

AVIATION ACT

CHAPTER ONE

GENERAL PROVISIONS

Article 1

This Act shall govern the requirements and procedures for performance of the activities in the field of aviation in the Republic of Macedonia.

The provisions of this Act shall apply to all aircraft, and to state and foreign state aircraft if it is explicitly provided for under this Act, and to foreign civil aircraft while operating within the Macedonian airspace in accordance with the international agreements being binding to the Republic of Macedonia.

Beyond the territory of the Republic of Macedonia the provisions of this Act and the regulations enacted thereunder shall apply to aircraft registered in the Republic of Macedonia provided that the same are in compliance with the legislation of the State in which territory the aircraft is.

The provisions of this Act shall also apply to the military aerodromes and military portion of the civil-military aerodromes (combined aerodromes), if it is explicitly provided for under this Act.

Article 2

The Republic of Macedonia shall have complete, exclusive and irrevocable sovereignty over the airspace above its territory and provide and organize the provision of air navigation services therewithin.

The airspace of the Republic of Macedonia (hereinafter referred to as "Macedonian airspace") is inviolable.

Article 3

The bylaws provided for under this Act shall be developed in accordance with the applicable international aviation standards, recommended practices and legislation of the EU, ICAO, ECAC, JAA/EASA and EUROCONTROL.

The international standards, regulations, guidance material and recommended practices being referred to in bylaws shall be considered as accepted and directly applied.

Article 4

For the purposes of this Act the expressions used therein have the following meaning:

1. The term **aerodrome** means a defined area on land or water including manoeuvring and take off/landing areas, aprons, buildings, installations and equipment intended to be used for safe movement, take-off, land and stay of aircraft;
2. The term **airport of destination** means an airport on which an aircraft terminates its operation according to its specified flight plan;
3. The term **airport services** mean services provided at an airport and being essential for safe air traffic operation and include the following:
 - a) ground handling of aircraft, passengers, baggage, cargo and mail;
 - b) fire fighting;
 - c) medical services for crew members and passengers;
 - d) supply aircraft with fuel and lubricant, and
 - e) protection against acts of unlawful interference.
4. The term **acrobatic flight** means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;
5. The term **air side** means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled;
6. The term **security programme** means a combination of measures and activities applied at aerodrome and national level, in writing, and approved by the competent authority intended to safeguard international civil aviation against acts of unlawful interference;
7. The term **applicable standard** means a document prepared on the base of consensus and adopted by an authorised body, by which, due to common and repetitive usage, rules, guidance material and features of certain activities or results thereof intended to achieve the optimum level of regularity within certain area shall be provided. In case there is no national standard an international standard shall be applied;
8. The term **pilot-in-command** means a person being in command and charged with the safe conduct of a flight;
9. The term **flight information region (FIR)** means an airspace of defined dimensions within which flight information service and alerting service are provided;
10. The term **air traffic** means all aircraft in flight or operating on the manoeuvring area and apron of an aerodrome;
11. The term **airway** means a control area or portion thereof established in the form of a corridor;
12. The term **air service** means a part of air traffic performed for transport of passengers, cargo and mail;
13. The term **carriage for own use** means non-commercial flight in domestic or international air traffic performed by an aircraft engaged for transport of persons and things for own use (personal transport, transport of business partners, their baggage and similar);

14. The term **air show** means an activity organised with purpose to exhibit a static display, flying display or both at the same time being advertised for public;
15. The term **sport flights** mean activities which include operation, parachute jumping, aero modelling intended for recreation purposes and sport competitions, that is, achieving sport results;
16. The term **airport** means an aerodrome or part thereof opened for public air transport;
17. The term **aircraft** means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;
18. The term **aircraft other than ICAO standard aircraft** mean ultralight aircraft, (microlight aircraft), powered wings and wings for free flying (hang gliders, paragliders etc.);
19. The term **aeronautical information** means information resulting from the assembly, analysis and formatting of aeronautical data;
20. The term **aeronautical information circular (AIC)** means a notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters;
21. The term **operation time of airport** means a period from the beginning till the end of operation hours of a legal entity providing airport services;
22. The term **boundary control points** means a portion of the airway over the State boundary, designated for an aircraft enter/exit within that airspace;
23. The term **licence** means a document certifying that the person who is a member of an aviation personnel is competent to perform specified duties;
24. The term **State aircraft** mean, according to this Act, the aircraft used for military, police and customs purposes;
25. The term **aircraft crew** means flight crew members and cabin attendants of an aircraft;
26. The term **ECAC** means the European Civil Aviation Conference;
27. The term **EUROCONTROL** means the European Organization of the safety of air navigation;
28. The term **prohibited area** means a portion of the Macedonian airspace of defined dimensions above the specified territory within which the flight of aircraft is prohibited;
29. The term **Aeronautical Information Publication of the Republic of Macedonia** means an official publication issued by the Agency (hereinafter referred to as "Aeronautical Information Publication" (AIP));
30. The term **aerodrome traffic zone** means an airspace defined by a system of imaginary areas to ensure safe air traffic at the aerodrome/airfield;
31. The term **ICAO** means the International Civil Aviation Organization;
32. The term **flight information service (FIS)** means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

33. The term **air traffic control information** means information given by air traffic control to a commander/pilot-in-command useful for the safe and efficient conduct of the flight;
34. The term **air traffic control instruction** means a directive issued by air traffic control for the purpose of requiring a commander/pilot-in-command to take a specific action;
35. The term **incident** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
36. The term **notice to airman - NOTAM** means a notice distributed by means of previously defined telecommunication network containing information concerning the establishment, condition or change of any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations and issued in any case when the information is of provisionally character or it could not be distributed quite quickly by publication of an amendment or supplement of the AIP;
37. The term **public air services** means scheduled and non-scheduled transport of persons, things and cargo from one to another point in domestic or international air traffic services;
38. The term **JAA** means the Joint Aviation Authorities;
39. The term **air traffic control** means a service provided for the purpose of separation of aircraft and preventing collisions between aircraft while flying and on the manoeuvring areas and between aircraft and obstructions and ensuring an orderly flow of air traffic;
40. The term **user/operator of aircraft, aerodrome, airfield, building, facilities and equipment** means a legal entity or physical person, other than the owner, who use it on the ground of a contract on rent, concession or leasing, act of the competent governmental body or other legal ground;
41. The term **airfield** means a defined area on land or water which meets the requirements for safe take-off and landing of aircraft engaged primarily in aerial and forestry operations;
42. The term **route in the scheduled public air service** means a series of flights between two or more points (destinations) operated according to a published timetable;
43. The term **Macedonian airspace** means the airspace over the territory of the Republic of Macedonia;
44. The term **competent air traffic control** means an institution charged with duties of air traffic control within a defined portion of the airspace;
45. The term **non-scheduled air services** means a commercial air traffic service performed as supplementary to the scheduled air services, charter flights (single or series of flights) and avio-taxi flights;
46. The term **aircraft accident** means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with intention of flight until such time as all such persons have disembarked, in which a person is fatally or seriously injured as a result of being in the aircraft or in direct contact with any part of that aircraft, in which the aircraft sustains damage

- or structural failure or the aircraft is missing or is completely inaccessible or there is a serious damage to third parties as a result of the accident;
47. The term **security** means a combination of measures and activities being a combination of human and technical resources intended to safeguard international civil aviation against acts of unlawful interference;
 48. The term **publication according to air traffic standard procedure** means a publication in the Aeronautical Information Publication (AIP) or in respect to urgent notifications (NOTAM) or by the Aeronautical Information Circular (AIC);
 49. The term **air traffic control clearance** means an authorisation for an aircraft to proceed under conditions specified by a competent air traffic control;
 50. The term **rating** means an authorisation entered on or associated with licence and forming part thereof, stating special condition, privileges or limitations pertaining to such licence;
 51. The term **danger area** means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;
 52. The term **operational flight** means a state aircraft operation for special purposes to which the general rules, procedures and flight rules could not be applied, instead rules, procedures and air rules established by the competent governmental bodies shall be applied;
 53. The term **aerodrome operating minima** mean the limits of usability of an aerodrome for take-off/landing expressed in terms of visibility or runway visual range (RVR), and decision altitude/height (DA/H) or minimum descent altitude/height (MDA/H) and cloud conditions;
 54. The term **type certification/homologation** of an aircraft, engine, propeller and equipment of an aircraft and parachute means certification that the new type of aircraft, engine, propeller and equipment of an aircraft and parachute is in compliance with the prescribed airworthiness requirements;
 55. The term **aerodrome operator** means any physical persons or legal entity being the owner or user of the aerodrome/airfield.
 56. The term **panoramic flight** means a flight performed on specified route for aerial panoramic view;
 57. The term **taxiway** means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome to another one;
 58. The term **aviation personnel** means persons who are authorised to perform duties and provide services relating to the aviation safety on a ground of their vocational degree, qualifications, licence and rating thereof;
The aviation personnel includes the following:
 - a) flight crew members charged with duties essential to the operation of an aircraft during flight time;
 - b) aviation technical personnel charged with duties in respect to the maintenance and modification of an aircraft, aircraft engines, propellers and equipment;
 - c) air traffic controllers charged with duties in respect to air traffic control services;

- d) flight dispatchers charged with duties essential to the establishment of flight conditions and procedures in respect to the preparation of flights;
- e) parachutists are persons who jump from an aircraft in flight by means of parachute;
- f) cabin crew members are persons, other than flight crew members or persons verifying radio-navigation aids, charged with duties in the passenger compartment of an aircraft in respect to the passenger safety;
- g) meteorological personnel charged with duties in respect to the provision of meteorological information necessary for air traffic services;
- h) technical personnel charged with duties essential to the maintenance of technical aids, facilities and equipment used for provision of air navigation services;
- i) personnel charged with duties in respect to the preparation and provision of aeronautical information, charts, publications and procedures and duties in respect to ensuring optimal traffic flow and granting overflights permission and permission for general aviation flights; and
- j) ground handling personnel charged with duties in respect to ground handling of aircraft, passengers, baggage, cargo and mail.

The term **other qualified personnel** means qualified persons who perform, on the ground of a certificate on qualification, other duties being of importance for aviation safety.

- 59. The term **flight plan** means specified information in respect to an intended flight or portion of a flight of an aircraft;
- 60. The term **apron** means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers and cargo, fuelling, parking or maintenance not hindering normal operation of air services at the aerodrome;
- 61. The term **aircraft airworthiness** means technical and operational capability of an aircraft to operate safe air service, and certified in a prescribed procedure;
- 62. The term **manoeuvring area** means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;
- 63. The term **runway** means a defined rectangular area on land aerodrome prepared for the landing and take-off of aircraft;
- 64. The term **search and rescue of an aircraft** means an organised system for search of an aircraft and rescue the passengers and crew thereof;
- 65. The term **carriage in domestic air services** means an aircraft operation in which the originating point and the point of destination are in the territory of the Republic of Macedonia;
- 66. The term **carriage in international air services** means an aircraft operation in which the originating point and the point of destination are in the territories of two states or in the territory of one State if a landing in a territory of other state is intended;

67. The term **applicable standards and recommended practices** means standards and recommended practices being the part of the national aviation regulations of the Republic of Macedonia;
68. The term **flight duty period of a crew member** means working hours of a crew member beginning one hour before the intended flight and ending 30 minutes after landing;
69. The term **scheduled public air services** means an air service open to be used by the general public and operated according to a published timetable or with such a regular frequency that it constitutes an easily recognizable systematic series of flight;
70. The term **timetable** means established time of take-off/landing of aircraft engaged in scheduled public air services;
71. The term **aerial works** mean an aircraft operation in which an aircraft is engaged for specialised services such as agriculture, health services, construction, photography, surveying and patrol, panoramic flight, aerial advertisement, etc, i.e. services other than carriage of persons, baggage and mail;
72. The term **serious incident** means an incident which endangers aircraft safety involving circumstances indicating that an accident nearly occurred;
73. The term **vocational education** means a type and degree of education;
74. The term **qualification** means a level of knowledge and proficiency in performance of specific duties in aviation activities, other than a degree of vocational education;
75. The term **terrain (landing strip)** means a land area which meets the requirements for temporarily operations of an aircraft of special category, parachutes, balloons and helicopters;
76. The term **technical flight** means an aircraft operation from the airport at which it happened to be to the airport where the aircraft is to be repaired;
77. The term **operating licence** means a document certifying that the legal entity meets the requirements to perform certain activity in the field of aviation;
78. The terms **Maintenance Control Manual - MCM & Maintenance Management Exposition Manual - MMEM** mean manual containing procedures, instructions and management of the aviation technical personnel while executing their duties and responsibilities;
79. The term **restricted area** means a portion of the Macedonian airspace of defined dimensions above the specified territory within which the flight of aircraft is restricted in accordance with certain specified conditions and during specified time;
80. The term **air navigation services** mean services provided within the flight information region and shall cover the following:
 - a) Air Traffic Management which includes:
 - Air Traffic Services;
Air Traffic Control;
Flight Information Service;
Alerting Service.
 - Air Traffic Flow Management,
 - Airspace Management

- b) Aeronautical Information Service;
 - c) Meteorological Services, and
 - d) Use of air navigation facilities and equipment.
81. The term **control zone – CTR** means a controlled airspace extending upwards from the surface of the earth to a specified upper limit.

CHAPTER TWO

COMMON PROVISIONS

1. COMPETENT AUTHORITIES

Article 5

For the purpose of governing the duties in the field of aviation specified under this Act, the following authorities shall be competent:

- The Ministry of Transport and Communications, and
- The Civil Aviation Agency.

Article 6

1. The Ministry of Transport and Communications shall be competent for the activities in the field of aviation, that is:
 - a) To establish national strategy on aviation development;
 - b) To realize the policy of the Government of the Republic of Macedonia in the field of aviation;
 - c) To implement the policy of the Government of the Republic of Macedonia during the procedure of concession granting in the field of aviation;
 - d) To propose law in the field of aviation and propose and enact bylaws;
 - e) To monitor the operation of the Civil Aviation Agency;
 - f) To conduct proceedings on sequestrate of concession on provisionally basis (receivership);
 - g) To nominate the independent slot allocation co-ordinator, and
 - h) To establish accidents and serious incidents investigation commission.

Article 7

For the purpose of duties and responsibilities in the field of aviation specified under this Act, a Civil Aviation Agency shall be established (hereinafter referred to as "the Agency").

The Agency shall be an independent state body acting as a legal entity.
The Agency shall cover the following competencies:

- Performance of duties within its framework in accordance with this Act and regulations enacted thereunder, 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 efficient civil air traffic operation;
- Supervision of the implementation of the provisions of this Act and regulations enacted thereunder;
- Draft laws preparation and bylaws enactment in the field of aviation in accordance with EU, ICAO, ECAC, EUROCONTROL, JAA/EASA;
- Publication of Aeronautical Information Publication;
- Carry out the administrative procedure regarding the issuance, renewal, modification, suspension and revocation of licences, ratings, certificates, approvals and other documents specified under this Act as well as issuance of certificates certifying that the airport services and air navigation services providers meet the prescribed requirements to operate;
- 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 this Act.

Article 8

The Agency shall be managed by a Director General to be appointed and dismissed by the Government of the Republic of Macedonia.

There shall be a Deputy Director General who shall be, also appointed and dismissed by the Government of the Republic of Macedonia.

The appointment of the Director General and its Deputy shall be made on the ground of their proficiency and capabilities relevant for the function to be performed.

Article 9

The Director General shall represent the Agency.

The Director General shall be responsible for the following:

- Enactment of acts in first instance;
- Draft laws preparation and bylaws enactment in the field of aviation;
- Issuance of authorizations to legal entities to perform a part of the Agency's competencies, and

Article 10

The Director General shall make decision in the first instance.

