after first indent new second indent shall be added and reads:

“- the lease agreement is approved by the Agency,”.

The second indent wich becomes third indent shall be amended and reads:

”- comply with the requirements stipulated under Article 95 of this law and”.

After paragraph (3) a new paragraph (4) shall be added which reads:

“(4) The Agency shall prescribe criteria and procedure for approving the lease agreements of an aircraft.“

Paragraph (4) shall become paragraph (5).

#### **Article 65**

Article 95 shall be amended and reads:

“An aircraft can be registered in the Aircraft Register under the following requirements:

1) the aircraft meets all the requirements regarding the airworthiness stipulated with this law and bylaws adopted on the basis of this law;

2) the aircraft operator is a domestic natural person or foreign natural person with regulated stay in the Republic of Macedonia or is a legal entity registered in and with principal place of business in the Republic of Macedonia;

3) if the aircraft has already been registered in a foreign aircraft register, there is proof that it has been removed from the foreign aircraft register;

4) if the aircraft has been imported from abroad, to have an export certificate of airworthiness issued by the competent authority of the country where it was previously registered;

5) the aircraft satisfies the stipulated requirements regarding noise and other emissions in accordance with this law and bylaws adopted on the basis of this law;

6) the aircraft operator has a proof of ownership or approved lease agreement of the aircraft without crew and

7) the operator is not the aircraft owner, it needs to submit a statement with which the aircraft owner agrees for the aircraft to be registered in the Aircraft Register of the Republic of Macedonia.“

#### **Article 66**

Articles 96 and 97 shall be deleted.

#### **Article 67**

In Article 98 paragraph (1) shall be amended and reads:

“(1) The Agency shall be obliged to enter the aircraft in the Aircraft Register and to issue the registration applicant a certificate of aircraft registration, if the requirements referred to in Article 95 of this law have been met.“

In paragraph (2) the words: “the Government of the Republic of Macedonia at a proposal by the Agency” shall be replaced by the words: “the Management Board of the Agency with an pricelist depending on the actual administrative and supervisory costs.“.

#### **Article 68**

Article 99 shall be deleted.

#### **Article 69**

In Article 100 paragraph (1) item 5 shall be amended and reads:

“5. in case the owner, or user of the aircraft, ceases to fulfil the requirements referred to in Article 95 of this law.“

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

“(2) An aircraft encumbered with mortgage may be deleted from the Register only after submitting written consent from all mortgages creditors whose rights have been recorded in the Aircraft Register.“

#### **Article 70**

In Article 103 paragraph (3) shall be amended and reads:



“(3) The manner and position of marking on the aircraft registered and recorded in the Republic of Macedonia, with nationality, registration and other marks shall be prescribed by the Director General of the Agency.”

#### **Article 71**

In Article 110, paragraph (2) shall be deleted.

#### **Article 72**

Article 111 shall be amended and reads:

“(1) State aircraft shall be classified according to their type, category, purpose, weight, speed and other special classifications.

(2) The regulations on classification, colours and marking and use of state aircraft shall be enacted by:

- The Minister of Defence for military aircraft,
- The Minister of Interior for police aircraft and
- The Minister of Finance for customs aircraft.

#### **Article 73**

In Article 113 paragraph (1) in the first line the word “Construction” shall be replaced with the words: “Design and construction”.

In paragraph (3) the words: “the Government of the Republic of Macedonia at an Agency proposal” shall be replaced by the words: “The Management Board of the Agency with an pricelist depending on the actual administrative and supervisory costs.”.

#### **Article 74**

In Article 117 paragraph (2) the words: “a legal entity having sufficient number of personnel, equipment and facilities as well as meet the remaining special requirements” shall be replaced by the words: “EASA.”.

Paragraph (3) shall be amended and reads:

“(3) The examination for the purpose of conformity and the issuing of type certification shall be made under conditions, in a manner and within procedure stipulated by the Director General of the Agency.”

#### **Article 75**

Article 118 shall be amended and reads:

“(1) The Type Certificate issued by EASA shall be directly validated in the Republic of Macedonia, without implementing a procedure for their validation by the Agency.

(2) The Agency shall validate Type Certificates issued by a foreign country provided they are in compliance with the EASA technical requirements for airworthiness.”

#### **Article 76**

In Article 126 paragraph (5) shall be deleted.

#### **Article 77**

In Article 127 paragraph (1) the words: “The Government of the Republic of Macedonia” shall be replaced by the words: “The Management Board of the Agency with an pricelist, depending on the actual administrative and supervisory costs.”.

#### **Article 78**

In Article 133 paragraph (2) shall be amended and reads:

“(2) Macedonian aircraft shall be issued the certificates referred to in paragraph (1) of this Article by the Agency. A charge shall be paid for issue, renewal and modification of the certificates referred to in paragraph (1) of this Article in the amount stipulated by the Management Board of the Agency with an pricelist, depending on the actual administrative and supervisory costs.”

#### **Article 79**

In Article 134 paragraph (2) words: “and to have a certificate of competence” shall be deleted.

#### **Article 80**

In Article 136 paragraph (3) the full stop at the end of the sentence shall be deleted and the following words shall be added: “in organisations and training centres authorised by a foreign aviation authority for performing appropriate training in compliance with accepted international standards by the Republic of Macedonia”.

