

AVIATION ACT
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CHAPTER ONE
GENERAL PROVISIONS

Article 1

- (1) This Act shall govern the requirements and procedures for performance of the activities in the field of aviation in the Republic of Macedonia.
- (2) 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.
- (3) 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.
- (4) 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

- (1) The Republic of Macedonia shall have complete and unlimited sovereignty over the airspace above its territory and organize the provision of air navigation services therewithin.
- (2) The airspace of the Republic of Macedonia (hereinafter referred to as "Macedonian airspace") is inviolable.

Article 2-a

Notwithstanding the provisions of Article 1 of this Act:

- the rules for allocating the slots shall be regulated by the Council Regulation (EEC) No.95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports which was taken over with Annex I of the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Regulation 95/93);
- the access to the market for performing ground handling airport services of aircrafts, passengers handling, baggage handling, cargo and mail handling and supplying the aircraft with fuel and oil at the airports opened for public air transport shall be regulated by the Directive 96/67/EC of 15 October 1996 on access to the ground handling market at Community airports of the Community which was taken over with Annex I to the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Directive 96/67);
- the investigation of aviation accidents, serious incidents, incidents and events is regulated with Directive 94/56/EC of 21 November 1994 on establishing the fundamental principles governing the investigation of civil aviation accidents and incidents which was taken over with Annex 1 to the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereafter referred to as EU Directive 94/56);
- the reporting of accidents, serious incidents, incidents and occurrences shall be regulated with Directive 2003/42/EC of 13 June 2003 on occurrence reporting in civil aviation which was taken over with Annex 1 to the Multilateral Agreement on the Establishment of the European Common Aviation Area ("Official Gazette of the Republic of Macedonia" no.27/2007 and 98/2009), (hereinafter referred to as EU Directive 2003/42);
- the organisation of the working time, the duration of the rest period and other rights of the crew members of an aircraft shall be regulated with Directive 2000/79/EC of 27 November 2000 on concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation, which was taken over with the Annex I Multilateral Agreement on the

Establishment of the European Common Aviation Area (“Official Gazette of the Republic of Macedonia” no.27/2007 and 98/2009), (hereinafter referred to as EU Directive 2000/79);

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

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

Article 3

(1) The bylaws provided for under this Act shall be developed in accordance with the accepted international aviation standards, recommended practices and legislation of the EU/ECAA, ICAO, ECAC, JAA/EASA and EUROCONTROL as well as ratified international agreements.

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

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

Article 4

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

1. **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, landing and stay of aircraft;
2. **Airport of destination** means an airport on which an aircraft terminates its operation according to its specified flight plan;
3. **Airport services** means 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. **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;
6. **Security check (Screening)** means use of technical and/or other means (including manual search) intended for identification and/or detection of weapons, explosives or other dangerous goods, objects and substances which could be used for acts of unlawful interference;
7. **Security programme** is a set of rules and procedures applied at national level, airport level, airline, or other legal entity, and the same shall be presented in writing and adopted or approved by a competent authority to protect the civil air services operation against the acts of unlawful interference;
8. **Pilot-in-command** means a pilot designated by the airline, or by the owner, who is responsible for operating the aircraft in a safe manner during flight;
9. **Flight information region (FIR)** means an airspace of defined dimensions within which flight information service and alerting service are provided;
10. **Air traffic** means aircraft in flight or operating on the manoeuvring areas;
11. **Airway** means a control area or portion thereof established in the form of a corridor;
12. **Air service** means a part of air traffic performed for transport of passengers, cargo and mail;