Against the deeds referred to in paragraph 1 of this Article an appeal may be lodged to the Government of the Republic of Macedonia - Commission for Settlement the Administrative Matters in Second Instance in field of transport and communications and environment within 15 (fifteen) days from the day of receipt of the decision.

Article 11

The Director General shall make decision on rights, duties and liabilities of the Agency's employees.

The Director General shall ensure an equitable and appropriate representation of all entities of the Republic of Macedonia.

The Director General shall enact an organization and systematization act prescribing the internal organizational departments, their responsibilities, managerial method of the organizational departments and definition of working posts and requirements for their performance.

The provisions of the Law on Labour Relations and this Act shall apply to the employees of the Agency.

The employees of the Agency shall be obliged, while on duty, to wear official uniform and identification card.

The rules regarding the official uniforms and identification card format and contents and procedure for issuance and revocation thereof shall be enacted by the Director General of the Agency.

Article 12

The Agency shall be financed by:

- a portion of the resources earned from the use of air navigation services provided within the Macedonian airspace;
- charge for granting of certificates, licences, approvals, consents etc;
- aircraft inspection/check charge;
- charge for proficiency check of the aviation and other qualified personnel;
- a portion of resources earned from usage and safeguarding of airport apron and terminal building with its accompanying objects (security charge);
- donations, loans and other financial and technical support, and other charges established under this Act and regulations enacted thereunder.

The level and procedure for establishment of the portion of the charge referred to in item 1 paragraph 1 of this Article shall be prescribed by the Government of the Republic of Macedonia at the motion made by the Agency.

The level and procedure for establishment of the charge portion referred to in item 5 paragraph 1 of this Article shall be prescribed by the Government of the Republic of Macedonia and shall not exceed by 10% from the level of the security charge imposed for use of apron and terminal building.

The resources referred to in paragraph 1 of this Article shall be paid at the account of the Agency and used for the operation of the Agency, investment and day-to-day maintenance, salaries and other employee's contributions, as well as for employee's training and advanced training and other necessary activities.

Article 13

The Agency shall have its own emblem, eight-armed Sun, get from the national flag of the Republic of Macedonia, styled one – with a sun rising behind a mountain arranged within a geographical map of the Republic of Macedonia, and above the emblem there shall be a dual notice, in Cyrillic and Latin letter, of the abbreviation of the Civil Aviation Agency, that is, ACV – CAA (in Macedonian and English languages).

The form and contents and procedure for use of the emblem mentioned in paragraph 1 of this Article shall be prescribed by the Director General of the Agency.

2. AVIATION ACTIVITIES

Article 14

The activities in the filed of aviation according to this Act shall be as follows:

1. Air services;
2. Aerial works;
3. Sports flights;
4. Aircraft construction and maintenance;
5. Construction, reconstruction and maintenance of airports, airfields and landing strips;
6. Airport services;
7. Air navigation services;
8. Training of aviation and other qualified personnel, and
9. Other activities specified under this Act or other regulations.

CHAPTER THREE

AIR TRAFFIC

I. GENERAL PROVISIONS

Article 15

For the purpose of air traffic operation an aircraft meeting all requirements prescribed by this Act and regulations enacted thereunder may be engaged.

The aircraft engaged in air traffic operation shall be used in accordance with their type, category and purpose specified in the Certificate of Airworthiness thereof.

The rules and procedures in respect of the aircraft operation shall be prescribed by the Director General of the Agency.

The rules and procedures regarding the state aircraft operation shall be prescribed by:

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

Article 16

In case an aircraft, entered into the aircraft registry of the Republic of Macedonia, is engaged in other State, the Republic of Macedonia may, by virtue of an international agreement, delegate (transfer) to that State all or part of the supervision duties and functions being the responsibility of the Agency. In such case, the Republic of Macedonia shall, as a State of Registry, discharge itself from its obligation in respect of the transferred responsibilities.

In case an aircraft, entered into the aircraft registry of other State, is engaged in the Republic of Macedonia, the State of Registry of that aircraft may, by virtue of an international agreement, delegate (transfer) to the Republic of Macedonia all or part of supervision functions and duties of the aeronautical authorities of that State. In such case, the State of Registry of that aircraft shall discharge itself from its obligation in respect of the transferred responsibilities.

Article 17

Operation of an aircraft without crew shall be prohibited within the control zone of the airports.

An aircraft without a crew may operate within the Macedonian airspace in accordance with the requirements prescribed by the Government of the Republic of Macedonia.

Article 18

Air services operation may be permanently or provisionally prohibited over a defined area previously declared as a prohibited, restricted or danger area.

The air services operation may, over specified areas, be restricted for certain period of time or by specifying the flight level over/below which the air services operation shall be prohibited.

The prohibited or restricted or danger areas shall be specified by the Government of the Republic of Macedonia and published according to air traffic standard procedure.

In case an aircraft operates close to a prohibited or restricted or danger area or operates thereunto, the air traffic control competent for that portion of the Macedonian airspace shall be obliged to take prescribed measures in order to turn back the aircraft to the flight path specified in the approved flight plan.

If the pilot-in-command of the aircraft mentioned in paragraph 4 of this Article fails to act according to the instructions given by the competent air traffic control, the air traffic control shall, if necessary, initiate a procedure for forced landing of that aircraft.

The procedures for turning back and forced landing of the aircraft mentioned in paragraphs 4 and 5 of this Article shall be prescribed by the Ministry of Transport and Communications.

Air services operation over cities and other inhabited places and industrial objects under the prescribed flight level shall be prohibited.

The flight level mentioned in paragraph 7 of this Article shall be specified by the Director General of the Agency.

Acrobatic flights over cities and other inhabited places and industrial objects shall be prohibited.

Notwithstanding the provision of paragraph 7 of this Article, the air traffic services operation may be carried out over cities, inhabited places and industrial objects below the prescribed flight level, only with a prior permission for such flight granted by the Agency.

The permission mentioned in paragraph 10 of this Article shall not be required for the helicopters engaged in provision of medical services and state helicopters performing operational flights.

Article 19

Dropping of any objects from an aircraft while flying shall be prohibited.

Notwithstanding the provision of paragraph 1 of this Article and if in the interest of aircraft safety or protection of lives and health of the persons on board the aircraft, the pilot-in-command of that aircraft may give an order for defuelling, dropping load or

part thereof over uninhabited places according to the sequence specified by the pilot-in-command.

Dropping of chemical substances and water from an aircraft for agricultural, forestry or health purposes or for extinguishing of forest or other fires as well as dropping of equipment, food, medicines and other items in case of natural disasters or throwing out of leaflets and other advertisement material shall be carried out according to the requirements and procedure prescribed by the Agency.

Article 20

Rockets and other flying objects used for scientific, sports and other purposes that may endanger the safety of air traffic operation within the Macedonian airspace may be launched in accordance to procedure and requirements prescribed by the Agency.

Article 21

Anti-hail rockets may be launched only on the ground of permission granted by the competent air traffic control.

Requirements and procedure to launch the rockets mentioned in paragraph 1 of this Article shall be prescribed by the Government of the Republic of Macedonia.

Article 22

Parachute jumps from an aircraft while flying within the flight path or terminal control zone and airport area and above an aerodrome shall be prohibited, unless the aircraft is in danger or a permission to perform jumps has been granted by the competent air traffic control in accordance with this Act and regulations enacted thereunder.

Article 23

The Agency or air navigation services provider shall, at request of the Ministry of Defence, be obliged to prohibit or restrict operation within a specified portion of the airspace or at certain airport if it is in interest of the defence, national security or aviation safety of certain aircraft or group of aircraft.

The prohibition to operate or restriction to operate mentioned in paragraph 1 of this Article shall be published according to aviation standard procedure, at least 48 hours prior the time this prohibition or restriction comes into force or immediately if certain emergency circumstances require it.

Article 24

Flights operated by the Macedonian military aircraft in order to protect the sovereignty and territorial integrity of the Republic of Macedonia as well as flights

operated by the police aircraft in order to protect public law and order and certain flights operated by customs aircraft shall be deemed as flights of special importance for the security of the Republic of Macedonia.

The flights of Macedonian military and police and customs aircraft referred to in paragraph 1 of this Article shall have a priority over other flights, except in case of flights for which the pilot declared incident.

Article 25

An aircraft may enter the Macedonian airspace or depart therefrom only at the boundary control points, unless otherwise specified under an international agreement ratified by the Republic of Macedonia.

The boundary control points shall be defined by the Government of the Republic of Macedonia.

Notwithstanding the provision of paragraph 1 of this Article in case of danger or unfavourable weather conditions, humanitarian and protective activities in respect of safeguarding of people and material assets due to fire, hail and similar and for efficiency of air traffic operation, the competent air traffic control may grant a permission for entry/exit of an aircraft beyond the boundary control point and shall, without any delay, notify the Ministry of Defence and Ministry of Internal Affairs about such permission.

Article 26

A foreign aircraft may operate within the Macedonian airspace only with a prior permission granted for such purpose, unless otherwise specified under an international agreement ratified by the Republic of Macedonia.

In respect of civil foreign aircraft the permission mentioned in paragraph 1 of this Article shall be granted by the Agency.

The permission referred to in paragraph 1 of this Article in respect of a foreign state aircraft, UN aircraft and aircraft engaged in UN operations and aircraft engaged only for carriage of persons with special status shall be granted by the Ministry of Foreign Affairs with consent of the Ministry of Defence and the Ministry of Internal Affairs.

The method, procedure and special requirements for granting permission to operate shall be prescribed by Government of the Republic of Macedonia.

Article 27

Notwithstanding the provisions of paragraph 1 Article 26 of this Act, permission for operational flights performed by domestic state aircraft shall not be required.

A foreign state aircraft not engaged in state purposes and with a permission to operate mentioned in Article 26 of this Act shall be deemed as a civil aircraft and the provisions of this Act and regulations established thereunder shall be applied to such aircraft.

Article 28

A foreign aircraft with a permission to operate within the Macedonian airspace according to Article 26 of this Act may take off/land at an airport open for international air traffic services.

In respect of take-off and landing of foreign aircraft at an airport or airfield not open for international air traffic services specified in paragraph 1 of this Article as well as for its operation at airways specified for domestic air services or beyond the airways, such foreign aircraft must have a special permission granted by the Agency in consultation with the Ministry of Defence and the Ministry of Internal Affairs.

The Ministry of Internal Affairs and the Ministry of Finance - Customs Authority shall carry out the duties being in their competence and relating to the landing at an airport not opened for international air traffic services at the site of landing of that foreign aircraft, and the costs for such activities shall be born by the user of the services.

Article 29

A foreign aircraft while flying within the Macedonian airspace shall be prohibited to carry on board an active loaded firearm, rockets, bombs or photographic equipment, unless it is otherwise specified in an international agreement ratified by the Republic of Macedonia.

To perform a survey, a foreign aircraft must have a special permission granted by the Agency in cooperation with the Ministry of Defence and Ministry of Internal Affairs.

II REQUIREMENTS FOR AIR TRAFFIC OPERATION

1. AIR SERVICES

Article 30

The carriage by air in domestic and international air traffic services may be carried out as a public air services and air transport for own use.

1.1 Requirements for Public Air Services Operation

Article 31

Public air services may be operated as scheduled or non-scheduled air services in the domestic or international air traffic.

Article 32

A public air service is usually carried out within the airways.

The airways shall be prescribed by the Government of the Republic of Macedonia at a proposal by the Director General of the Agency upon an opinion of the Minister for Defence.

Public air services may be operated beyond the airways in accordance with the requirements specified in this Act.

Article 33

For the purpose of public air services safety and regularity, the legal entity engaged in public air services (hereinafter referred to as "airline") shall satisfy the requirements prescribed by the Government of the Republic of Macedonia.

The airline satisfying the requirements referred to in paragraph 1 of this Article shall be granted an operating licence by the Agency.

The airline failing to satisfy the requirements referred to in paragraph 1 of this Article shall not be granted an operating licence by the Agency for which a decision is made.

The Agency shall revoke the operating licence of an airline which ceases to satisfy the requirements referred to in paragraph 1 of this Article, and about it a decision is made.

The form, contents and procedure of issuance and renewal of the operating licence referred to in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

Article 34

An international public air services may be operated by a domestic airline, which in addition to the requirements mentioned in Article 33 of this Act shall satisfy the requirements provided for under the international agreements binding on the Republic of Macedonia as well as other international acts governing safe and orderly operation of the international air services.

A foreign airline may operate international public air services to/from the Republic of Macedonia according to the conditions of the bilateral and multilateral international scheduled or nonscheduled air services agreement binding to the Republic of

Macedonia or according to the requirements of a special permission to operate international scheduled or nonscheduled public air services.

The permission referred to in paragraphs 2 of this Article shall be granted by the Agency.

A foreign airline not engaged in international public air services to/from the Republic of Macedonia may operate within the Macedonian airspace without a permission mentioned in paragraph 2 of this Article in accordance with the filed flight plan.

The form, contents and procedure for issuance of the permission shall be prescribed by the Director General of the Agency.

Article 35

An airline shall make a decision by itself for establishment of a route in domestic air services, and in respect of international air services - in accordance with the respective bilateral and multilateral agreement concluded by the Republic of Macedonia.

Article 36

The scheduled public air services shall be carried out according to the timetable.

The timetable shall be established specially for the summer and winter operation period.

The timetable shall be proposed by the airlines upon previous arrangement with the airport operator and approved by the Agency, unless it is otherwise specified in an international agreement ratified by the Republic of Macedonia.

Any changes of the timetable shall be made according to the same procedure provided for its establishment.

An airline shall publish its timetable at latest 15 days prior to entering into force thereof for the specified operation period, and the changes thereto at latest 10 days prior the day of entering into force of the changes of a timetable.

Article 37

An airline shall be obliged to perform the air services regularly and orderly in accordance with its timetable.

The airport operator (ground handling services, security service, service for maintenance of manoeuvring areas, aprons, buildings, installations and equipment, medical services and firefighting service), legal entity supplying aircraft with fuel,

internal affair and customs services, the competent air traffic control, meteorological services shall be obliged to perform their duties in a procedure to ensure regular and orderly air traffic services operation.

The airlines and airport operator shall be obliged to submit to the Agency a monthly report on the regularity of the air traffic services.

Article 38

During the validity of a time-table, an airline may cease the air services operation or change its time-table at any route in case of force majeure or other emergency events preventing the maintenance of that particular route.

The airline shall be obliged, without any delay, to publish in the news media the notification on cessation the air services operation or any change of its time-table due to a reason of a force majeure which apart from the airline's will prevents the maintenance of the route.

Article 39

A number of passengers who may be carried on board of an aircraft shall be equal to the number of built-in seats with safety belts thereon.

A number of passengers who may be carried on board of an aircraft engaged in a public air services shall be equal to the number of built-in seats intended for transport of passengers.

Notwithstanding the provision of paragraph 2 of this Article, the number of passengers in an aircraft may be greater if infants are carried, provided that the total number of passengers on board such aircraft may not be greater than the number of oxygen masks built in the passenger cabin thereof.

Mass transport of children, transport of unaccompanying children and sick persons, and invalids of certain category and pregnant women shall be carried out according to the procedure prescribed by the Director General of the Agency.

Article 40

Other items may be carried in the passenger cabin in accordance with the regulations in respect of the airworthiness requirements for the aircraft of appropriate category.

It is forbidden to carry human remains in the passenger cabin of an aircraft in which are persons who are not companions of the human remains.

Animals may be, also, transported in an aircraft in which persons are carried according to the requirements and procedure prescribed by the Director General of the Agency.

Article 41

Cold steel, firearms, ammunition and other explosive and flammable devices shall be prohibited to be carried in the passenger cabin of an aircraft.