In paragraph (6) the words: “the Government of the Republic of Macedonia at an Agency’s proposal” shall be replaced by the words: “the Management Board of the Agency with an pricelist, depending on the actual administrative and supervisory costs.”.

In paragraph (8) after the word “operation“ the words: “of organisations and training centres in the Republic of Macedonia,“ shall be added.

#### **Article 81**

In Article 137 paragraph (1) shall be amended and reads:

“(1) The competence of the aviation personnel achieved in accordance with Article 136 of this law shall be checked by the Agency through an examination.”

In paragraph (3) after the word “criteria” the words: “and within procedure” shall be added.

In paragraph (6) the words: “the Government of the Republic of Macedonia at an Agency proposal” shall be replaced by the words: “the Management Board of the Agency with an pricelist depending on the actual administrative and supervisory costs.”.

### **Article 82**

In Article 138 in paragraphs (2) and (4) words: "to other qualified personnel" shall be deleted.

### **Article 83**

Article 140 shall be amended and reads:

"(1) The qualifications and competence of the aviation personnel performing and providing activities essential to aviation safety related to state aircraft shall be achieved in the relevant organizations of the Ministry of Defence or Ministry of Interior.

(2) The qualifications and competence of aviation personnel performing and providing activities essential to aviation safety related to state aircraft may also be achieved abroad.

(3) The programmes for qualifications and competence, requirements and procedure for issuance, revalidation, suspension and revocation of licences and ratings, as well as the form and contents of the forms of the licences and ratings of aviation personnel performing and providing activities essential to aviation safety related to state aircraft shall be prescribed by the Minister of Defence, Minister of Interior or Minister of Finance.

### **Article 84**

Article 141 shall be amended and reads:

"The appropriate aviation qualifications and competence of the aviation personnel performing and providing activities essential to aviation safety, related to state aircraft, achieved in the relevant entities of the Ministry of Defence, Ministry of Interior and/or relevant foreign organizations shall be recognized for obtaining a civil aviation licence if they meet the requirements on issuing a licence or a rating prescribed by this law, as well as the regulations enacted in accordance with this law."

### **Article 85**

In Article 142 paragraph (3) the words: "until the causes referred to in paragraphs (1) and (2) of this Article cease to exist," shall be deleted.

### **Article 86**

In Article 143 paragraph (1) item 1) shall be amended and reads:

"1) In criminal or offence proceedings, the holder is considered unsuitable to exercise the privilege of the license issued by the Agency as a result of an imposed conviction or offence sanction for the duration of that conviction or offence sanction;"

Item 3) shall be amended and reads:

"3) In an inspection the breach of the provisions of the regulations in the field of aviation is stated."

Item 5) shall be amended and reads:

“5) was involved in an accident or serious incident in the filed of civil aviation and;“

After item 5) a new item 6) shall be added and reads:

“6) and in other cases stipulated with bylaws enacted on the basis of Article 139 of this law.“

In paragraph (3) the word “that is“ shall be replaced by the word “or“.

#### **Article 87**

In Article 147 paragraph (2) the full stop at the end of the paragraph shall be deleted and the following words shall be added: “and/or other qualified personnel.”.

In paragraph (3) the words: “the Government of the Republic of Macedonia at a proposal by the Agency” shall be replaced by the words: “the Management Board of the Agency with an pricelist depending on the actual administrative and supervisory costs.“.

Paragraph (5) shall be amended and reads:

“(5) Charge shall be paid for the regular and extraordinary medical examinations in the amount specified by the authorised medical institutions.“

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

“(6) The charge for medical examinations of mobile workers shall be paid by their employers.

#### **Article 88**

Article 149 shall be amended and reads:

“(1) The organisation of working time, the duration of rest period and other right of aircraft crew members shall be stipulated in accordance with Council Directive 2000/79/EC.

(2) The Director General of the Agency shall in details prescribe the organisation of working time, the flight time and the duration of the rest period for aircraft crew members.

(3) A person piloting an aircraft shall have a right to exercise a special paid leave with a contribution to his salary and other rights resulting from the labour relations during a calendar year in order to keep his physical and psychical fitness.“

#### **Article 89**

In Article 152 paragraphs (2) and (3) shall be deleted .

#### **Article 90**

In Article 153 paragraphs (3) and (4) shall be deleted.

#### **Article 91**

Article 159 shall be deleted.

### **Article 92**

In Article 160 after paragraph (2) a new paragraph (3) shall be added which reads:

“(3) In the cases when the civil air traffic control provides navigation services to military or police aircraft during operational flights, the air traffic controller may be assisted by a military assistant controller or police assistant controller and/or head of flying operations, as required.”

### **Article 93**

Article 161 shall be deleted.

### **Article 94**

In Article 164 after the word “fitness” a full stop shall be placed, and the words to the end of the sentence shall be deleted.

### **Article 95**

The title of CHAPTER EIGHT shall be amended and reads: “INVESTIGATION OF AVIATION ACCIDENTS, SERIOUS INCIDENTS, INCIDENTS, OCCURENCES AND AIRCRAFT SEARCH AND RESCUE”.