13. **Air service 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. **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. **Sport flights** mean activities which include operation, parachute jumping, aero modelling intended for recreation purposes and sport competitions, that is, achieving sport results;
16. **Airport** means an aerodrome or part thereof opened for public air transport;
17. **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. **Aircraft other than ICAO standard aircraft** mean ultralight aircraft, (microlight aircraft), powered wings and wings for free flying (hang gliders, paragliders etc.);
19. **Aeronautical information** means information resulting from the assembling, analysis and formatting of aeronautical data;
20. **Aeronautical information circular (AIC)** means a notice containing information that are not published by NOTAM or included in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters;
21. **Operation time of airport** means a period from the beginning till the end of operation hours of a legal entity providing airport services;
22. **Boundary control points** means a portion of the airway over the State boundary, designated for an aircraft enter/exit within that airspace;
- 22-a **Supplier of airport services** means a legal or natural person supplying third parties with one or more categories of services at the airport;
23. **Licence** means a document certifying that the person who is a member of an aviation personnel is competent to perform specified duties;
24. **State aircraft** mean, according to this Act, the aircraft used for military, police and customs purposes;
25. **Aircraft crew** means flight crew members and cabin attendants of an aircraft;
- 25-a. **ECAA** is European Common Aviation Area established with an Agreement between Member States of the European Union and the Balkan countries, Iceland and Norway;
26. **ECAC** means the European Civil Aviation Conference;
27. **EUROCONTROL** means the European Organization of the safety of air navigation;
28. **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. **Aeronautical Information Publication – AIP of the Republic of Macedonia** means a publication containing aeronautical information of a lasting character essential to air navigation developed by the air navigation services provider and approved by the Agency;
30. **Aerodrome traffic zone** means airspace with defined dimensions established around an aerodrome in order to safeguard the air traffic on that aerodrome;
31. **ICAO** means the International Civil Aviation Organization;
32. **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. **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. **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. **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. **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 (AMD) or supplement (SUP) of the AIP;
37. **Public air service** means a flight or series of flights carrying passengers, cargo and/or mail for remuneration and/or rent;

38. **JAA** means the Joint Aviation Authorities;
39. **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. **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 basis;
- 40-a **Airport user** means a legal or natural person responsible for carriage of passengers, mail and/or freight by air from or to the airport in question.
41. **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. **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. **Macedonian airspace** means the airspace over the territory of the Republic of Macedonia;
44. **Competent air traffic control** means an institution charged with duties of air traffic control within a defined portion of the airspace;
45. **Non-scheduled air services** means any type of air transport other than scheduled air services;
46. **Accident** means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:
1. a person is fatally or seriously injured as a result of:
 - being in the aircraft, or
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - direct exposure to jet blast,except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
 2. the aircraft sustains damage or structural failure which:
 - adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - would normally require major repair or replacement of the affected component,except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin;
 3. the aircraft is missing or is completely inaccessible;
47. **Security from actions of unlawful interference** 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. **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. **Air traffic control clearance** means an authorisation for an aircraft to proceed under conditions specified by a competent air traffic control;
50. **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. **Danger area** means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

52. **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. **Aerodrome operating minima** means 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. **Homologation (Type certification) 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. **Aerodrome operator** means any physical persons or legal entity being the owner or user of the aerodrome/airfield's infrastructure.

55-a **Airport operator** means a body which, in conjunction with other activities or not as the case may be, has as its objective the administration and management of the airport infrastructures, and coordination and control of the activities of the operators present at the airport or airport system concerned, in accordance with the legislation of Republic of Macedonia

55-b **Airport system** means two or more airports grouped together to serve the same city or community of several settlements (conurbation)

56. **Panoramic flight** means a flight performed on specified route for aerial panoramic view;

57. **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. **Aviation personnel** means persons who are authorised to perform duties and provide services relating to the aviation safety on a ground of their vocational education, training proficiency, 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 cabin 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) personnel charged with duties in respect of installation, maintenance, inspection and monitoring of technical facilities, devices and equipment for provision of air navigation services (ATSEP);
- i) personnel charged with duties in respect to the preparation and provision of aeronautical information, charts, publications and procedures;
- j) ground handling personnel charged with duties in respect to ground handling of aircraft, passengers, baggage, cargo and mail;
- k) personnel charged with duties in respect of regulation and ensuring optimal traffic flow.

Other qualified personnel means qualified persons who perform, other duties being of importance for aviation safety. The other qualified personnel covers the following: professional fireman, personnel charged with duties in respect of provision fuel and lubricants to aircraft, medical personnel, personnel to protect the security of civil aviation against acts of unlawful

interference, as well as personnel maintaining the airport infrastructure, i.e. manoeuvring surfaces, objects and installations at the airport being of importance for the safety of air services.