Any person carrying cold steel and firearm or ammunition shall be obliged, prior to board an aircraft engaged in a public air services, to deliver it to the officials of the Ministry of Internal Affairs – Airport Regional Unit or to the airline's authorised person in case the airport of origination is in a foreign country.

Handling with the cold steel and firearms and ammunition and other explosive and flammable devices shall be prescribed by the Ministry of Internal Affairs in consultation with the Agency.

The cold steel and firearms or ammunition shall be, upon disembarkation at the airport of destination, given back to the person mentioned in paragraph 2 of this Article by the Ministry of Internal Affairs and in case the airport of destination is in a foreign country by the pilot-in-command of that aircraft or by a person appointed by the pilot-of-command.

1.2 REQUIREMENTS FOR AIR SERVICES FOR OWN USE

Article 42

A legal entity or physical person may perform carriage of persons and things by an aircraft for its own use provided that it satisfies the requirements prescribed by the Agency.

A legal entity or physical person referred to in paragraph 1 of this Article that satisfies the requirements to operate such type of air service shall be granted an operating certificate by the Agency.

A legal entity or physical person failing to satisfy the requirements referred to in paragraph 1 of this Article shall not be granted an operating certificate by the Agency for which a decision is made.

The Agency shall revoke the operating certificate of legal entity or physical person that ceases to satisfy the requirements referred to in paragraph 1 of this Article, and about it a decision is made.

The form, contents and procedure of issuance and renewal of the operating certificate referred to in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

2. AERIAL WORKS

Article 43

A legal entity or physical person may operate aerial works, other than carriage of persons and things by air, provided that it satisfies the requirements prescribed by the Agency.

The legal entity or physical person satisfying the requirements to operate certain aerial works shall be granted an operating certificate by the Agency.

A legal entity or physical person failing to satisfy the requirements referred to in paragraph 1 of this Article shall not be granted an operating certificate by the Agency for which a decision is made.

The Agency shall revoke the operating certificate of legal entity or physical person that ceases to satisfy the requirements referred to in paragraph 1 of this Article, and about it a decision is made.

The form, contents and procedure for issuance and renewal of the certificate mentioned in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

3. SPORTS FLIGHTS

Article 44

Legal entity may organize sports flights provided that it satisfies the requirements prescribed by the Agency.

The legal entity referred to in paragraph 1 of this Article satisfying the requirements to organize sports flights shall be granted an operating certificate by the Agency.

A legal entity failing to satisfy the requirements referred to in paragraph 1 of this Article shall not be granted an operating certificate by the Agency for which a decision is made.

The Agency shall revoke the operating certificate of legal entity that ceases to satisfy the requirements referred to in paragraph 1 of this Article, and about it a decision is made.

The form, contents and procedure for issuance and renewal of the certificate mentioned in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

Procedure and rules in respect of flight of gliders, balloons, ultralight aircraft and powered wings and wings for free flight flying (hang gliders, paragliders etc.), as well

as for parachute jumps, avio-modelling and organization of contests shall be prescribed by the Director General of the Agency.

4. PERSONNEL

Article 45

The required aviation personnel to perform the activities mentioned in Articles 33, 42, 43 and 44 of this Act shall be prescribed by the Agency.

5. CHARGES

Article 46

An administrative charge shall be paid to the Agency for issuance, renewal and modification of the licence referred to in Articles 33, 42, 43 and 44 of this Act.

The level of the charge mentioned in paragraph 1 of this Article shall be established by the Government of the Republic of Macedonia at a proposal by the Agency.

6. AIR SHOWS

Article 47

A trade company, governmental body, citizens' association or other physical person or legal entity may request organization of air show under conditions and according to procedure prescribed by the Director General of the Agency.

The entities referred to in paragraph 1 of this Article satisfying the requirements to organize air show shall be granted an approval by the Agency upon prior supervision.

7. CERTIFICATES/LICENCES, BOOKS AND OTHER DOCUMENTS CARRIED IN AIRCRAFT

Article 48

An aircraft engaged in air traffic operation shall be required to carry on board the certificates/licences, books and other documents prescribed by this Act.

The certificates/licences, books and other document carried in aircraft shall provide an evidence of aircraft identity, airworthiness and other aircraft performances.

The form, contents and procedure for keeping of books and other documents mentioned in paragraph 1 of this Article, not referred to state aircraft, shall be prescribed by the Director General of the Agency.

The form, contents and procedure for keeping of books and other documents mentioned in paragraph 1 of this Article regarding the state aircraft shall be prescribed by:

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

Article 49

An aircraft, excluding the balloons and aircraft other than ICAO standard aircraft, while operating the air services, shall be required to carry on board the following certificates/licences, books and other documents:

- 1) Certificate of Registration;
- 2) Certificate of Airworthiness;
- 3) Aircraft Radio License;
- 4) Crew License;
- 5) Aircraft Journey Log;

An aircraft engaged in air services operation must, besides the certificates/licences, books and other documents mentioned in paragraph 1 of this Article, carry on board the certificates/licences, books and other documents prescribed by the Director General of the Agency.

The certificates/licences, books and other documents carried on board of an aircraft shall be tidy, updated and the same must be shown at a request of the authorised persons.

Article 50

The certificates/licences specified in Article 49 of this Act shall be done in Macedonian and English languages.

The books and other documents of aircraft engaged in international air traffic shall be done in English language.

Article 51

In case of deregistration of an aircraft from the Macedonian Register of Aircraft, the certificates/licences of aircraft shall be submitted to the Agency.

Article 52

The certificates/licences, books and other documents of a foreign aircraft issued according to the regulations of the State of Registry of that aircraft shall be rendered as valid in the Republic of Macedonia provided that it has been established under an international agreement or on the basis of reciprocity.

Notwithstanding the provision of paragraph 1 of this Article, the certificates/licences, books and other documents of foreign aircraft shall be rendered as valid in the Republic of Macedonia without reciprocity provided that it has been approved in the permission of the foreign aircraft to operate within the Macedonian airspace.

III AIR NAVIGATION SERVICES

1. GENERAL PROVISIONS

Article 53

Air navigation services shall be provided within the flight information inside the limits of separate airspace blocks to ensure safe, regular and efficient air services operation.

Air navigation services shall be provided on exclusive basis by the designated services provider designated by this Act.

Article 54

The requirements and procedure for provision of air navigation services shall be prescribed by the Government of the Republic of Macedonia.

The Agency shall issue a certificate on compliance the prescribed requirements to the air navigation services provider.

If the Agency finds that the legal entity referred to in paragraph 2 of this Article no longer satisfies the applicable requirements, it shall take appropriate measures to ensure continuity of services, and such measures may include the revocation of the certificate.

The form, contents, validity period, procedure for issuance and renewal of the certificate mentioned in paragraph 2 of this Article shall be prescribed by the Agency.

An administrative charge shall be paid for the issuance, modification and renewal of the certificate referred to in paragraph 2 of this Article, and the level thereof shall be established by the Government of the Republic of Macedonia.

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

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

Article 55

While providing air navigation services, the units of measurement, abbreviations and measures established by a law, applicable standards or international agreements binding to the Republic of Macedonia shall be used.

Article 56

A charge for the use of air navigation services provided within the Macedonian airspace shall be paid by the operator of the aircraft.

The level of the charge mentioned in paragraph 1 of this Article shall be established by the Government of the Republic of Macedonia in accordance with the international agreements ratified by the Republic of Macedonia.

Notwithstanding the provisions in paragraph 1 of this Article, exempted from payment shall be:

- state aircraft and aircraft owned by the Government of the Republic of Macedonia;
- aircraft engaged in humanitarian missions;
- aircraft engaged in sports flights;
- aircraft engaged in flight training of domestic aviation personnel;
- aircraft engaged in search and rescue operation, and
- calibration and testing of air navigation technical aids and devices.

Article 57

ATM services may be provided beyond the flight information region boundaries or the right to provide thereof within certain portion of the flight information region may be delegated to other international subject/entity on the ground of international agreements being binding to the Republic of Macedonia.

Article 58

The ATM services shall be provided according to the established division and classification of the airspace.

The division and classification of the airspace shall be prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

Article 59

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

The legal entities providing telecommunications and post and telegraph services shall be obliged to give priority in the communications which is necessary for provision of air navigation services.

2. AIR NAVIGATION SERVICES PROVIDER

Article 60

In respect of the provision of air navigation services a Joint Stock Company with one shareholder, the State – air navigation service provider shall be established by the Government of the Republic of Macedonia according to the Law on Trade Companies.

The procedure regarding the establishment, activities and management shall be governed by the Deed on Establishment and company's Statute.

The relationship between the solely shareholder and the company referred to in paragraph 1 of this Article shall be established in an agreement in writing.

The Joint Stock Company referred to in paragraph 1 of this Article is designated air navigation services provider within the Macedonian airspace provided that it is a holder of the certificate referred to in Article 54 of this Act and maintains continual validity thereof.

CHAPTER FOUR

AERODROMES, AIRFIELDS AND TERRAINS (LANDING STRIPS)

I GENERAL PROVISIONS

Article 61

Any aerodrome and airfield may be used for air services operation provided that it satisfies the requirements for aviation safety prescribed under this Act and regulations enacted thereunder as well as the requirements set forth in the regulations relating to the design, construction and reconstruction of investment objects and it is entered into the Airport Register or Airfield Register and is granted a permission by the competent authority for use thereof.

A terrain (landing strip) may be used for take off/ landing of an aircraft provided that it satisfies the requirements for aviation safety prescribed by the Agency.

Article 62

The aerodromes may be civil, military and combined (civil-military) aerodrome.

According to their purpose, the aerodromes shall be classified into:

1. Aerodromes intended to be used for public air services – airports;
2. Aerodromes intended to be used for sports flights - sport airports, and
3. Aerodromes for own use.

According to aircraft types and place of landing, the aerodromes may be aerodromes for landplanes and seaplanes - seaplane base/port and aerodromes for helicopters – heliports (on land, water and erected (built) object).

Article 63

A military aerodrome may be used as an airport under condition and procedure established by a mutual agreement between the Ministry of Defence and the user/operator.

The agreement referred to in paragraph 1 of this Article shall define the portions of an aerodrome that may be used for air services purposes, procedure for their use, requirements for maintenance and mutual rights and liabilities of the contracting parties.

Article 64

Procedures and requirements for safe take off/landing of aircraft shall, for each aerodrome, be established by the Agency and published into the Aeronautical Information Publication.

Article 65

The operator of an aircraft shall be obliged to specify the operating minima for each aerodrome used for take off and landing of aircraft, which may not be lower than the operating minima prescribed by the Director General of the Agency.

Article 66

The aerodromes shall be divided into classes according to the physical, constructional engineering and traffic performances of the main runway and taxiways, and into categories according to the level of air navigation aids and instruments used for aircraft approach, landing, maneuvering and take off.

The classification and categorization of aerodromes referred to in paragraph 1 of this Article shall be prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

II CONSTRUCTION, MAINTENANCE AND USE OF AERODROME/AIRFIELD INFRASTRUCTURE

Article 67

An aerodrome or airfield shall be so constructed as to satisfy the requirements for safe take off, landing and stay of all or only of specified types of aircraft.

The special requirements for planning, design, construction and reconstruction of an aerodrome and airfield shall be prescribed by the Ministry of Transport and Communications.

The special requirements for planning, design, construction and reconstruction of military aerodromes shall be prescribed by the Minister of Defence.

Article 68

Prior to the construction or reconstruction of an aerodrome or airfield or any other object within the aerodrome zone or airfield zone, the investor shall be obliged to provide an approval on conditions for construction in respect of the aviation safety relating to the respective location.

The approval on satisfaction of the construction conditions referred to in paragraph 1 of this Article shall be given by the Agency.

Commissions on technical inspection of the objects of an aerodrome, airfield or objects within the aerodrome or airfield zone shall include a representative from the Agency to determine whether the technical and other requirements for safe take off, landing, maneuvering and stay of aircraft at the aerodrome or airfield have been met, which is a prerequisite for issuance of approval for use.

Article 69

The operator of an aerodrome or airfield shall be obliged to use runways and other tracks, apron, buildings, installations and equipment according to their purposes and capacities and in accordance with the provisions of this Act and regulations enacted thereunder.

The operator of an aerodrome or airfield shall be obliged to ensure to an aircraft permitted to operate within the Macedonian airspace usage of aerodromes buildings and infrastructure in accordance with the applicable regulations and within the limits of the available capacities.

Article 70

The airlines, passengers and airport services providers and the other users of aerodrome infrastructure shall pay charge for the following:

- use of runways, taxiways, that is, for take off, landing and lighting;
- stay of aircraft (parking), and
- use of aprons and terminal building with accompanying objects.

The charge referred to in paragraph 1 of this Article shall be revenue of the operator of airport infrastructure.

The level of charge referred to in paragraph 2 of this Article in respect of usage of airport infrastructure shall be established by the aerodrome operator, prescribed by the Government of the Republic of Macedonia, and the level of the charge in respect of provided airport services shall be prescribed by the airport services providers.

Notwithstanding the provisions of paragraph 1 of this Article, exempted from payment of charge shall be:

- state aircraft and aircraft owned by the Government of the Republic of Macedonia;
- aircraft engaged in humanitarian missions;
- aircraft engaged in sports flights;
- aircraft engaged in flight training of domestic aviation personnel;
- aircraft engaged in search and rescue operation, and
- calibration and testing of air navigation aids and devices.

Article 71

The operation time of an aerodrome shall be specified by the operator thereof.

The operation time of an airport shall be specified by the operator thereof, at least 30 days prior the opening of the airport or prior the change of operation time of the airport.

Article 72

An aerodrome, airfield and terrain (landing strip) satisfying the prescribed requirements for safe take-off, landing and stay of aircraft shall be entered into the Aerodrome Register, Airfield Register, that is evidence on terrain (landing strips).

The Aerodrome Register or Airfield Register or the evidence of terrain (landing strips) referred to in paragraph 1 of this Article shall be kept by the Agency.

The form, contents and procedure for record keeping of the Aerodrome and Airfield Register and evidence on terrain (landing strips) shall be prescribed by the Director General of the Agency.

An aerodrome or airfield shall be deleted from the register in case it is found out that it permanently fails to meet the conditions for safe use thereof or at request of the owner thereof.

A terrain (landing strip) failing to satisfy the requirements for safe use shall be deleted from the evidence on terrain (landing strip).

Article 73

An aerodrome or airfield satisfying the requirements for safe use thereof shall be granted by the Agency a certificate on satisfaction of the requirements for safe use to the owner or operator thereof.

An aerodrome or airfield failing to satisfy the requirements referred to in paragraph 1 of this Article shall not be granted a certificate by the Agency for which a decision is made.

The Agency shall revoke the certificate of an aerodrome or airfield that ceases to satisfy the requirements referred to in paragraph 1 of this Article, and about it a decision is made.

The form, contents and procedure of issuance and renewal of the certificate referred to in paragraph 1 of this Article shall be prescribed by the Director General of the Agency.

An administrative charge in the amount specified by the Government of the Republic of Macedonia at a proposal by the Agency shall be paid for issuance, renewal, modification or transfer of the certificate referred to in paragraph 1 of this Article.

Article 74

The aerodrome operator shall notify the Agency and services provider referred to in Article 60 of this Act for any intended change of the purpose, classification or categorization of aerodrome at least 60 days prior to the day of implementation of such change.

For any planned work of larger scope, which may result in closure of portions of an aerodrome or limitation to use the maneuvering areas, a notification about it shall be submitted at least 7 days before the day of beginning of works.

In respect of unexpected or unpredictable changes, works and interventions, the operator of an aerodrome shall, without any delay, notify the Agency and services provider referred to in Article 60 of this Act.