Subtitle I shall be amended and reads: “INVESTIGATION OF AVIATION ACCIDENTS, SERIOUS INCIDENTS INCIDENTS AND OCCURENCES”.

### **Article 96**

Article 165 shall be amended and reads:

“(1) Any occurrence endangering aviation safety, that is, an accident, serious incident, incident or other occurrence must be thoroughly investigated, analysed and classified according to seriousness, for the purpose of establishing the reasons, facts and circumstances for their occurrence and undertaking appropriate measures for prevention of new occurrences of civil aviation safety endangerment.

(2) The Committee for Investigating Aviation Accidents and Serious Incidents referred to in Article 5 paragraph (3) of this law (hereinafter referred to as: Committee) shall investigate the accidents in which civil aircrafts or parachutes participated.

(3) The aviation industry entities shall initially investigate, analyse and classify the serious incidents, incidents and other occurrences of endangering the civil aviation safety in which they participated themselves.

(4) The aviation industry entities after completing the investigation, analysis and classification of serious incidents, incidents and other occurrences shall be obliged to submit the result of the investigation of serious incidents to the Committee, and the results of the investigated incidents and other occurrences to the Agency, which can reinvestigate them after its own beliefs.

(5) The aviation industry entities shall nominate a person for protection of safety information resulting from the investigation specified in paragraph (1)

of this Article from an inappropriate use in accordance with Article 167 paragraphs (2) and (3) of this law.

(6) In addition to the tasks referred to in paragraph (2) and paragraph (4) of this Article, the Committee shall also perform tasks related to collecting and analysing data and other tasks related to the flight safety, especially for reducing the risks in aviation and prevention of accidents, serious incidents and incidents, provided that these tasks do not affect the independence of the Committee.“

#### **Article 97**

Article 166 shall be amended and reads:

“(1) If a foreign aircraft suffers accident, serious incident or incident on the territory of the Republic of Macedonia, the investigation may also include representatives of aviation authorities or organisations of the country where the aircraft was registered, the country of the airline, the country of manufacturing and the country whose nationals were victims in the accidents, at their request.

(2) If a Macedonian aircraft suffers accident, serious incident or incident on the territory of a foreign country, authorised representatives of the Republic of Macedonia shall be designated who are to be present during the investigation of the accident, serious incident or incident of that aircraft.

(3) The chief investigator shall appoint the authorised representatives of the Republic of Macedonia referred to in paragraph (2) of this Article, who need to meet the requirements for investigators stipulated in Article 170 of this law.“

#### **Article 98**

Article 167 shall be amended and reads:

“(1) The aim of the technical investigation of accidents, serious incidents or incidents shall be the improvement of aviation safety by collecting of safety information and establishing of reasons for those accidents, serious incidents or incidents and undertaking of appropriate measures in order to prevent repeating of such occurrence.

(2) The safety information collected in the technical investigation of accidents, serious incidents or incidents shall not be use inappropriately.

(3) The inappropriate use specified in paragraph (2) of this Article comprise usage of the information for determination of blame or giving security measures to the operational personnel, as well as their dissemination to the public, unless the facts and evidences indicate the existence of intent to cause a damage.“

#### **Article 99**

Article 168 shall be amended and reads:

“For the purpose of undisturbed performance of its tasks, the Committee shall be organisationally, functionally and financially independent from the Ministry of Transport and Communications, Agency and the aviation industry entities whose interest might be in conflict with its tasks and authorisations.“

### **Article 100**

The title “II. INVESTIGATION OF INCIDENTS AND ATM SPECIFIED OCCURENCES“ shall be deleted.

### **Article 101**

Article 169 shall be amended and reads:

“(1) The person who shall be found to have caused the accident with premeditation or through extreme negligence shall be obligated to refund the costs for the investigation of aviation accidents to the account of the Budget of the Republic of Macedonia.

(2) The costs for removal of the aircraft wreckage shall be borne by the aircraft operator”.

### **Article 102**

Article 170 shall be amended and reads:

“(1) The Committee shall consist of three investigators appointed by the Government of the Republic of Macedonia, one of whom shall be appointed Chairperson.

(2) The investigators shall have at least 10 years of working experience in the area of civil aviation, sound knowledge of the English language and have or had aviation personnel status in the sense of this law.

(3) The investigators must have completed appropriate training for carrying out investigations and shall constantly refresh and improve their professional knowledge.

(4) The Committee shall enact Rules of Procedure.“

### **Article 103**

After Article 170 ten new Articles 170-a, 170-b, 170-c, 170-d, 170-e, 170-f, 170-g, 170-h, 170-i and 170-j shall be added and read:

#### **“Article 170-a**

(1) For each accident or serious incident the Chairperson of the Committee shall appoint chief investigator.

(2) In case of accident or serious incident the Chairperson of the Committee may hire external experts in the area of aviation or foreign investigatory authorities from the civil aviation, or other authorities qualified for investigating aviation accidents or serious incidents. They shall be granted a compensation for their work, determined with the Agreement for their hiring.

(3) If the accident or serious incident of a foreign or domestic civil aircraft also involved a state aircraft, a representative from the corresponding Ministry shall participate in the work of the Committee.