Article 75

The maneuvering areas, aprons and other areas of an aerodrome or airfield designated for aircraft movements on ground must be distinctively marked.

The procedure for marking of the areas mentioned in paragraph 1 of this Article shall be prescribed by the Director General of the Agency.

Article 76

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 (antennas, chimneys, towers and similar) shall be carried out in a procedure prescribed by this Act or other act.

The land within the aerodrome and airfield zone as well as the land in the vicinity thereof shall be cultivated and used in accordance with procedure prescribed by this Act or other act.

The conditions for locating, construction and marking of objects referred to in paragraph 1 of this Article and requirements for cultivation and use of the land referred to in paragraph 2 of this Article shall be prescribed by the Minister of Transport and Communications.

Article 77

The marking of objects referred to in paragraph 1 Article 76 of this Act shall be made by the operator of the object if it has been built after the construction of the aerodrome or airfield and by the operator of the aerodrome or airfield if the object has been built prior to the construction or reconstruction of the aerodrome or airfield.

Article 78

In case the object referred to in paragraph 1 Article 76 of this Act has not been built in compliance with this Act or regulations enacted thereunder, the owner shall be obliged to remove it at its expenses if it has been built after the construction of an aerodrome or airfield, and if the object has been built prior to the construction of an aerodrome or airfield the removal shall be made by the owner or investor of the aerodrome or airfield at its expenses and with equitable compensation.

The provisions of paragraph 1 of this Article shall be, also, applied to natural obstacles within the approach/take-off directions (routes) of an aerodrome or airfield (trees, bushes and similar).

Article 79

The maneuvering areas, aprons, buildings, installations, devices and equipment of an aerodrome shall be maintained and supervised according to the procedure prescribed by the Agency.

At a military aerodrome and military portion of a combined aerodrome, the maneuvering areas, aprons, buildings, installations and equipment thereof shall be maintained and supervised according to the procedure established by the Minister of Defence.

Article 80

The operator of an airfield shall maintain the airfield according to the procedure and requirements prescribed by the Director General of the Agency.

III AIRPORTS SERVICES

Article 81

Airport services shall be provided by trade companies.

Airlines, passengers and other users of airport services shall pay charge therefor.

The charge referred to in paragraph 2 of this Article shall be revenue for the services providers at the airport.

The level of the charge referred to in paragraph 2 of this Article shall be established by the services providers at the airport.

Article 82

Fire fighting services shall be provided at each aerodrome and airfield in accordance with this Act and regulations enacted thereunder, and ground handling services for aircraft, passengers, baggage, cargo and mail, medical services, supply with fuel and lubricants and protection against act of unlawful interference shall be provided at an airport.

Supply with fuel and lubricant of jet and piston engine aircraft shall be provided at an airport in accordance with the applicable quality standard.

An airport supply of fuel and lubricant should be at least for a period of three days, depending on the intended scope of air services at that airport.

In case of force majeure or other emergency event, the legal entity supplying an aircraft with fuel and lubricant is not able to supply the aircraft with fuel and lubricant, it shall be obliged to notify, without delay, the aerodrome operator, Agency and competent air traffic control on such circumstances.

The requirements and procedure for provision of services referred to in paragraph 1 of this Article shall be prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

Article 83

Within an airside of aerodrome, on the maneuvering areas and aprons of the aerodrome or airfield only the movements of persons executing official duties and having suitable license for movement as well as vehicles used by that persons shall be permitted.

The licence referred to in paragraph 1 of this Article in respect of airports shall be issued by the Ministry of Internal Affairs and by the operator for other aerodromes and airfield and for the military portion of a combined aerodrome by the Minister of Defence.

At an airport apron a movement of other persons may be permitted for the purposes of aircraft loading and unloading and performing other activities, provided that they are accompanied by a person appointed by the operator of the airport.

The movement of vehicles on the apron shall be in accordance with the instructions by the competent service of the owner or operator of the airport.

The persons and vehicles moving onto the maneuvering areas of airports shall maintain a permanent radio communication with the competent air traffic control and shall act according to the instructions given by that air traffic control.

Article 84

The persons who are present at the airport (officials and passengers) shall comply with the security requirements prescribed by the Government of the Republic of Macedonia as well as the requirements regarding the order of the airport prescribed by the Agency.

The Government of the Republic of Macedonia shall prescribe measures for facilitation of handling of aircraft, passengers, baggage, cargo and mail, as well as the procedure, organization and requirements regarding the slots granting.

Article 85

The operator of an aerodrome, domestic airlines, the Agency, the services provider referred to in Article 60 of this Act, Ministry of Internal Affairs, Customs Authority and the Ministry of Defence shall establish a Committee on Aviation Security and Committee on Facilitation (hereinafter referred to as Committees).

The Committees shall be advisory bodies to ensure the coordination of the activities of the entities referred to in paragraph 1 of this Article that are in charged with certain segments in respect of the security and facilitation at an airport or security and facilitation of air traffic operation.

The Committees shall be composed of the representatives from the operator of the airport, and the entities referred to in paragraph 1 of this Article shall appoint their representatives.

The Committees on Security and Facilitation shall enact Procedure Manual regulating the procedure of its operation.

Article 86

For the purpose of taking preventive measures, organized action and elimination of consequences from the acts against the safety of the civil aviation as well as for taking facilitation measures in respect of ground handling of aircraft, passengers, baggage, cargo and mail and similar, the Government of the Republic of Macedonia shall establish a National Committee on Aviation Security and National Committee on Facilitation (hereinafter referred to as National Committees).

Members of the National Committees shall be representatives nominated by the Ministry of Transport and Communications, Agency, services provider referred to in Article 60 of this Act, operators of airports, domestic airlines, governmental bodies competent for internal affairs, defence and customs matters.

The National Committees shall be managed by the Director General of the Agency in capacity of a national coordinator for aviation security and facilitation.

The National Committees shall, in agreement with other representatives from the entities involved in the implementation of the protective measures for civil air traffic operation, develop National Programmes on security, training, control quality, facilitation and other prescribed by the Government of the Republic of Macedonia in accordance with the accepted international standards.

The operators of airports and domestic airlines shall develop Security Programme, which have to be in compliance with the National Aviation Security Programme.

IV CONCESSIONS

Article 87

A concession 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, and
- provision of airport services.

The concession referred to in paragraph 1 of this Article shall be granted in accordance with the Law on Concessions and this Act.

Article 88

The concession referred to in Article 87 of this Act may be granted to a domestic or foreign legal entity by tendering organized and conducted in accordance with the provisions of the Law on Concession.

The tendering shall define the following:

- description of objects or services being given on concession;
- basic conditions regarding the construction, maintenance and reconstruction or level of services being the subject of concession;
- special requirements for activity performance;
- concession duration, as well as the terms in respect of termination of the contract on concession;
- the amount and term of payment of the concession charge;
- procedure in respect of concession activity audit;
- other requirements to be satisfied in order to grant a concession, and specified in the Law on Concession and this Act.

The commencement of the concession, mutual rights and liabilities, duration thereof and conditions under which the concession is granted and carried out, as well as the level of concession charge shall be established by a Contract.

The criteria in respect of the determination of the level and terms of payment of the concession charge referred to in item 5 paragraph 2 of this Article shall be prescribed by the Government of the Republic of Macedonia.

The resources earned by the concession charge shall be paid at the account of the Budget of the Republic of Macedonia.

Article 89

- a) A period for which a concession is granted shall not exceed thirty years in respect of the activities specified in Article 87 of this Act.
- b) The concessions referred to in Article 87 of this Act may be extended, but the total duration of concession shall not exceed thirty years for one concessionaire.
- c) The grantor shall make a decision on the extension of a concession based on an appraisal of the concessionaire's successfulness and quality in performance of the

concession activity during the concession period in accordance with the Law on Concessions.

Upon expiry of the period for which the concession has been granted, and at the request of the concessionaire, the Government of the Republic of Macedonia may, on the ground of an opinion by the Ministry of Transport and Communications and the Agency regarding the quality of the concession activity within the concession period, extend the concession for a period specified in the new contract, but not longer than 30 years.

Article 90

The concession referred to in Article 87 of this Act shall not be transferred.

CHAPTER FIVE

REGISTRATION, NATIONALITY AND MARKING OF AIRCRAFT

I REGISTRATION AND RECORDING OF AIRCRAFT

Article 91

Any aircraft not being registered or recorded shall be prohibited to operate within the Macedonian airspace.

Any aircraft registered in the Republic of Macedonia (hereinafter referred to as "Macedonian aircraft") shall bear the Macedonian nationality.

The Agency shall keep the Aircraft Register of the Republic of Macedonia ((hereinafter referred to as "Aircraft Register").

Article 92

An aircraft shall be registered in the Republic of Macedonia provided that it has been entered into the Aircraft Register.

All aircraft in accordance with ICAO standards shall be entered into the Aircraft Register.

A special record shall be kept by the Agency in respect of aircraft other than ICAO standard aircraft (ultralight aircraft, powered wings and wings for free flight flying).

Aircraft being under construction and amateur constructed aircraft shall be entered into the Aircraft Register or into the records of aircraft according to the procedure stipulated by the Director General of the Agency.

Article 93

In the Aircraft Register besides aircraft being in ownership of the nationals of the Republic of Macedonia or domestic legal entities, a foreign aircraft engaged on ground of Lease Purchase Agreement or Aircraft Leasing Agreement may be also entered therein.

If a domestic legal entity or national of the Republic of Macedonia leases a foreign aircraft for purpose to operate air services, such aircraft may be entered on the Aircraft Register, if:

- it is provided for in the Aircraft Leasing Agreement;
- it is permitted by the regulations of the State of Registry of that aircraft, and
- it is a case of a dry lease, that is, the aircraft operations are performed by its own crew.

In case a domestic legal entity or national of the Republic of Macedonia leases a foreign aircraft on wet lease base, such aircraft shall not be entered on Aircraft Register and the Agency shall issue only an approval on lease.

A Macedonian aircraft leased to a foreign legal entity or physical person to operate air services abroad may, at a request of the lessee and in agreement with the owner, be entered on a foreign Aircraft Register if it is provided for in the regulations of the State concerned.

Article 94

Aircraft Register shall consist of a main book and a set of documents.

The main book shall include a registration list, air waybill and ownership deed.

Data from the main book shall be submitted to the Central Register of the Republic of Macedonia. The Agency shall be obliged to notify the Central Register of the Republic of Macedonia about any changes or deletion of such data from the Aircraft Register.

The form, contents and procedure for keeping the register, as well as the data to be submitted to the Central Register of the Republic of Macedonia shall be prescribed by the Director General of the Agency.

Article 95

An aircraft shall be eligible to be registered in the Aircraft Register provided that the following requirements have been met:

1. The operator of an aircraft must be a national of the Republic of Macedonia or a legal entity where the preponderant part of the ownership is vested in the national of the Republic of Macedonia and with its principal place of business in the territory of the Republic of Macedonia;
2. If the aircraft has been already registered in a foreign aircraft register, it has to have an evidence that it has been struck off the foreign aircraft register;
3. To have an export certificate of airworthiness issued by the competent authority of the State of Registry of that aircraft;
4. The aircraft satisfies the prescribed requirements in respect of noise and gas emissions according to Article 136 of this Act;
5. The owner of the aircraft agrees the same to be entered on the aircraft register, and
6. The aircraft has technical documentation.

Article 96

An aircraft shall be registered in the Aircraft Register upon an application submitted by the operator thereof.

The application for registration shall be submitted to the Agency.

The application shall be accompanied by evidence certifying that the requirements laid down in Article 92 of this Act have been satisfied.

Article 97

The entry into the registration list of the Aircraft Register shall be made on the ground of a decision on registration made by the Director General of the Agency.

The entry into the ownership deed and air waybill of the Aircraft Register shall be made on a ground of ownership and/or mortgage evidence.

Article 98

The Agency shall be obliged, within 30 days from the day of receipt of the application mentioned in Article 96 of this Act, to enter the aircraft on the Aircraft Register and to issue to the applicant a Certificate of Registration.

An administrative charge for the Certificate of Registration shall be paid by the operator of the aircraft in an amount specified by the Government of the Republic of Macedonia at a proposal by the Agency.

The form, contents and procedure for issuance or change of the Certificate of Registration of aircraft shall be prescribed by the Director General of the Agency.

Article 99

The operator of an aircraft shall be obliged to report on any change of the data entered on the Aircraft Register within 15 days from the day of the change and to request recording of such change in the Aircraft Register.

The changes entered on the Aircraft Register shall be also recorded into the Certificate of Registration of aircraft, if such changes refer to the facts being recorded in that Certificate.

Article 100

An aircraft shall be struck off the Aircraft Register:

- 1) At the request of the owner/user of the aircraft;
- 2) In case the aircraft has been destroyed or become permanently unserviceable for air traffic operation or for any other reason it is out of use;
- 3) In case the aircraft has been registered in the State Aircraft Register;
- 4) In case the aircraft has not a valid Certificate of Airworthiness during the last three years, and
- 5) In case the owner/user of the aircraft is no longer a national of the Republic of Macedonia.

Article 101

Upon deletion of an aircraft from the Aircraft Register, the Agency shall be obliged, without delay, to revoke the issued Certificate of Registration in respect of that aircraft and to notify the persons whose rights have been recorded in the air waybill about the deletion of the aircraft from the Aircraft Register.

Article 102

The Ministry of Internal Affairs shall keep booking of the Aircraft Register in respect of police aircraft, and the Ministry of Defence shall keep booking of Aircraft Register in respect of military aircraft and the Ministry of Finance in respect of customs aircraft.

The Ministry of Internal Affairs, the Ministry of Defence and the Ministry of Finance shall stipulate the requirements and procedures regarding the registration of state aircraft in the registers of state aircraft, contents of, and procedure for, keeping the state aircraft registers as well as requirements for deletion of state aircraft from the state aircraft registers.

II NATIONALITY AND MARKING OF AIRCRAFT

Article 103

An aircraft registered in the Republic of Macedonia according to this Act shall be obliged to bear the distinctive nationality and registration marks.

The distinctive nationality marks shall be the flag of the Republic of Macedonia and the registration mark "**Z3**" (zulu three).

The Director General of the Agency shall specify the registration marks depending on the aircraft type, category and purpose.

All other marks and inscription of the aircraft shall not impede the visibility of the nationality and registration marks.

Article 104

An aircraft registered into the Macedonian Aircraft Register may bear the mark of the owner/user of the aircraft. A state aircraft shall bear its own marks.

Article 105

A foreign aircraft while flying within the Macedonian airspace shall bear the marks established by the regulations of its State of Registry or marks provided for under an international agreement.

CHAPTER SIX

REQUIREMENTS FOR SAFE USE OF AIRCRAFT, AIRCRAFT ENGINE, PROPELLER, COMPONENTS, EQUIPMENT AND PARACHUTE

I. GENERAL PROVISIONS

Article 106

An aircraft, aircraft engine, propeller, components and parachute may be used provided that the requirements for safe air traffic operation or airworthiness requirements provided for under this Act and the applicable international standards have been satisfied.

The requirements for safe air traffic operation mentioned in paragraph 1 of this Article shall be specified depending on aircraft type, category and purpose, that is, the purpose of the aircraft engine, propeller, parachute and equipment.

Article 107

Aircraft according to their type are divided into heavier-than-air aircraft (aeroplane, gyroplane, helicopter, glider and aircraft other than ICAO standard aircraft) and lighter-than-air aircraft (free balloon, tide-balloon and airship).

Article 108

Aircraft according to their category are divided into transport, normal, semi-acrobatic, acrobatic, commuter and special category (amateur built aircraft, experimental and aircraft other than ICAO standards aircraft).

Aircraft depending on their operational conditions (maximum weight, maximum load coefficient and maximum speed) for which limitations in respect of their use have been prescribed shall be aircraft with limitation.

Article 109

Aircraft according to their purposes shall be classified into the aircraft for carriage of persons and items, aircraft for carriage of cargo, aircraft engaged in provision of special services (aerial works), aircraft for sport-flights, aircraft for flight personnel training and aircraft for medical purposes.

Article 110

An aircraft may be used only for the purpose specified in its certificate of airworthiness and according to the procedure prescribed in the approved flight operation manual thereof.

In an aircraft depending on its category and purpose shall be installed systems and equipment prescribed by the Agency to ensure safe air traffic operations.

Article 111

State aircraft shall be classified into classes and categories as prescribed by:

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

II. CONSTRUCTION OF AIRCRAFT

Article 112

Construction of an aircraft and modification of an aircraft, aircraft engine, propeller, parachute and equipment shall be carried out in accordance with the applicable international technical regulations relating to the construction of aircraft and

modification of aircraft, aircraft engine, parachute and equipment and material quality.

Prior to the construction of an aircraft or modification of an aircraft, aircraft engine, propeller, parachute and equipment or modification during the aircraft construction process, a technical documentation for such construction shall be presented to the Agency for inspection.

Article 113

Construction of an aircraft and modification of an aircraft, aircraft engine, propeller, parachute and equipment, the technical inspection of the construction and preparation of technical documentation regarding the construction and modification may be carried out by a legal entity that in addition to the general requirements for economic activity shall also satisfy the special requirements prescribed by the Ministry of Transport and Communications.

The legal entity referred to in paragraph 1 of this Article submitting evidences that it satisfies the requirements mentioned in paragraph 1 of this Article shall be issued an operating certificate by the Agency.

An administrative charge shall be paid for the operating certificate referred to in paragraph 2 of this Article in amount prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

The form and contents and procedure for issuance and renewal of the operating certificate referred to in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

Article 114

A construction of an aircraft of special category may be carried out by a physical person.

The conditions for construction, supervision of the construction and procedure for determination of the airworthiness of the aircraft of special category shall be prescribed by the Agency.

Article 115

The Agency may make remarks on the technical documentation and request modification thereof if it has found out that such documentation has failed to be in compliance with the technical regulations for construction of an aircraft and modification of an aircraft, aircraft engine, propeller, parachute and equipment laid down in Article 112 of this Act or has found that the designed aircraft has not satisfied the airworthiness requirements.

Article 116

Manufacturer of an aircraft, aircraft engine, propeller, parachute and equipment shall be obliged to deliver, with the product, to the purchaser or buyer thereof a documentation for use, maintenance, reconstruction and repair thereof and to ensure timely and permanent notification on any technical modification or change in use, maintenance and repair of such type of aircraft.

Article 117

The new type of aircraft, aircraft engine, propeller, parachute and equipment must undergo through a homologation procedure (type certification or recognition of the assessment regarding the homologation (type certification) in order to determine whether they are in compliance with the airworthiness requirements prescribed in accordance with this Act and regulations enacted thereunder and applicable international standards.

Homologation check of a new type of aircraft, aircraft engine, propeller, parachute and equipment shall be carried out by a legal entity having sufficient number of personnel and appropriate equipment and facilities.

The requirements in respect of the personnel, equipment and facilities to be satisfied by the legal entity referred to in paragraph 2 of this Article shall be stipulated by the Agency.

Article 118

The Agency shall issue Aircraft Type Certificate based on the flight operation manual and maintenance manual of the new type of aircraft, aircraft engine, propeller, parachute and equipment, design and financial documentation and results from the checking being carried out by the legal entity referred to in Article 117 of this Act.

The validation of homologation (type certification) of a type of aircraft, aircraft engine, propeller, parachute and equipment being carried out abroad shall be made by the Agency by issuance of type certificate.

Serial (assembly-line) construction of aircraft, aircraft engine, propeller, parachute and equipment may commence upon issuance of a type certificate.

A charge shall be paid for issuance or validation of type certificate in an amount prescribed by the Government of the Republic of Macedonia.

An amateur built and experimental aircraft shall not be subject to a procedure for homologation (type certificate).

The form, contents and procedure for issuance and renewal of the certificates shall be prescribed by the Director General of the Agency.

III. MAINTENANCE OF AIRCRAFT

Article 119

The owner/user of an aircraft shall, during the aircraft operation, be obliged to make inspections and checks of aircraft, aircraft engine, propeller, parachute and equipment and to maintain the same in an airworthy condition to ensure safe air traffic operation in accordance with this Act and aircraft maintenance regulations enacted under this Act.

Inspections and checks, repairs, changes, replacements and reconstruction of an aircraft, aircraft engine, propeller, parachute and equipment (hereinafter referred to as "maintenance of aircraft"), preventive maintenance of an aircraft and modifications of an aircraft, aircraft engine, propeller, parachute and equipment as well as the inspection of technical and quality control of the works shall be made in accordance with the regulations enacted under this Act and technical instructions of the manufacturer of the respective type of aircraft.

Article 120

The maintenance and inspection of an aircraft, aircraft engine, propeller, parachute and equipment shall be made in accordance with the maintenance technical system for each type of aircraft, aircraft engine, propeller, parachute or type of equipment.

The maintenance technical system referred to in paragraph 1 of this Article shall be in compliance with the maintenance requirements approved by the competent aeronautical authorities of the State of Manufacture and with the manufacturer's technical manuals regarding the maintenance of such type of aircraft, aircraft engine, propeller, parachute and equipment and procedure in respect of their usage and results from the inspection of their reliability during the operation.

The maintenance technical system referred to in paragraph 1 of this Article shall be developed by the holder of right to use/owner of the aircraft and approved by the Agency.

Article 121

Should the operator of the aircraft delegate (transfer) the base maintenance of the aircraft, aircraft engine, propeller, parachute and equipment to a foreign legal entity it shall be obliged to submit to the Agency an evidence that the competent aeronautical authority of the foreign State has authorised that entity for base maintenance of that type of aircraft, aircraft engine, propeller, parachute and equipment.

If an aircraft registered in the Aircraft Register is leased to a foreign entity, the operator of the aircraft shall be obliged by an agreement to ensure a maintenance of that aircraft, aircraft engine, propeller, parachute and equipment in accordance with the approved maintenance technical system with the entity being authorised for such activities according to paragraph 1 of this Article.

The operator of the aircraft mentioned in paragraph 1 of this Article at its request and upon inspection made to a foreign legal entity regarding the requirements and procedures of maintenance of aircraft shall be issued by the Agency a certificate stating that the requirements for maintenance of aircraft registered in the Aircraft Register have been met.

An administrative charge shall be paid for the issuance of the certificate mentioned in paragraph 3 of this Article in amount prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

The form, contents and procedure for issuance and renewal of the certificates shall be prescribed by the Director General of the Agency.

Article 122

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 may be made by a legal entity satisfying the requirements prescribed by the Agency.

The legal entity referred to in paragraph 1 of this Article submitting evidence that it satisfies the prescribed requirements specified in paragraph 1 of this Article shall be issued an operating licence by the Agency.

An administrative charge shall be paid for the issuance of the certificate mentioned in paragraph 2 of this Article in amount prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

Single-engine aircraft of normal, semi-acrobatic and acrobatic category and gliders, excluding the reconstruction procedures, may be maintained by an approved physical entity if it is a holder of a licence for maintenance of such type of aircraft.

The maintenance and technical inspection in respect of state aircraft shall be made according to the procedure prescribed by the Minister for Internal Affairs, in respect of police aircraft, the Minister for Defence, in respect of military aircraft and the Minister for Finance, in respect of customs aircraft.

The form, contents and procedure for issuance and renewal of the certificate mentioned in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

Article 123

The operator of an aircraft shall be obliged in accordance with the approved maintenance technical system to provide/ensure 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 the person authorised to make inspection of aircraft shall be obliged by putting his signature in the aircraft log-book to certify that the inspection has been made and the aircraft is airworthy for safe air traffic operation.

IV. AIRWORTHINESS OF AIRCRAFT

Article 124

The capability of an aircraft to operate safe air traffic (hereinafter referred to as "airworthiness of aircraft") shall be determined by an inspection and verified by issuance of Certificate of Airworthiness.

The Certificate of Airworthiness shall be issued if the aircraft conforms to the type certificate as well as is equipped with systems and equipment required for safe air traffic operation and is determined as a result of an inspection that it is in condition for safe air traffic operation, that is, it is airworthy.

The procedure and method for determination of the airworthiness of an aircraft shall be prescribed by the Director General of the Agency.

The inspection of aircraft to determine the airworthiness thereof shall be made by the Agency.

An administrative charge shall be paid for issuance of the Certificate of Airworthiness in amount prescribed by the Government of the Republic of Macedonia at proposal by the Agency.

The form, contents and procedure for issuance and renewal of the certificate mentioned in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

Article 125

The inspection of an aircraft to determine its airworthiness shall be made by inspection of the aircraft on ground and in flight and such inspection may be basic, routine and extraordinary one.

Basic, routine and extraordinary inspection of an aircraft shall be made at request of the owner/user of the aircraft.

An extraordinary inspection may be made at a request of an aviation inspector if there is a serious concern that the aircraft in flight is not airworthy for safe air traffic operation.

Article 126

An airworthiness inspection of aircraft in the course of flight shall be made by an inspection of aircraft in flight (flight test) or by checking of aircraft in flight (functional test).

The inspection of an aircraft in flight shall be made without passengers on board and includes inspection of flight technical characteristics/performances and aircraft behaviour in course of flight according to a programme developed by the holder of right to use or owner of the aircraft and approved by the Agency.

Such inspection of aircraft in course of flight (flight test) may be made with passengers on board and includes inspection of function of the aircraft devices and systems in such way not to endanger the flight safety.

An administrative charge for inspection of aircraft in course of flight, inspection of crew members and aviation technical personnel on board the aircraft shall be paid in amount prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

The provisions of this Article shall also apply to the state aircraft.

Article 127

The operator of an aircraft shall pay a charge for the inspection of its aircraft in amount prescribed by the Government of the Republic of Macedonia.

Notwithstanding the provision of paragraph 1 of this Article, if an extraordinary inspection is made at request of the inspector, the operator of the aircraft shall be exempted from payment of the charge for the inspection in case it has been determined following the inspection that the aircraft is airworthy for safe operation.

Article 128

If there is a failure/defect of an aircraft having a certificate of airworthiness, but nevertheless it is considered to be safe for flight under specified operating limitations, the Agency may grant to such aircraft a flight permission to operate a technical flight from the airport where it is to the airport of its repair.

Article 129

If it is determined following an aircraft inspection that the aircraft fails to satisfy the requirements for safe air traffic operation and does not conform to the category or purpose specified in the certificate of airworthiness thereof, the certificate shall be revoked.

At request of the owner/user of an aircraft, a new certificate of airworthiness shall be issued to the aircraft for the appropriate category or purpose for which such aircraft may be safely used.

Article 130

The Certificate of Airworthiness of a foreign aircraft issued in the State of Registry of that aircraft shall be rendered as valid in the Republic of Macedonia if it has been issued in accordance with the international air services agreement binding to the Republic of Macedonia or on the basis of reciprocity.

Article 131

The Agency shall suspend a type certificate or a certificate of airworthiness of an aircraft if it has determined or received a report by the aeronautical authorities of the State in which the homologation of respective type of aircraft, aircraft engine, propeller, parachute and equipment has been made or by the manufacturer or operator thereof stating that there is a failure (defect) due to the omission in the structure, built-in material, construction and type certificate procedure as well as to the improper use and maintenance of the aircraft, aircraft engine, propeller, parachute and equipment until the corrective measures are taken.

The Agency shall require an inspection to be made to determine if there is malfunction of the aircraft, engine, propeller, parachute and equipment of the aircraft registered in the Republic of Macedonia due to any omission in the structure, built material, construction and type certificate procedure as well as to the improper use and maintenance and the owner or user/operator thereof shall be required to take corrective measures within specified period.

Should the owner/user of an aircraft fail to fulfill the directives mentioned in paragraph 1 of this Article, the Agency shall revoke the certificate of airworthiness of the respective aircraft or prohibit the use thereof.

If it is determined a failure mentioned in paragraph 1 of this Article to an aircraft of domestic manufacture homologised in the Republic of Macedonia, the Agency shall, without delay, notify the aeronautical authorities of the State in which the aircraft has been imported and registered.

If it is determined a failure mentioned in paragraph 1 of this Article to a Macedonian aircraft manufactured abroad and which homologation has been rendered as valid in our country and a certificate of airworthiness has been issued, the Agency shall, without delay, notify the aeronautical authorities of the State in which the homologation (type certificate procedure) has been made.

Article 132

The airworthiness of an aircraft shall be the responsibility of the operator thereof.

The certificate of airworthiness shall be suspended if the aircraft or its equipment are not maintained in accordance with the regulations enacted under this Act or if modifications not approved by the Agency have been made to the aircraft or if necessary modifications and other instructions directed by the Agency have not been made.

The operator of an aircraft shall notify the Agency on any circumstances, occurrences, omissions and found malfunctions (failures, defects) of the aircraft as well as regarding the documentation, which may have negative influence on the airworthiness thereof.

Article 133

An aircraft operating within the Macedonian airspace shall have a Noise Certificate as a result from take-off, flying and landing of an aircraft, as well as a Gas Emission Certificate resulting from the combustion during the take off, flying and landing of an aircraft.

The Agency shall, upon previously obtained opinion by the Ministry of Environment and Urban Planning, issue to a Macedonian aircraft certificates referred to in paragraph 1 of this Article. An administrative charge shall be paid for the certificates referred to in paragraph 1 of this Article in an amount prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

A foreign aircraft shall not be granted permission to operate within the Macedonian airspace if it does not have the certificates mentioned in paragraph 1 of this Article.

The maximum allowed noise level or maximum allowed gas emission level resulting from take-off, flying and landing of an aircraft shall be prescribed by the Minister of Environment and Urban Planning upon prior opinion obtained by the Agency.

The form, contents and procedure for issuance and renewal of the certificates mentioned in paragraph 1 of this Article shall be prescribed by the Director General of the Agency.

CHAPTER SEVEN

AVIATION AND OTHER QUALIFIED PERSONNEL

I. REQUIREMENTS FOR PERFORMANCE OF AVIATION DUTIES

1. GENERAL PROVISIONS

Article 134

An aviation personnel charged with duties essential to the aviation safety shall have required qualifications, proficiency, and be the holders of licence and rating and satisfy other requirements stipulated by this Act and regulations enacted thereunder.

The other qualified personnel engaged with other duties essential to the aviation safety shall be qualified and holder of a certificate of competency.

Article 135

The Agency shall keep the register of aviation personnel and other qualified personnel.

The form, contents and procedure for keeping the register of aviation personnel and other qualified personnel shall be prescribed by the Director General of the Agency.

Article 136

The vocational degree of the personnel referred to in Article 134 of this Act shall be achieved in the secondary schools and high educational institutions in the Republic of Macedonia or abroad.

The qualification shall be accomplished in the organisations or training centres for aviation personnel and other qualified personnel which satisfy the training requirements stipulated by the Agency.

Aviation and other qualified personnel may accomplish the required qualifications abroad.

The qualification shall be carried out in accordance with programmes of organizations and training centres previously approved by the Agency.

At the request of the organizations and centres that satisfy the requirements for aviation and other personnel training, the same shall be, upon an audit thereof, granted a certificate by the Agency.

An administrative charge shall be paid for the certificate mentioned in paragraph 5 of this Article in an amount specified by the Government of the Republic of Macedonia at a proposal by the Agency.

The form, contents and procedure for issuance and renewal of the certificate referred to in paragraph 5 of this Article shall be prescribed by the Director General of the Agency.