(4) The accidents, serious incidents and incidents of state aircraft shall be investigated by the Commission appointed by the corresponding Ministries.

#### Article 170-b

(1) The Ministry of Interior, competent courts, the Public Prosecutor's Office and other entities in the investigation of the accident or the serious incident must enable the investigators free access to necessary operative, technical and legal information and documents regarding the investigation.

(2) The investigators and external experts shall protect safety information regarding the aircraft accidents or serious incidents from inappropriate dissemination in accordance with Article 167 paragraphs (2) and (3) of this law.

#### Article 170-c

If the Committee concludes that it is unable to finalize the purpose of the investigation, it may transfer the investigation or part of the investigation of the accident or serious incident to an appropriate investigation body from another country, after prior consent from the Government of the Republic of Macedonia.

#### Article 170-d

(1) The investigators and external experts of the aviation accident or serious incident shall examine any person whom they consider being able to provide relevant information for the investigation and may investigate facilities, documents, records and data stored on an electronic devices.

(2) The investigators and external experts shall have the following right and competencies:

- a) free and undisturbed access to the site of the accident or incident, as well as to the aircraft, its component parts or its wreckage;
- b) inventorying of evidence;
- c) controlled removal of wreckage or component parts for examination or analysis;
- d) immediate access and use of the contents from the flight data recorder, cockpit voice recorder and any other relevant records;
- e) immediate access to the results from the examination of the persons involved in the aircraft operation or to the tests made on samples taken from those persons;
- f) examination of witnesses;
- g) free access to all relevant information or records with the owner, airline (aircraft operator/user) or aircraft manufacturer and from the authorities responsible for civil aviation or for airport operation or from all other relevant entities;
- h) access to the results of the examination (autopsy) of the victims' bodies or from the tests made on samples taken from the victims' bodies and
- i) access to the information from the accident investigation established by the Ministry of Interior, the competent courts and the Public Prosecutor's Office.



#### Article 170-e

(1) The aircraft, parts of the aircraft and the items which were transported with the aircraft or the items for which there is a doubt being possible cause of the aviation accident must not be removed or displaced without permit from the chief investigator.

(2) Notwithstanding to paragraph (1) of this Article the permit of the chief investigator is not needed in cases when that is necessary for saving a person's life or in other exceptional cases when that is necessary for prevention of greater damaging consequences.

#### Article 170-f

(1) The Committee on the basis of the investigation of accident or serious incident shall prepare safety recommendations which will be sent to the Agency, the aviation industry entities and/or other interested parties.

(2) On the basis of the safety recommendations referred to in paragraph (1) of this Article or when there is a reasonable doubt that new incident or risk shall be avoided in this manner, the Agency may, with an order temporarily prohibit or limit the use of a certain type of aircraft, its parts, equipment, navigation devices as well as execution of flights and performance of the work of the aviation or other professional personnel, until the moment of removing the possible reasons for the aviation accident, serious incident or incident.

(3) The safety recommendations shall avoid creating a suspicion of guilt or responsibility for the aviation accident, serious incident or incident.

#### Article 170-g

The final report on the aviation accident, serious incident and/or incident should be prepared within a period of 12 months from the date of the accident, serious incident or incident, except when the investigation might take longer due to impartial circumstances.

#### Article 170-h

The completed investigation on the aviation accident, serious incident or incident may be reopened in case new evidence is provided.

#### Article 170-i

(1) The investigation of civil aviation accidents, serious incidents, incidents and occurrences shall be regulated in accordance with Council Directive 94/56/EC, and the reporting of accidents, serious incidents, incidents and occurrences, in accordance with Directive 2003/42/EC of the European Parliament and of the Council.

(2) The Government of the Republic of Macedonia shall in details prescribe the principles for carrying out the investigation of accidents, serious incidents, incidents and occurrences of civil and state aircraft as well as the manner of their reporting.

#### Article 170-j

(1) The Committee by latest of 31<sup>st</sup> January of the following year, shall submit to the Government of the Republic of Macedonia the annual report on its operation in the previous year and annual programme with a financial plan for activities for the following year to be reviewed and adopted.

(2) Act referred to in paragraph (1) of this Article shall contain the undertaken measures and measures to be undertaken for improving the aviation safety.”

#### Article 104

Article 173 shall amended and reads:

“(1) The supervision of the implementation of the regulations in the field of aviation shall be conducted by the Agency in accordance with this law and bylaws enacted under this law through aviation inspectors (hereinafter referred to as "inspectors").

(2) The method, procedures and special requirements for conducting an inspection shall be prescribed by the Minister of Transport and Communications.”

#### Article 105

In Article 176 after the words: “stipulated requirements“ the words: “for economic solvency of airlines and“ shall be added.

#### Article 106

In Article 177 the period shall be replaced with a comma and the words: "as well as for the economic operation of the airport operators and airport services providers" shall be added.

#### Article 107

In Article 179 after the words: “fire-fighting” the following words shall be added: “the passenger’s awareness on the identity of the airlines, the manner of establishing the charges by the airports operators and airport services providers“.

#### Article 108

In Article 180 after the words: "meteorological services" the words: "economic operation of air navigation services providers, the method of operation of the Rescue Coordination Centre and the safety management system function" shall be added.