Article 137

The proficiency shall be checked through an examination.

The examination shall be carried out by an authorised examiner chosen from the aviation expert's list.

The aviation expert's list shall be established by the Director General of the Agency at the beginning of each calendar year under criteria prescribed by the Ministry of Transport and Communications.

The applicants for qualification check shall be charged to pay an administration fee for the examination.

An examination fee shall be paid to the authorised examiners.

The amount of the fee/charges referred to in paragraphs 4 and 5 of this Article shall be established by the Government of the Republic of Macedonia at a proposal by the Agency.

Article 138

Proficiency check referred to in Article 137 of this Act may be a regular or extraordinary one.

The regular proficiency check shall be carried out prior to issuance or renewal/revalidation of the validity of a licence or rating of the aviation personnel as well as for issuance of certificate to other qualified personnel.

Issuance or renewal/revalidation of the validity of a licence shall be refused to a person who is a member of aviation personnel in case:

1. It is determined following a medical examination or psychological test that he fails to satisfy the prescribed requirements to perform special duties;
2. It is determined following a proficiency check that his knowledge and skills are insufficient to perform adequately the duties of his licence,
3. It is determined following a test that he is under the influence of alcohol, narcotics or other stimulants.

The provisions of paragraph 3 of this Article shall be applied at the procedure of issuance of certificate of competency to other qualified personnel.

An extraordinary check shall be carried out upon advice by an aviation inspector on a denunciation by a physical person or legal entity and if there is a serious concern in respect to the execution of the duties by a person who is a holder of a licence, rating or certificate of competency or if there is a violation of the provisions of this Act and regulations enacted thereunder.

The procedure to conduct the regular and extraordinary check shall be prescribed by the Director General of the Agency.

Article 139

The Agency shall issue a licence or revalidate the validity of a licence or rating or certificate of competency to the applicant who has successfully passed the check mentioned in Article 137 of this Act.

The form, contents, type of licences, ratings and certificates of competency, their expiry date, requirements for achievement, procedure for issuance and revalidation/renewal thereof shall be prescribed by the Director General of the Agency.

Article 140

The qualifications and proficiency of the military aviation personnel shall be achieved in a military academy and air force of ARM (Army of the Republic of Macedonia).

The qualifications and proficiency of the military aviation personnel may be obtained abroad.

The programmes for qualifications and proficiency, requirements and procedure for issuance, revalidation/renewal of validity and suspension/temporary revocation of military licences and ratings, as well as the form and contents of the military licence shall be prescribed by the Minister of Defence.

Article 141

The appropriate aviation qualifications and proficiency of the military aviation personnel achieved in the ARM and other armies shall be rendered as valid for issuance of a civil aviation licence if such qualifications and proficiency are in compliance with the requirements for issuance of a licence and rating provided for under this Act and regulations enacted thereunder.

Article 142

The aviation personnel and other qualified personnel shall, while executing their duties, be prohibited to be under the influence of alcohol, narcotics or other stimulants.

The personnel referred to in paragraph 1 of this Article shall be prohibited to perform his duties when he is suffering from fatigue or from the effects of illness or is in psychological condition unfit to perform his duties in a proper and safe manner.

The immediate superior shall make a decision on removal of the personnel mentioned in paragraph 1 of this Article until the causes mentioned in paragraphs 1 and 2 of this Article cease to exist and shall notify the Agency within 24 hours from the decision on removal.

Article 143

The licence of the aviation personnel shall be suspended in case:

1. the holder is considered unsuitable to exercise the privilege of the licence as a result of a pronounced security measure against him during a criminal charge or offence proceedings;
2. the holder has been attested as unfit to perform duties of his licence for medical or psychological reasons;
3. the holder has demonstrated insufficient knowledge or skill to perform adequately the duties of his licence;
4. the holder has been tested that he performed the duties of his licence under the influence of alcohol, narcotics or other stimulants.

In case referred to in item 1 paragraph 1 of this Article, the licence shall be suspended by the Agency.

If an aviation inspector has found, during an inspection, existence of reasons mentioned in items 2, 3 and 4 paragraph 1 of this Article, he is obliged to require an extraordinary medical examination or extraordinary qualifications check of the person and temporary to revoke his licence and to submit it, within 3 days, to the authority which has issued it.

The procedure in respect of medical fitness examination and qualifications/proficiency check shall be conducted within 30 days from the day of temporary revocation of the licence.

If it is determined as a result from medical fitness examination (regular or extraordinary) that he/she has a weakness for alcohol, drugs or other stimulants, his/her licence shall be withdrawn for permanent period of time.

Article 144

The recognition of completed training and training programmes, examinations, licences and ratings obtained in a foreign country shall be made according to criteria and procedure prescribed by the Director General of the Agency.

Article 145

The aviation personnel and other qualified personnel shall perform the duties of their licence in a conscientious and qualitative and proper manner and in accordance with this Act and regulations enacted thereunder.

The legal entity engaged in manufacture, use, maintenance, modification and repair of an aircraft or modification of an aircraft, aircraft engine, propeller, parachute and equipment or in supply of aircraft with fuel or air services operation or aerial works or in organization of sports flights or provision of air navigation services or airport services or use of airports and airfields shall be obliged to establish, in its own acts, more closely the responsibility of the persons who are, according to the provisions of this Act, considered as aviation personnel and other qualified personnel.

By the general acts mentioned in paragraph 2 of this Article the following shall be in particular specified:

1. Cases when the person mentioned in paragraph 2 of this Article who fails to satisfy the requirements for directly participation into issues in respect of aviation safety shall be temporary or permanently assigned to other tasks;
2. Cases when the person referred to in paragraph 2 of this Article shall be given a notice for termination of his labour relation.

2. MEDICAL FITNESS OF THE AVIATION AND OTHER QUALIFIED PERSONNEL

Article 146

Determination of medical fitness (physical and psychological) of the aviation and other qualified personnel shall be made through medical examinations.

The special requirements, procedures and method of medical fitness determination of the aviation and other qualified personnel as well as the validity of medical certificates shall be prescribed by the Government of the Republic of Macedonia upon a previous opinion of the Minister for Health and the Director General of the Agency.

A medical certificate shall be issued for the conducted medical examinations.

Article 147

The medical examinations of the aviation and other qualified personnel shall be regular or extraordinary ones and conducted in health institutions or by an authorised physician - sitting alone, satisfying the special requirements as prescribed by the Government of the Republic of Macedonia upon a previous opinion of the Minister for Health and the Director General of the Agency.

The Agency shall issue a certificate on compliance to the subjects that satisfy the requirements laid down in paragraph 1 of this Article.

An administrative charge shall be paid for issuance, revalidation/renewal and modification of the certificate referred to in paragraph 2 of this Article in an amount specified by the Government of the Republic of Macedonia at a proposal by the Agency.

The form, contents and procedure for issuance and revalidation/renewal of the certificate referred to in paragraph 2 of this Article shall be prescribed by the Director General of the Agency.

An administrative charge shall be paid for the regular and extraordinary medical examinations in an amount specified by the Government of the Republic of Macedonia at a proposal by the Agency.

3. AIRCRAFT CREW

Article 148

An aircraft during its operation shall be manned by a crew of appropriate composition.

A crew member of a Macedonian aircraft may be a national of the Republic of Macedonia or foreigner.

The number, composition, age and duties of the crew members of an aircraft shall be prescribed by the Director General of the Agency according to the aircraft type, category and purpose.

Article 149

The working hours of the crew members of an aircraft engaged in a public air transport may be 40 hours per week, provided that in the course of 30 consecutive days it shall not exceed 160 hours.

Flight time of crew members may be up to 28 hours per week, provided that in the course of 30 consecutive days it shall be up to 85 hours.

A daily rest time of a crew member shall be at least 10 hours continually.

The flight time, flight time in long-range air services, flight time at night, number of take-off/landings during the working time and duration of the rest time of a crew member shall be specified by the Director General of the Agency.

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 in a manner and for a period prescribed by the Director General of the Agency.

Article 150

A crew member of an aircraft shall perform the duties for which a licence or rating has been issued.

In case of a danger, the pilot-in-command of an aircraft may give an order to a crew member to perform other duties.

Article 151

A crew member shall be obliged 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.

In case of danger or distress of an aircraft, the crew members shall be obliged to take all necessary measures to protect the passengers and items on board such aircraft, as well as the aircraft itself.

4. PILOT-IN-COMMAND

Article 152

The owner/user of an aircraft shall designate a pilot-in-command for every flight or portion of a flight.

The pilot-in-command of a Macedonian aircraft engaged in public air services shall be a national of the Republic of Macedonia designated by the operator.

Notwithstanding the provisions of paragraph 2 of this Article, a pilot-in-command of an aircraft may be a foreign person in the following cases:

- when he conducts a training for Macedonian flight crew, and
- when he performs a ferry flight.

Article 153

The pilot-in-command shall be responsible for the flight of the aircraft and shall not take-off or land under the operating minima of any airport.

The pilot-in-command must be familiarised with the contents of the load to be carried.

The pilot-in-command shall be obliged to ensure, prior to take-off, whether in the loadsheet the weight and balance are properly calculated and whether such loadsheet

has been affixed with a signature by a person who has prepared it as well as to put his signature thereon.

The pilot-in-command shall be obliged to ensure, prior to take-off, whether the flight crew members are fit to perform their duties and whether the aircraft is airworthy for safe operation and whether all necessary aircraft certificates/licences, books and other documents are carried on board the aircraft.

Article 154

The pilot-in-command shall be obliged, personally or through the crew members, to make all passengers to be familiarised, prior to flight, of the procedures in case of an emergency, procedures for use of safety equipment as well as to indicate the place of its location. ???

In case of emergency all crew members and passengers shall obey the orders and instructions given by the pilot-in-command.

Article 155

If a person on board the aircraft endangers the aviation safety and security or the passengers and property on board, or violates the obedience and order of the aircraft, the pilot-in-command shall have the right to take all necessary measures to prevent such disobedience and may disembark such person at the first airport the aircraft is to land.

The pilot-in-command shall be obliged at taking the measures referred to in paragraph 1 of this Article to ensure that all requirements for safe flight of the aircraft have been met.

Article 156

If a crime is planned to be 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, the pilot-in-command shall be obliged to take all necessary measures to prevent such criminal act, and in case a crime has been committed, the pilot-in-command shall be obliged to ease the consequences thereof taking care of the security and safety of the passengers, crew members and aircraft itself.

5. AVIATION TECHNICAL PERSONNEL

Article 157

The owner/user of an aircraft shall be obliged according to the approved maintenance technical system to provide aviation technical personnel.

Article 158

The duties in respect of maintenance of technical aids, devices and equipment to keep them in condition to provide safe and orderly air traffic operation shall be carried out by technical operation personnel (engineers and technicians) being competent in accordance with paragraph 1 Article 137 of this Act.

Article 159

Technical operation personnel (engineers and technicians) referred to in Article 158 of this Act shall be responsible for any failure or defects of the technical aids, devices and equipment and he shall, without any delay, notify his immediate superior for purpose of notification of participants in air traffic operation.

6. AIR TRAFFIC CONTROL PERSONNEL

Article 160

The duties in respect of air traffic control services shall be performed by an air traffic controller. While the performance of the duties in respect of air traffic control the air traffic controller shall be assisted by a flight data.

Article 161

The air traffic controller and flight data shall not, without a prior approval of their immediate superior, leave their working position or remove from the room in which they perform their duties.

Article 162

The air traffic controller and flight data shall be obliged to report, without any delay, to their immediate superior on any ATM safety occurrences.

Article 163

The working hours of an air traffic controller and flight data may be in duration up to 40 hours per week, provided that total number of working hours during three months period shall not exceed 462 hours.

Duration of a continuous work or shifts and daily rest time of an air traffic controller and flight data shall be prescribed by the Director General of the Agency.

Article 164

The air traffic controller and flight data shall have a right to exercise a special paid leave with contribution to their salary and other rights resulting from the labour

relations during a calendar year in order to maintain their physical and psychological fitness in a manner and for a period prescribed by the Director General of the Agency.

CHAPTER EIGHT

INVESTIGATION OF AVIATION ACCIDENTS, SERIOUS INCIDENTS, INCIDENTS AND ATM SPECIFIC OCCURRENCES

I. INVESTIGATION OF AVIATION ACCIDENTS AND SERIOUS INCIDENTS

Article 165

Any accident or serious incident of an aircraft or parachute shall be thoroughly investigated and analyzed for the purpose to determine the facts and circumstances under which the accident or serious incident have occurred, and in favour of taking appropriate measures for preventing occurrence of new accidents and serious incidents.

Article 166

The accidents and serious incidents of aircraft or parachutes shall be investigated by an Investigation Commission of Aircraft Accidents and Serious Incidents, which proposes measures for prevention of new accidents and serious incidents.

The Commission referred to in paragraph 1 of this Article shall act independently.

The Investigation Commission of Aircraft Accident and Serious Incident shall have a permanent member nominated by the Government of the Republic of Macedonia and changeable composition nominated by the Minister of Transport and Communications from the aviation experts' list depending on the type of aircraft concerned.

In case as a result of an aviation accident a person is killed or fatally injured or there is a serious material damage, or in case of an accident of a foreign aircraft, a representative from the Ministry of Internal Affairs shall be nominated as member of the Investigation Commission of Aircraft Accidents and Serious Incidents.

If there is a military aircraft involved in the accident or serious incident, a representative from the Ministry of Defence shall be nominated as a member of the Investigation Commission of Aircraft Accidents and Serious Incidents.

Article 167

In case a foreign aircraft suffers accident within the territory of the Republic of Macedonia, the Investigation Commission of Aircraft Accidents and Serious Incidents shall allow the representatives from the aeronautical authorities or organizations of

the State of Registry, State of Operator, State of Manufacture and State which citizens were the victims in the accident, at their request, to take part in the accident investigation.

If a Macedonian aircraft suffered an accident in the territory of a foreign country, the Agency shall designate its authorised representative to be present during the accident investigation of that aircraft.

Article 168

The procedures in respect of the reporting and investigation of accident or serious incident of aircraft or parachutes, analysis, assessment and qualification as well as procedure for operation of the investigation commission, site guarding, measures for preventing new accidents and serious incidents, recording and reporting on occurred accidents and serious incidents shall be established by the Government of the Republic of Macedonia.

The procedures and method of the investigation of an accident of state aircraft, composition and method of operation of the investigation commission, measures for preventing aircraft accidents and recording of the occurred accidents shall be prescribed by the Minister for Internal Affairs, in respect of police aircraft, the Minister for Defence, in respect of military aircraft and the Minister for Finance, in respect of customs aircraft.

II. INVESTIGATION OF INCIDENTS AND ATM SPECIFIC OCCURRENCES

Article 169

Any person involved in, or witness to an incident of ATM specific occurrence shall, according to this Act, report it using prescribed procedures.

Any ATM incident or ATM related specific occurrence shall, without delay, be investigated by the ATM service provider.

The Agency shall initiate and complete an investigation on any incident and, at its discretion, any ATM related incident. The appropriate service provider shall provide all information and assistance to such an investigation as required by the Agency.

The purpose of any such investigation as specified in paragraphs 2 and 3 of this Article is not to apportion blame or take punitive measures but to identify the causes for the incidents or ATM related specific occurrences and to take appropriate corrective actions to prevent reoccurrence thereof.

The Agency shall monitor the effectiveness of any corrective actions.

Article 170

The procedure and method for reporting, investigation, analysis, assessment and classification of incidents and ATM related occurrences, preventive measures, keeping records, storing and reporting on incidents and ATM related occurrences shall be prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

III. SEARCH AND RESCUE

Article 171

The Agency shall organize and coordinate an efficient search and rescue of a domestic or foreign aircraft, which suffered an accident or need to be rescued in the territory of the Republic of Macedonia.

The procedure, organization and involved entities in search and rescue of aircraft shall be prescribed by the Government of the Republic of Macedonia at a proposal by the Agency.

Article 172

The involved entities participating in search and rescue operation shall have a right to compensation to the extent of the expenditures sustained during the search and rescue operation.

The expenditures referred to in paragraph 1 of this Article shall be covered, within 60 days from the date of the event, by the owner/user of the aircraft for which the search and rescue has been organized.

If the involved entities are not able to collect, during the specified period, the compensation mentioned in paragraph 1 of this Article from the owner or user/operator of the aircraft, they shall collect (charge) the compensation from the Budget of the Agency and services provide referred to in Article 60 of this Act.

CHAPTER NINE

ONGOING INSPECTION/SUPERVISION

I GENERAL PROVISIONS

Article 173

The audit in respect of the implementation of the provisions of this Act and regulations enacted thereunder shall be made by the Ministry of Transport and Communications.

The ongoing inspection/supervision of the implementation of the provisions of this Act and regulations enacted thereunder shall be made by the Agency through aviation inspectors (hereinafter referred to as "inspectors").

The method, procedures and special requirements for conducting an inspection shall be prescribed by the Ministry of Transport and Communications.

Article 174

The rules, procedures and special requirements for an inspection of state aircraft, rights, liabilities and responsibilities, as well as conditions to be satisfied by the persons who make the inspection shall be prescribed by the Minister for Internal Affairs, in respect of police aircraft, the Minister for Defence, in respect of military aircraft and the Minister for Finance, in respect of customs aircraft.

Article 175

Legal entities and physical persons which personnel and facilities or operation are subject to an inspection shall be obliged 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.

II INSPECTION DUTIES

1. GENERAL DESCRIPTION OF INSPECTION DUTIES

Article 176

The inspection of an aircraft and air services operation shall in particular include the monitoring of the implementation of the regulations in respect of: aircraft, especially in respect of safe operation and proper maintenance of the aircraft and its airworthiness for safe air services operation; construction, maintenance, repair and modification of aircraft, aircraft engines, propellers, parachutes and equipment; documents, books and other documentation which must be on board the aircraft; compliance with prescribed requirements for safe air transport, aerial works services as well as use of aircraft for sports, training and other purposes.

Article 177

The inspection of aerodromes, airfields and terrains (landing fields) shall include in particular the monitoring of the implementation of the regulations in respect of: safe use of aerodromes, airfields and landing field; project, construction and reconstruction of aerodromes and building within aerodrome zones and objects outside that zone which may affect to aviation safety; cultivation of the land within an aerodrome zone and lands in the vicinity thereof; maintenance of the aerodrome's objects, installations, facilities and equipment used for safe air services operation; location, accuracy and maintenance of the notices in respect to objects; condition of runways and other tracks and terminal apron and other aerodrome areas for aircraft movements; function of the lighting systems used for approach, landing and take-off of aircraft and provision of primary and stand-by power supply of such systems.

Article 178

The inspection of aviation and other qualified personnel shall include in particular the monitoring of the implementation of the regulations in respect of: operation and procedure for performance of duties of aviation and other qualified personnel; education and training, licenses, ratings and certificates for competence of such personnel, their qualifications and medical fitness; duration of working hours; flight hours; flight hours in long range air services, night-time flying and the number of take off/landings during the working hours and duration of daily rest time of the crew members of aircraft and the continuous work as well.

Article 179

The inspection of the provision of airport services shall include in particular the monitoring of the implementation of the regulations relating to the: technical and other conditions for safe ground handling of aircraft, passengers and baggage at the airport; loading of the aircraft and arrangement of the load therein; type of load and security if the load contains dangerous goods; procedures for de-icing of aircraft and runways as well as procedures for their anti-icing protection, the quality of fuel and lubricants and operability of the systems used for supply of aircraft with fuel and lubricant; premises, technical equipment and procedure for carrying out an inspection of aircraft, passenger baggage and goods, airports security, fire-fighting and conditions for safe fire-fighting as well as the organization and requirements and procedures for provision of medical services.

Article 180

The inspection of provision of air navigation services shall include in particular the monitoring of the regulations relating to: procedure for provision of ATM services, flight information service, meteorological services as well as the condition, maintenance and proper functioning of technical facilities, devices and equipment essential for safe air services operation.

2. REQUIREMENTS FOR PERFORMANCE OF INSPECTION DUTIES

Article 181

The duties of an inspector may be carried out by a person who satisfies the general requirements in accordance with the Law on Labour Relations, who has working experience of at least five years at appropriate working assignments in the field of aviation, and who satisfies the special requirements prescribed by the Government of the Republic of Macedonia.

III. BREACH OF REGULATIONS

Article 182

In case of breach of the provisions of this Act, the inspector shall make minutes and layout a decision to be made by the Director General of the Agency.

The decision referred to in paragraph 1 of this Article shall:

- a) order to the infringer to take appropriate measures, within a specified period, to eliminate the stated irregularities and deficiencies/faults;
- b) prohibit any activities being performed contrary to the provisions of this Act and regulations enacted thereunder, and
- c) initiate proceedings according to the Law on Offences or Law on Criminal Proceedings.

A displeased party may, against the decision, lodge an appeal to the Government of the Republic of Macedonia - Second Instance Commission in respect of issues of transport and communications and environment within 8 (eight) days from the day of receipt of the decision.

The appeal against the decision shall not delay the execution of the decision.

Article 183

While performing of inspection duties on board, the inspector shall be obliged to notify the pilot-in-command about his presence, and, if the inspection is made in a trading company, governmental body or other legal entity, the accountable person of such entity shall be notified.

Article 184

If the inspector determines faults and irregularities in the operation of a trading company or governmental body or other legal entity relating to the aviation safety, he shall be obliged to notify the accountable person thereof about it.

Article 185

The inspector shall be obliged to keep as a secret the information he has found out during the inspection.

Article 186

While performing the inspection duties, the inspector must have an identification card stating his capacity and authorization.

The form and contents of the identification card as well as the procedure for issuance and withdrawal thereof shall be prescribed by the Director General of the Agency.

Article 187

The inspectors shall have a right and duty to qualification (training), advanced training and refreshment of achieved knowledge according to the Agency's annual operation programme.

CHAPTER TEN

PENALTIES

OFFENCES

Article 188

(1) The legal entity shall be subject to a fine from 30.000 to 300.000 denars for an offence if:

- 1) it is engaged in public air services and it does not satisfy the requirements prescribed by the Agency (Article 33, paragraph (1));
- 2) it does not establish the timetable in accordance with the provisions of this Act or does not make the changes of the timetable in accordance with the procedure provided for its establishment, that is, it does not publish the changes of the timetable in the specified period (Article 36).
- 3) does not perform the air services regularly and orderly in accordance with its timetable (Article 37, paragraph (1));

4) it performs its activities in a manner that does not permit regular and orderly air traffic services operation (Article 37, paragraph (2));

5) it does not submit to the Agency a monthly report on the regularity and orderliness of the air traffic services (Article 37, paragraph (3));

6) during the validity of a timetable, it ceases the air services operation on a route or changes its timetable for that route, in case of force majeure or other emergency events, without prior approval by the Agency or if in that circumstances it does not immediately publish the notification on cessation of the air services operation or the change of the timetable (Article 38);

7) it performs carriage of persons or things by an aircraft for its own use (corporate aviation operations), and it does not satisfy the requirements prescribed by the Agency (Article 42, paragraph (1));

8) it operates aerial works by aircraft and it does not satisfy the requirements prescribed by the Agency (Article 43, paragraph (1));

9) it uses an aircraft for sports flights and it does not satisfy the requirements prescribed by the Agency (Article 44, paragraph (1));

10) the aircraft engaged in air services does not carry on board the certificates/licences, books and other documents prescribed by the Director General of the Agency (Article 49, paragraph (2));

11) the ATM services are provided contrary to the division and classification of the airspace, prescribed by the Government of the Republic of Macedonia (Article 58);

12) any obstacles, emission devices, objects, long-distance power lines or other devices emitting electromagnetic waves are placed at a distance from which they may interfere the operation of the air navigation aids and facilities intended for provision of air navigation services or if they do not give priority to the communications necessary for provision of air navigation services (Article 59);

13) the planning, design, reconstruction and construction of the aerodrome or airfield is not performed in accordance with the special requirements prescribed by the Director General of the Agency (Article 67, paragraph (2));

14) prior to construction or reconstruction of an aerodrome or an airfield or any other object within the aerodrome or airfield zone, the investor has not provided an approval on conditions for construction (Article 68, paragraph (1));

15) it does not use the runways and other tracks, apron, buildings, installations, facilities or equipment according to their purposes and capacities and in accordance with the provisions of this Act and the regulations enacted thereunder and if it does

not ensure to an aircraft permitted to operate within the Macedonian airspace usage of aerodrome buildings and infrastructure (Article 69, paragraphs (1) and (2));

16) the aerodrome was not opened for air traffic at the established time and in accordance with the conditions prescribed by the Director General of the Agency (Article 71, paragraph (1));

17) it has not notified the Agency and the services provider referred to in Article 60 of this Act for any intended change of purpose, classification or categorization of aerodrome, any planned work of larger scope, which may result in closure of portions of an aerodrome or limitation to the use of maneuvering areas, as well as for any unexpected and unpredictable change, work or intervention within the prescribed deadline (Article 74, paragraphs (1), (2) and (3));

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

19) the construction, location and marking of buildings, installations and facilities within an aerodrome or airfield zone, including the air traffic control buildings and facilities, as well as the objects outside the aerodrome and airfield zone, which may affect the aviation safety are not carried out in a manner prescribed by this or other Act and in accordance with the conditions prescribed by the Agency or if it does not cultivate or use the land within the aerodrome zone as well as the land in the vicinity thereof in a manner prescribed by this and another Act and in accordance with the conditions prescribed by the Minister of Transport and Communications (Article 76);

20) the maneuvering areas, aprons, buildings, installations, facilities and equipment of an aerodrome are not maintained and supervised according to the procedure prescribed by the Agency (Article 79, paragraph (1));

21) the airfield is not maintained according to the procedure and requirements prescribed by the Director General of the Agency (Article 80);

22) fire fighting services are not provided at the aerodrome or airfield and at the airport there is no ground handling service for aircraft, passengers, baggage, cargo and mail, medical services, supply with fuel and lubricants and protection against acts of unlawful interference (Article 82, paragraph (1));

23) at the airport it does not provide supply with fuel and lubricant of jet and piston engine aircraft in accordance with the applicable quality standard or if it does not supply fuel and lubricants at least for a period of three days, depending on the intended scope of air services at that airport, as well as if due to force majeure or other emergency event it does not notify the aerodrome operator, Agency and

competent air traffic control that it is not able to provide fuel and lubricants to the aircraft (Article 82, paragraphs (2), (3) and (4));

24) within the aerodrome airside, it permits on the maneuvering areas and aprons of the aerodrome or airfield movements of persons not executing official duties and not having suitable license for movement as well as of vehicles not used by persons executing official duties and whose movement is not in accordance with the competent service of the airfield operator or if another person moving on the apron of the airfield for the purposes of aircraft loading and unloading is not accompanied or if the person and vehicles moving on the maneuvering areas do not maintain permanent radio communications with the competent air traffic control or do not act according to the instructions given by that air traffic control (Article 83);

25) the operators of airports and domestic airlines do not develop a Security Programme in accordance with the National Aviation Security Programme (Article 86, paragraph (5));

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

27) constructs or modifies aircraft, aircraft engine, propeller, parachute and equipment or technical inspection of the construction and preparation of technical documentation regarding the construction and modifications, and it does not satisfy the general requirements for economic activity and the special requirements prescribed by the Agency (Article 113, paragraph (1));

28) the homologation check of a new type of aircraft, aircraft engine, propeller, parachute and aircraft equipment is not performed in accordance with the requirements related to the personnel, equipment and buildings prescribed by the Agency (Article 117, paragraph (2));

29) performs base maintenance and technical inspection of the maintenance of aircraft, engine, propeller, parachute and aircraft equipment and develops technical documentation on the maintenance, contrary to the requirements prescribed by the Government of the Republic of Macedonia (Article 121, paragraph (1));

30) it does not notify the Agency on any circumstances, occurrences, omissions and found malfunctions (failures, defects) of the aircraft, as well as regarding the documentation, which may have negative influence on the airworthiness thereof (Article 132, paragraph (3));

31) it conducts training of aviation personnel and other qualified personnel contrary to the approved training programs or if it conducts training and it does not meet the prescribed requirements for conducting training of aviation personnel and other qualified personnel (Article 136, paragraphs (4) and (5));

32) by its general acts it does not particularly specify the responsibility of the employees, who within the meaning of this Act are considered as aviation personnel and other qualified personnel (Article 145, paragraph (2));

33) in accordance with the approved maintenance technical system it does not provide aviation technical personnel (Article 157) and

34) it does not organize and establish a system for reporting, investigation, analysis, assessment and classification of ATM incidents and special ATM related occurrences (Article 169).

(2) For the offence referred to in paragraph (1) of this Article the responsible person of the legal entity shall also be subject to a fine from 10.000 to 50.000 denars.

Article 189

(1) The legal entity shall be subject to a fine from 30.000 to 300.000 denars for an offence if:

1) it uses an aircraft not meeting the requirements prescribed by this Act and regulations enacted thereunder (Article 15, paragraph (1));

2) the aircraft engaged in air traffic is contrary to their type, category and purpose specified in the Certificate of Airworthiness thereof (Article 15, paragraph (2));

3) it does not follow the prescribed rules and procedures in respect of the aircraft operation (Article 15, paragraph (3));

4) an aircraft without crew operates in the control zone of the airport and contrary to the requirements prescribed by the Government of the Republic of Macedonia (Article 17);

5) air services operation is performed over an area previously declared as prohibited, restricted or danger area or if air services operation is performed over a defined area in a restricted period of time or below or above the established flight level (Article 18, paragraphs (1) and (2));

6) it does not take the prescribed measures in order to turn back the aircraft operating close to, over a prohibited or restricted or danger area or operating thereunto to the flight path specified in the approved flight plan or if it does not initiate a procedure for forced landing of that aircraft (Article 18, paragraphs (4) and (5));

7) without approval by the Agency it operates air traffic services over cities, inhabited places and industrial objects below the prescribed minimum flight level or if it

performs acrobatic flights over cities, inhabited places and industrial objects (Article 18, paragraphs (7) and (9));

8) dropping of chemical substances, water, food, medicines, equipment, leaflets and other advertisement material is performed contrary to the requirements and procedure prescribed by the Agency (Article 19, paragraph (3));

9) it uses rockets and other flying objects that may endanger the safety of air traffic operation contrary to the requirements and procedure prescribed by the Agency (Article 20);

10) it uses anti-hail rockets without permission granted by the competent air traffic control and contrary to the requirements and procedure prescribed by the Government of the Republic of Macedonia (Article 21);

11) it enters the Macedonian airspace or departs therefrom outside the boundary control points, without permission by the competent air traffic control (Article 25, paragraph (1));

12) if more persons board the aircraft than there are built-in seats with safety belts thereon or if the number of passengers who board an aircraft engaged in public air service is greater than the number of built-in seats intended for transport of passengers (Article 39, paragraphs (1) and (2));

13) it mass transports children, transports unaccompanied children, sick persons, invalids of certain category and pregnant women contrary to the prescribed requirements and procedure (Article 39, paragraph (4));

14) it carries items in the passenger cabin contrary to the technical requirements prescribed for the airworthiness of aircraft of appropriate category or carries human remains in the passenger cabin of an aircraft in which there are persons who are not companions of the human remains (Article 40, paragraphs (1) and (2));