#### Article 109

Article 182-a shall be deleted.

### **Article 110**

In Article 183 the words: “of inspection” shall be deleted.

### **Article 111**

Article 188 shall be amended and reads as follows:

"(1) A fine in amount of 2.000 to 10.000 Euros in equivalent value in denars shall be pronounced for an offence to a legal entity, if:

1) it fails to transfer to the Agency a portion of the monthly collection of the charges regarding the use of airport infrastructures, that is, for take-off and landing and lighting (Article 12 paragraph (4));

2) it fails to carry out a public air services in compliance with the manner and special requirements prescribed by the Agency's General Director (Article 33 paragraph (1));

3) it fails to carry out a public air services in compliance with the requirements provided for under the international agreements and/or other international acts binding on the Republic of Macedonia (Article 34));

4) it fails to perform the air services regularly and orderly and performs its duties not allowing regular and orderly air traffic services operation (Article 37 paragraphs (1) and (2));

5) it fails to submit to the Agency a monthly report on the regularity or orderly of the air traffic services (Article 37 paragraph (3));

6) it fails to establish and maintain a safety management system in accordance with the National Aviation Safety Programme (Article 38 paragraph (3));

7) it performs a carriage of passengers or things by an aircraft for its own use not in compliance with the manner and requirements prescribed by the Agency (Article 42);

8) it fails to operate aerial works in compliance with the manner and requirements prescribed by the Agency (Article 43));

9) it fails to use an aircraft for sports flights in compliance with the manner and requirements prescribed by the Agency (Article 44));

10) the aircraft while operating the air services does not carry on board the certificates/licences, books and other documents (Article 49));

11) it fails to provide ATM services in accordance to the airspace organization and use prescribed by the Government of the Republic of Macedonia (Article 58 paragraph (1));

12) it places any obstacles, emission devices, objects, long-distance power lines or other devices emitting electromagnetic waves at distance from which they may interfere the operation of air navigation aids and facilities intended for provision of air navigation services, or if it fails to ensure a priority of the communications lines necessary for provision of air navigation services (Article 59));

13) it fails to carry out airport/airfield planning, design, reconstruction and construction in accordance with the special requirements prescribed by the Minister of Transport and Communications (Article 67 paragraph (2));

14) the investor fails to obtain an approval on conditions for construction prior to the construction or reconstruction of an airport, airfield or any other object within the aerodrome zone or airfield zone (Article 68 paragraph (1));

15) it fails to use runways and other tracks, apron, buildings, installations and equipment according to their purposes and capacity and in accordance with the provisions of this law and regulations enacted thereunder and if it does not ensure the usage of aerodromes buildings and infrastructure to an aircraft with a permission to operate within the Macedonian airspace (Article 69 paragraphs (1) and (2));

16) the operation time of an aerodrome fails to be within the specified time (paragraph Article 71 (1));

17) it fails to comply with the prescribed rules for the allocation of slots (Article 71—a paragraph (5));

18) it fails to notify the Agency and services provider referred to in Article 60 of this law within prescribed period for any intended change of purpose, classification and categorization of the aerodrome, for any planned work of larger scope which may result in closure of portions of an aerodrome or limitation to use the manoeuvring areas as well as about any unexpected or unpredictable changes, works or interventions (Article 74 paragraphs (1), (2) and (3));

19) the manoeuvring areas or aprons or other areas of an aerodrome or airfield designated for aircraft movements on ground are not distinctively marked in accordance with the procedure prescribed by the Director General of the Agency (Article 75));

20) it fails to carry out the construction, location and marking of objects, installations and facilities within an aerodrome and airfield area (zone), including the air traffic control objects and facilities as well as the objects outside the aerodrome and airfield zone which may affect to aviation safety according to the procedure stipulated under this and other Act and in accordance with the requirements prescribed by the Ministry of Transport and Communications or if it fails to cultivate or use the land within the aerodrome/airfield zone, i.e. in the vicinity thereof according to a procedure prescribed by this or other Act and in accordance with the requirements prescribed by the Minister of Transport and Communications (Article 76));

21) it fails to use, maintain and supervise the manoeuvring areas, aprons, buildings, installations, devices and equipment of an aerodrome according to the procedure prescribed by the Agency (Article 79 paragraph (1));

22) it fails to maintain the airfield according to the procedure and requirements prescribed by the Director General of the Agency (Article 80));

23) it fails to provide fire fighting and rescue and medical services at an aerodrome and airfield and it fails to provide fire fighting and rescue services, emergency medical services and ground handling services for aircrafts, passengers, baggage, freight and mail, and fuel and oil supply at an airport under the conditions and in a manner stipulated by the Director General of the Agency (Article 82 paragraph (1));

24) it fails to supply the jet and piston engine aircraft with fuel and oil in accordance with the applicable quality standard or it fails to supply fuel and oil at least for a period of three days use according to the planned volume of air services at that airport as well as it fails to notify the airport's operator, Agency and competent air traffic control that due to the force majeure or other emergency event it is not able to supply the aircraft with fuel and oil (Article 82 paragraphs (4), (5) and (6));

25) it allows movement of persons without valid airport identification card or of vehicles without valid airport permit within the perimeter of the aerodrome (Article 83 paragraph (1));