15) it transports in an aircraft animals contrary to the requirements and procedure prescribed by the Director General of the Agency (Article 40, paragraph (3));

16) it does not comply with the procedure and rules in respect of flight of gliders, balloons, ultralight aircraft and powered wings, wings for free flying (hang gliders, paragliders etc.) as well as for parachute jumps, avio-modelling and organization of contests prescribed by the Agency (Article 44, paragraph (4));

17) it does not meet the requirements and procedure for organization of air shows prescribed by the Director General of the Agency (Article 47, paragraph (1));

18) an aircraft, while operating the air services does not carry on board the certificates/licences, books and other documents prescribed by this Act or if the

certificates/licences, books and other documents are not orderly, updated and not shown at request of an authorized person (Article 49, paragraphs (1) and (3));

19) if it does not submit to the Agency the certificates/licences of the aircraft deregistered from the Register of Aircraft of the Republic of Macedonia (Article 51);

20) it does not comply with the requirements and procedure for provision of air navigation services prescribed by the Government of the Republic of Macedonia (Article 54, paragraph (1));

21) while providing air navigation services, the units of measurement, abbreviations and measures established by law, applicable standards or international agreements binding to the Republic of Macedonia are not used (Article 55);

22) it uses aerodrome and airfield not satisfying the requirements for aviation safety prescribed under this Act and regulations enacted thereunder (Article 61, paragraph (1));

23) it uses terrain (landing strip) contrary to the requirements prescribed by the Agency (Article 61, paragraph (2));

24) it does not comply with the prescribed requirements and procedure for provision of airport services (Article 82);

25) it uses an aircraft not being registered, that is recorded (Article 91, paragraph (1));

26) it does not report any change of the data entered in the Aircraft Register within 15 days from the day of the change and does not request entry of that change in the Aircraft Register (Article 99, paragraph (1));

27) the aircraft entered into the Aircraft Registry does not bear the prescribed nationality and registration marks and if all other marks and inscriptions of the aircraft impede the visibility of the nationality and registration marks (Article 103, paragraphs (1) and (4));

28) it uses aircraft, aircraft engine, propeller, parachute and equipment not meeting the requirements for safe air traffic, i.e. technical requirements for airworthiness provided for by this Act and the accepted international standards (Article 106, paragraph (1));

29) it uses the aircraft contrary to the purpose specified in its certificate of airworthiness and the procedure prescribed in the approved operation manual thereof (Article 110, paragraph (1));

30) the prescribed systems or equipment to ensure safe air traffic operations are not installed in the aircraft (Article 110, paragraph (2));

31) the maintenance and inspection of aircraft, aircraft engine, propeller, parachute and aircraft equipment is not made in accordance with the maintenance technical system for each type of aircraft, aircraft engine, propeller, parachute, that is, the type of equipment approved by the Agency (Article 120, paragraphs (1) and (3));

32) in accordance with the approved maintenance technical system it does not provide/ensure 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 there is no signature by the authorised person for made inspection in the aircraft log-book (Article 123);

33) it uses an aircraft not having a Certificate of Airworthiness (Article 124);

34) an aircraft operating within the Macedonian airspace does not have a Certificate of Noise, as well as a Certificate of Gas Emission (Article 133);

35) when performing certain duties essential to the air traffic, the aviation personnel and other qualified personnel does not have required qualifications, proficiency and does not hold a licence or a rating and does not meet other requirements established by the provisions of this Act and the regulations enacted thereunder (Article 134, paragraph (1));

36) it determines that the medical fitness of the aviation and other qualified personnel is contrary to the special requirements, manner and procedure prescribed by the Government of the Republic of Macedonia (Article 146, paragraph (2));

37) it conducts medical examinations of the aviation and other qualified personnel without a certificate on meeting the requirements on examination of aircraft personnel (Article 147);

38) the aircraft during its operation is not manned by a crew of appropriate number and composition and prescribed age and if it does not comply with the prescribed duties of the crew (Article 148, paragraph (3));

39) it acts contrary to the prescribed flight time, number of take-offs and landings, working time and rest time of the aircraft crew members (Article 149, paragraph (4));

40) for every flight or portion of a flight it does not designate a pilot-in-command (Article 152, paragraph (1)) and

41) it does not enable the inspector to carry out inspections or if it does not send without delay the requested accurate data, information and materials necessary for carrying out the inspections (Article 179).

(2) For the offence referred to in paragraph (1) of this Article the responsible person of the legal entity shall also be subject to a fine from 10.000 to 50.000 denars.

(3) For the offence referred to in paragraph (1) of this Article the physical entity shall also be subject to a fine from 10.000 to 50.000 denars.

Article 190

(1) The physical entity shall be subject to a fine from 10.000 to 50.000 denars for an offence if:

- 1) if he drops objects from an aircraft while flying (Article 19, paragraph (1));
- 2) he performs parachute jumps from an aircraft while flying within the flight path, terminal control zone, airport area or above an airport (Article 22);
- 3) an aircraft operates within the Macedonian airspace without a prior permission granted for such purpose (Article 26, paragraph (1));
- 4) without special permission from the Agency he takes off and lands at aerodromes, that is airfields not open for international air traffic services or operates at airways specified for domestic air services or beyond the airways (Article 28);
- 5) a foreign aircraft carries on board active loaded firearms, rockets, bombs or photographic equipment and it is not specified in an international agreement ratified by the Republic of Macedonia or performs air photo survey without special permission by the Agency (Article 29);
- 6) a foreign aircraft does not fly at the airways prescribed by the Government of the Republic of Macedonia (Article 32, paragraph (1));
- 7) he carries in the passenger cabin of an aircraft cold steel, firearms, ammunition or other explosive or flammable devices (Article 41, paragraph (1));
- 8) he does not comply with the security requirements prescribed by the Government of the Republic of Macedonia, as well as the requirements regarding the order of the airport, prescribed by the Agency (Article 84);
- 9) he does not comply with the conditions for construction, supervision of the construction and procedure for determination of the airworthiness of the aircraft of special category, prescribed by the Government of the Republic of Macedonia (Article 114);
- 10) the aviation personnel and other qualified personnel, while executing their duties are under the influence of alcohol, narcotics or other psychotropic substances, suffering from fatigue or from the effects of illness or are in such a psycho-physical

state due to which they are unfit to perform that duties (Article 142, paragraphs (1) and (2));

11) the aviation personnel and other qualified personnel perform the duties of their licence negligently, without quality, disorderly and contrary to this Act and the regulations enacted in accordance with this Act (Article 145, paragraph (1));

12) he does not perform the duties for which a licence or a rating has been issued or in case of danger, the duties ordered by the pilot-in-command (Article 150, paragraphs (1) and (2));

13) he does not notify, without any delay, the pilot-in-command of an aircraft on each incident in respect of the aircraft, persons and items on board (Article 151, paragraph (1));

14) in case of danger or distress of an aircraft he does not take all necessary measures to protect the passengers or items on board such aircraft, as well as the aircraft itself (Article 151, paragraph (2));

15) prior to take-off he has not been familiarised with the contents of the load to be carried or has not assured whether in the loadsheet the weight and balance are properly calculated or whether such loadsheet has been affixed with a signature by a person who has prepared it or if he has not affixed his signature on that loadsheet or he has not ensured prior to take-off, whether the flight crew members are fit to perform their duties and whether the aircraft is airworthy for safe operation and whether all prescribed aircraft certificates/licences, books and other documents are carried on board the aircraft (Article 153, paragraphs (2), (3) and (4));

16) he does not ensure, personally or through the crew members, that all passengers are familiarised, prior to take-off, that is after take-off, with the procedures in case of emergency and the location and manner of use of the safety equipment in case of emergency or if he does not ensure that all crew members and passengers follow his guidelines and orders in case of emergency (Article 154, paragraphs (1) and (2));

17) for the purpose of air traffic safety and maintaining the order of the aircraft he has not taken the necessary measures for any person endangering safety or violating the obedience and order of the aircraft (Article 155, paragraph (1));

18) he does not take measures to prevent an aircraft crew member or other person on board the aircraft from planning, trying to commit or committing a crime endangering the safety of the aircraft and persons on board such aircraft and in case a crime has been committed he has not taken measures to ease the consequences thereof (Article 156);

19) the air traffic controller and flight data leave the working position to which they are assigned or leave the office in which they perform their duties, without a prior approval of their immediate superior (Article 161);

20) he does not notify without any delay his immediate superior on any threats to air traffic safety, that is on any ATM safety occurrences (Article 162) and

21) he acts contrary to the duration of the continuous work, shifts and daily rest time of an air traffic controller or flight data, prescribed by the Director General of the Agency (Article 163, paragraph (2)).

(2) In addition to the fine for an offence in case of breach of the provisions for the activities of this Article a safety measure for prohibition of performing the duty of pilot-in-command, air traffic controller and flight data, aircraft crew member may be stated, as well as for performing certain professional activities of aviation personnel and other qualified personnel.

(3) The prohibition referred to in paragraph (1) of this Article shall be stated in duration of three months to one year.

Article 191

The individuals shall be punished with the measure prohibition for performing the activity of pilot-in-command, as well as for performing other professional activities of aviation personnel and other qualified personnel, if:

1) they are engaged in public air services and do not satisfy the requirements prescribed by the Agency (Article 33, paragraph (1));

2) they do not establish the timetable in accordance with the provisions of this Act or do not make the changes of the timetable in accordance with the procedure provided for its establishment, that is, they do not publish the changes of the timetable in the specified period (Article 36).

3) they do not perform the air services regularly and orderly in accordance with its timetable (Article 37, paragraph (1));

4) they perform their activities in a manner that does not permit regular and orderly air traffic services operation (Article 37, paragraph (2));

5) they use an aircraft for sports flights and they do not satisfy the requirements prescribed by the Agency (Article 44, paragraph (1));

6) the aircraft engaged in air services do not carry on board the certificates/licences, books and other documents prescribed by the Director General of the Agency (Article 49, paragraph (2));

7) the ATM services are provided contrary to the division and classification of the airspace, prescribed by the Government of the Republic of Macedonia (Article 58);

8) any obstacles, emission devices, objects, long-distance power lines or other devices emitting electromagnetic waves are placed at a distance from which they may interfere the operation of the air navigation aids and facilities intended for provision of air navigation services or if they do not give priority to the communications necessary for provision of air navigation services (Article 59);

9) the planning, design, reconstruction and construction of the aerodrome or airfield is not performed in accordance with the special requirements prescribed by the Director General of the Agency (Article 67, paragraph (2));

10) prior to construction or reconstruction of an aerodrome or an airfield or any other object within the aerodrome or airfield zone, the investor has not provided an approval on conditions for construction (Article 68, paragraph (1));

11) the aerodrome was not opened for air traffic at the established time and in accordance with the conditions prescribed by the Minister of Transport and Communications (Article 71, paragraph (1));

12) the manoeuvring areas, 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 Minister of Transport and Communications (Article 75);

13) they perform base maintenance and technical inspection of the maintenance of aircraft, engine, propeller, parachute and aircraft equipment and develop technical documentation on the maintenance, contrary to the requirements prescribed by the Government of the Republic of Macedonia (Article 121, paragraph (1));

14) they conduct training of aviation personnel and other qualified personnel contrary to the approved training programs or if they conduct training and do not meet the prescribed requirements for conducting training of aviation personnel and other qualified personnel (Article 136, paragraphs (4) and (5));

15) the aircraft engaged in air traffic is contrary to their type, category and purpose specified in the Certificate of Airworthiness thereof (Article 15, paragraph (2));

16) it they do not comply with the requirements and procedure for provision of air navigation services prescribed by the Government of the Republic of Macedonia (Article 54, paragraph (1));

17) they use an aircraft not being registered, that is recorded (Article 91, paragraph (1));

18) they use aircraft, aircraft engine, propeller, parachute and equipment not meeting the requirements for safe air traffic, that is the technical requirements for airworthiness provided for by this Act and the accepted international standards (Article 106, paragraph (1));

19) they use the aircraft contrary to the purpose specified in its certificate of airworthiness and the procedure prescribed in the approved operation manual thereof (Article 110, paragraph (1));

20) they use aircraft not having a Certificate of Airworthiness (Article 124);

21) an aircraft operating within the Macedonian airspace does not have a Certificate of Noise, as well as a Certificate of Gas Emission (Article 133);

22) for every flight or portion of a flight they do not designate a pilot-in-command (Article 152, paragraph (1));

23) they drop objects from an aircraft while flying (Article 19, paragraph (1));

24) an aircraft operates within the Macedonian airspace without a prior permission granted for such purpose (Article 26, paragraph (1));

25) without special permission from the Agency they take off and land at aerodromes, that is airfields not open for international air traffic services or operate at airways specified for domestic air services or beyond the airways (Article 28);

26) a foreign aircraft carries on board active loaded firearms, rockets, bombs or photographic equipment and it is not specified in an international agreement ratified by the Republic of Macedonia or performs air photo survey without special permission by the Agency (Article 29) and

27) a foreign aircraft does not fly at the airways prescribed by the Government of the Republic of Macedonia (Article 32, paragraph (1));

CHAPTER ELEVEN

TRANSITIONAL AND FINAL PROVISIONS

Article 192

The bylaws provided for in this Act shall be enacted within 1 (one) year from the day of entering into force of this Act.

Until adoption of the by-laws enacted on the ground of this Act, the existing bylaws (regulations) having been valid until entering into force of this Act shall be applied.

If the international agreements being ratified by the Republic of Macedonia contain provisions, which are different from the provisions of this Act and bylaws enacted thereunder, the provisions of the international agreements shall prevail.

Article 193

The Agency and services provider referred to in Article 60 of this Act shall commence their operation within 90 days from the date of entering into force of this Act.

The capital assets, employees, property and the rights and liabilities of the Civil Aviation Administration shall be separated in accordance with the separation balance, that is:

- capital assets, employees, property, rights and liabilities related to the activities in the field of aviation shall be transferred to the Agency;
- capital assets, employees, property, rights and liabilities related to the activities for provision of air navigation services shall be transferred to the air navigation services provider referred to in Article 60.

The separation balance referred to in paragraph 2 of this Article shall be made by a Commission established by the Government of the Republic of Macedonia and composed of the representatives from the Ministry of Finance, Ministry of Transport and Communications and Civil Aviation Administration on the base of the financial statement on 31 December 2005.

Until commencement with the operation of the entities referred to in paragraph 1 of this Article, the Civil Aviation Administration shall carry out the responsibilities under its competence.

Article 194

Any activity being commenced prior the entering into force of this Act shall be completed in accordance with the regulations, which were in force till the day of entering into force of this Act.

Article 195

The provisions of paragraphs 2 and 3 Article 152 of this Act shall apply till the date of acceptance of the Republic of Macedonia as a full Member State of the European Union.

The duration of the concession referred to in item 4 paragraph 1 Article 87 of this Act shall not exceed the period of 7 (seven) years from the day on which the Republic of Macedonia becomes a full Member State of the European Union.

Article 196

Upon entry into force of this Act, the Public Enterprise for Airport Services "Makedonija" – Skopje shall continue to perform its activities in accordance with the Decision on Establishment of Public Enterprise for Airport Services "Makedonija" – Skopje (Official Gazette of RM, No. 38/90) until the transformation thereof in accordance with a law.

Article 197

Upon entry into force of this Act, the effect of the Act on Civil Aviation Administration (Official Gazette of RM, No. 20/95 and 70/01), the Aviation Act (Official Gazette of SFRJ No. 45/86; 24/88; 80/89 and 29/90) and the Act on Use of Airports (Official Gazette of RM, No. 47/73 and 38/90) shall terminate.

Article 198

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