26) it operates without approved Airport Security Programme or Airline Security Programme developed in accordance with the National Aviation Security Programme or fails to implement security measures according to the appropriate approved security programmes (Article 84 paragraphs (1), (2) and (3));

27) it operates without approved Airport Facilitation Programme developed in accordance with the National Aviation Facilitation Programme or fails to implement facilitation measures according to the approved facilitation programme or fails to comply with the measures and procedures prescribed by the Government of the Republic of Macedonia (Article 86–a paragraphs (4) and (5) and Article 86–b paragraph (4));

28) while flying within Macedonian airspace a foreign aircraft does not bear the marks established by a regulation of its State of Registry or marks provided for under an international agreement (Article 105));

29) it fails to carry out design, construction or modification of an aircraft, aircraft engine, propeller, parachute and equipment or technical inspection of the construction and preparation of technical documentation regarding the construction and modifications in compliance with general requirements for economic activity and special requirements prescribed by the Agency (Article 113 paragraph (1));

30) it fails to carry out the maintenance and technical inspection of the maintenance of an aircraft, aircraft engine, propeller, parachute and equipment as well as the preparation of the maintenance technical and technological documentation in compliance with the procedure and requirements prescribed by the Agency (Article 122));

31) it fails to notify the Agency about any circumstances, occurrences, omissions and found malfunctions of an aircraft as well as regarding the documentation which may have negative influence on the airworthiness (Article 132 paragraph (3));

32) it fails to conduct a training of the aviation personnel and other qualified personnel in compliance with the approved training programmes, or if it conducts a training, it does not comply with the prescribed requirements for carrying out a training of an aviation or other qualified personnel (Article 136 paragraphs (2) and (4));

33) it fails to determine more closely the responsibility of the persons who are according to the provisions of this law considered as aviation personnel or other qualified personnel (Article 145 paragraph (2));

34) it fails to provide an aviation technical personnel in accordance with the approved maintenance technical system (Article 157);

35) it fails initially to investigate, analyse and classify the serious incidents, incidents and other occurrences of endangering the civil aviation safety and if after completing the investigation, analysis and classification of serious incidents, incidents and other occurrences fails to submit to the Committee the results of the investigated serious incident, and the results of the investigated incidents and other occurrences to the Agency or it fails to nominate a person for protection of the safety information resulting from the

investigation as a result of an inappropriate use (Article 165 paragraphs (3), (4) and (5)).

"(2) Regarding the offence referred to in paragraph (1) of this Article the accountable person of the legal entity shall be also fined in amount of 1.000 to 5.000 Euros in equivalent value in denars."

### **Article 112**

Article 189 shall be amended and reads as follows:

"(1) A fine in amount of 2.000 to 10.000 Euros in equivalent value in denars shall be pronounced for an offence to a legal entity, if:

1) it engages an aircraft not meeting the requirements prescribed by this law and other regulations enacted thereunder (Article 15 paragraph (1));

2) it engages in air traffic operation an aircraft not in accordance with its type, category and purpose specified in the Certificate of Airworthiness thereof (Article 15 paragraph (2));

3) it fails to comply with the prescribed rules and procedures in respect of the aircraft operation (Article 15 paragraph (3));

4) an unmanned aircraft operates within the aerodrome control zone without identification device – transponder and not in compliance with the requirements prescribed by the Government of the Republic of Macedonia (Article 17);

5) it carries out air services operation over a defined area previously declared as prohibited, restricted or danger area or it carries out air services over specified areas during prohibited hours or over/below specified flight level (Article 18 paragraphs (1) and (2));

6) against an aircraft operating close to a prohibited or restricted or danger area or operates thereunto, it fails to take the prescribed measures in order to turn back the aircraft to the flight path specified in the approved flight plan or if it fails to initiate a procedure for forced landing of that aircraft (Article 18 paragraphs (4) and (5));

7) it carries out air services without a prior permission by the Agency below the prescribed minimum safe flight level over cities, inhabited places and industrial objects or acrobatic flights over cities, inhabited places and industrial objects (Article 18 paragraphs (7) and (9));

8) it fails to launch rockets and other flying objects that may endanger the aviation safety of air traffic operation in compliance with the requirements and procedure prescribed by the Agency (Article 20);

9) it launches anti-hail rockets without a prior permission granted by the competent air traffic control and not in compliance with the requirements and procedure prescribed by the Government of the Republic of Macedonia (Article 21);

10) it enters/exits from the Macedonian airspace beyond the boundary control point specified by the Agency (Article 25);

11) it fails to comply with the way of carriage out of sports flights, as well as special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation and the procedure and rules in respect of flight of gliders, balloons, ultralight aircraft and powered wings and wings for free flight flying, parachute jumps, avio-

modelling and organization of contests prescribed by the Agency (Article 44 paragraphs (6) and (7));

12) it fails to comply with the conditions and procedure in respect of organization of air shows prescribed by the Director General of the Agency (Article 47 paragraph (1));

13) certificates/licences, books and other documents required by this law and other regulations enacted under this law are not carry on board of an aircraft while operating the air services or if the certificates/licences, books and other documents are not tidy, updated and presented at the request of an authorised person (Article 49);

14) it fails to submit to the Agency the documentation of the aircraft being deregistered from the Macedonian Registry of Aircraft (Article 51);

15) it fails to comply with the special requirements and procedure for provision of air navigation services prescribed by the Government of the Republic of Macedonia (Article 53 paragraph (7));

16) while providing the air navigation services it fails to use measurement units, abbreviations and measures established by a law, applicable standards or international agreements binding to the Republic of Macedonia (Article 55);

17) it fails to protect the technical facilities, equipment, devices and objects for provision of air navigation services against any damage or destruction, and fails to comply with the method of installation, maintenance and protection prescribed by the Agency and if the failure of such facilities, equipment and devices fails to be published without delay in a way usual for air services operation (Article 59 paragraphs (3), (4) and (7));

18) it fails to comply with the rules and requirements in respect of system interoperability, their components and related procedures prescribed by the Government of the Republic of Macedonia (Article 59-a);

19) it fails to prepare and regular update the Aeronautical Information Publication (Article 60-a item 3));

20) it uses aerodromes and airfields not meeting the requirements for aviation safety prescribed under this law and regulations enacted thereunder (Article 61 paragraph (1));

21) it fails to use terrain (landing strip) in compliance with the requirements prescribed by the Agency (Article 61 paragraph (2));

22) it fails to publish into the Aeronautical Information Publication the established procedures and minimum requirements for safe take off/landing of aircraft (Article 64);

23) it fails to provide fire fighting and rescue and medical services at the aerodrome and airfield and fails to comply with the conditions and in a manner for provision of airport services stipulated by the Director General of the Agency (Article 82);

24) it fails to comply with the security requirements, rules and measures of protection against actions of unlawful interference prescribed by the Government of the Republic of Macedonia and fails to establish critical parts of the security restricted areas at the aerodromes at where more than 40 staff members hold airport identification cards (Article 84 paragraphs (4), (5) and (6));

25) it operates with an unregistered or unrecorded aircraft (Article 91 paragraph (1));

26) an aircraft registered in the Republic of Macedonia does not bear the distinctive nationality and registration marks and if all other marks and inscription of the aircraft impede the visibility of the nationality and registration marks (Article 103 paragraphs (1) and (4));

27) it fails to use an aircraft, aircraft engine, propeller, components and parachute in compliance with the requirements for safe air traffic operation or airworthiness requirements provided for under this law and the applicable international standards (Article 106 paragraph (1));

28) it fails to use an aircraft for the purpose specified in its certificate of airworthiness and according to the procedure prescribed in the approved flight operation manual thereof (Article 110 paragraph (1));

29) it fails to maintain and inspect an aircraft, aircraft engine, propeller, parachute and equipment in accordance with the maintenance technical system for each type of aircraft, aircraft engine, propeller, parachute or type of equipment approved by the Agency (Article 120 paragraphs (1) and (3));

30) it fails to provide/ensure in accordance with the approved maintenance technical system an inspection of the aircraft prior to every engine starting with intention to fly in order to determine whether the aircraft is airworthy for safe air traffic operation, and if in the aircraft log-book there is not a signature by the person authorised to make inspection (Article 123));

31) it operates with an aircraft without a Certificate of Airworthiness (Article 124);

32) an aircraft operating within the Macedonian airspace is without a Certificate of Noise and a Certificate of Gas Emission (Article 133);

33) the aviation personnel charged with duties essential to the aviation safety has not obtained the required qualifications, proficiency, licence or rating and fails to comply with the other requirements stipulated by this law and regulations enacted thereunder (Article 134 paragraph (1));

34) it fails to determine medical fitness required for duties of an aviation personnel and other qualified personnel in compliance with the special requirements, procedures and method prescribed by the Government of the Republic of Macedonia (Article 146 paragraph (2));

35) it conducts medical examinations of the aviation and other qualified personnel without having a Certificate on compliance (Article 147);

36) it fails to comply with the specified working time, flight time and the duration of the rest period for the aircraft crew members prescribed by the Director General of the Agency (Article 149 paragraph (2));

37) it fails to designate a pilot-in-command for every flight or portion of a flight (Article 152 paragraph (1));

38) it fails to report accidents, serious incidents, incidents and occurrences in accordance with the principles prescribed by the Government of the Republic of Macedonia (Article 170–i paragraph (2));

39) it fails to provide to an inspector possibility to make inspection and to provide, without delay, proper data, information and material required by the inspector and is necessary for the inspection (Article 175);

(2) Regarding the offence referred to in paragraph (1) of this Article the accountable person of the legal entity shall be also fined in amount of 1.000 to 5.000 Euros in equivalent value in denars.



(3) Regarding the offence referred to in paragraph (1) of this Article a natural person shall be also fined in amount of 1.000 to 5.000 Euros in equivalent value in denars."

### **Article 113**

Article 190 shall be amended and reads as follows:

"(1) A fine in amount of 600 to 2.000 Euros in equivalent value in denars shall be pronounced for an offence to a natural person, if:

1) drops off any objects from an aircraft while flying (Article 19 paragraph (1));

2) jumps with parachute from an aircraft while flying within the flight path or terminal control zone and airport area and above an aerodrome (Article 22);

3) an aircraft is flying within the Macedonian airspace without a permission (Article 26 paragraph (1));

4) without a special permission granted by the Agency takes off and landing an aircraft at an airport/airfield not open for international air traffic services (Article 28);

5) a foreign aircraft carries on board an active loaded firearm, rockets, bombs or photographic equipment, and such case has not been specified in an international agreement ratified by the Republic of Macedonia (Article 29);

6) a foreign aircraft does not carry out public air services within the airways approved by the Agency (Article 32);

7) it fails to comply with the requirements for construction, supervision of the construction and procedure for determination of the airworthiness of the aircraft of special category prescribed by the Agency (Article 114);

8) the aviation personnel and other qualified personnel, while executing their duties, is under the influence of alcohol, narcotics or other stimulants or is suffering from fatigue or from the effects of an illness or is in such psychological condition unfit to perform the duties (Article 142 paragraphs (1) and (2));

9) the aviation personnel and other qualified personnel performs the duties of their licence in a nonconscientious and qualitative and proper manner and not in accordance with this law and regulations enacted thereunder (Article 145 paragraph (1));

10) it fails to perform its duties within framework of its licence or rating or in case of a danger the duties ordered by the pilot-in-command (Article 150 paragraphs (1) and (2));

11) it fails to notify, without any delay, the pilot-in-command of an aircraft on each emergency event in respect of the aircraft, persons and items on board the aircraft (Article 151 paragraph (1));

12) in case of a danger or distress of an aircraft, it fails to take all necessary measures to protect the passengers and items on board such aircraft, as well as the aircraft itself (Article 151 paragraph (2));

13) prior to flight, it fails to familiarise with the contents of the load to be carried (Article 153 paragraph (2));

14) it fails, personally or through the crew members, to make all passengers to be familiarised, prior to take-off, i.e. after take-off, with the procedures in case of an emergency, the place of its location as well as the procedures for use of safety equipment in case of emergency or fails to ensure that in case of an emergency all crew members and passengers obey the orders and instructions given by the pilot-in-command (Article 154 paragraphs (1) and (2));

15) it fails to take all necessary measures for aviation safety and security and maintenance the order in the aircraft against any person on board the aircraft endangering the aviation safety and security or violating the obedience and order of the aircraft (Article 155 paragraph (1));

16) it fails to take all necessary measures to prevent a criminal act to be planned, committed or has been committed by a crew member or other person on board the aircraft endangering the safety and security of the aircraft and persons on board such aircraft, or in case a crime has been committed, fails to take measures for mitigation the consequences thereof (Article 156);

17) it fails to act in accordance with the provisions regarding the duration of a continuous work or shifts and daily rest time of an air traffic controller and flight data prescribed by the Director General of the Agency (Article 163 paragraph (2));

(2) In addition to the fine in case of a breach of provisions regarding the acts referred to in this Article, a ban on activity operation may be pronounced as an offence sanction against a pilot-in-command, air traffic controller and flight data, a crew member as well as a ban on special activity operation against aviation personnel or other qualified personnel.

(3) The ban referred to in paragraph (2) of this Article shall be pronounced for the period of one to five years commencing from the date the decision becomes final."

#### **Article 114**

A new Article 190-a shall be added after Article 190, and reads as follows:

#### **"Article 190–a**

Regarding the offences referred to in Articles 188, 189 and 190 of this law, the inspector shall prior to initiation a proceedings in front of the competent court, carry out a procedure for settlement in accordance with the Law on Offences."

#### **Article 115**

Article 195 shall be deleted.

#### **Article 116**

The words "ИЦАО, ЕЦАЦ, JAA/EACA and EUROCONTROL" throughout entire text of this law shall be substituted with the words "ICAO, ECAC, JAA/EASA and EUROCONTROL."

#### **Article 117**

(1) The Agency shall begin with its activities associated to the nomination of a president and members of the Management Board of the Agency.

(2) The Parliament of the Republic of Macedonia shall within three months from the date of entering into force of this law commence the procedure regarding the appointment of the President and members of the Management Board of the Agency.

(3) The Management Board shall within 45 days from the date of its nomination initiate a procedure regarding the nomination of a Director General of the Agency.

(4) Upon commencement of the operation of the Agency established in accordance with this law, the Civil Aviation Agency established under the Law on Aviation ("Official Gazette of RM" No. 14/2006, 24/2007 and 103/2008) shall cease to operate.

(5) The existing Agency shall proceed to perform the duties within its competence until the commencement of the operation of the Agency established under this law.

(6) The Director General of the existing Agency shall proceed to carry out his function till the nomination of a new Director General with duties and assignments specified under this law.

(7) Assets and the property as well as the rights and responsibilities of the existing Agency shall be transferred to the new Agency established under this law.

(8) The employees of the existing Agency shall be undertaken by the new Agency established under this law.

#### **Article 118**

The Government of the Republic of Macedonia shall within six months from the date of entering into force of this law nominate the three investigators of the Aviation Accident and Serious Incident Investigation Committee.

#### **Article 119**

The Legislative Commission within the Parliament of the Republic of Macedonia is entitled to establish a revised text of this Law on Aviation.

#### **Article 120**

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