59. **Flight plan** means specified information in respect to an intended flight or a portion of a flight of an aircraft submitted to the ATC services units

60. **Apron** means a defined area on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

61. **Aircraft airworthiness** means technical and operational capability of an aircraft to operate safe air service, and certified in a prescribed procedure;

62. **Manoeuvring area** means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

63. **Runway** means a defined rectangular area on land aerodrome prepared for the landing and take-off of aircraft;

64. **Search and rescue** of an aircraft means an organised system for search of an aircraft and rescue the passengers and crew thereof;

65. **Carriage in domestic air traffic** means an aircraft operation in which the originating point and the point of destination are in the territory of the Republic of Macedonia;

66. **Carriage in international air traffic** 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. **Accepted standards and recommended practices** means standards and recommended practices being part of the national aviation regulations of the Republic of Macedonia;

68. **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. **Scheduled air service** means a series of flights possessing all the following characteristics:

- a) On each flight seats and/or capacity to transport cargo and/or mail are available for individual purchase by the public (either directly from the air carrier or from its authorized agents); and
- b) It is operated so as to serve traffic between the same two or more airports, either:
 - according to a published timetable, or
 - with flights so regular or frequent that they constitute a recognizably systematic series;

70. **Timetable** means established time of take-off/landing of aircraft engaged in scheduled public air services;

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

70-b. **Self-provision of services** shall mean when the airport user directly provides for himself one or more categories of airport services, and concludes no contract of any description with a third party for provision of such services. Among themselves the airport users shall not be deemed third parties where:

- one of them holds a majority holding in the other or
- a single body has a majority holding in each;

71. **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. **Serious incident** means an incident which endangers aircraft safety involving circumstances indicating that an accident nearly occurred;

73. **Vocational education** means a type and degree of education;

74. **Training proficiency** means a level of knowledge and proficiency in performance of specific duties in aviation. other than a degree of vocational education;

74-a **Aviation industry entities** shall be operators of aircrafts, aviation training centres, airport and airfield operators, airport services providers, air navigation services providers, organisations for aircraft design, construction or maintenance as well as other entities engaged with certain aviation activities specified under this Act;

75. **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. **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;
78. **Maintenance Control Manual - MCM & Maintenance Management Exposition Manual - MMEM** is a manual containing procedures, instructions and management of the aviation technical personnel while executing their duties and responsibilities;
79. **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. **Air navigation services – ANS** means services provided within the flight information region and shall cover the following:
- a) Air Traffic Management which includes:
 - Air Traffic Services;
 - o Air Traffic Control;
 - o Flight Information Service;
 - o Alerting Service.
 - Air Traffic Flow Management,
 - Airspace Management
 - b) Aeronautical Information Service;
 - c) Meteorological Services, and
 - d) installation, maintenance, inspection and monitoring of the technical facilities, devices and equipment for provision of air navigation services (CNS Services);
81. **Civil aviation** means any traffic performed by a civil aircraft with an exemption of traffic performed by the state aircraft referred in Article 3 of the Chicago Convention on civil aviation.
82. **ECIP** means the European Convergence Implementation Plan, and
83. **Airport infrastructure** means runways, taxiways, aprons, vertical signalization installations and terminal building with associated facilities and installations..

CHAPTER TWO

COMMON PROVISIONS 1. COMPETENT AUTHORITIES

Article 5

- (1) For regulating and governing the activities in the field of civil aviation specified under this Act, the following authorities shall be competent:
- The Ministry of Transport and Communications, and
 - The Civil Aviation Agency.
- (2) For regulating and governing the activities prescribed by this Act for state aircraft the following entities are competent:
- The Ministry of Defence for military aircraft,
 - The Ministry of Interior for police aircraft and
 - The Ministry of Finance for customs aircraft.
- (3) For conducting a technical investigation of aviation accidents and serious incidents in the sense of this Act Government of the Republic of Macedonia shall establish a Committee for Investigation of Aviation Accidents and Serious Incidents as an independent investigation body.

Article 6

The Ministry of Transport and Communications shall be competent for the activities in the field of aviation, that is:

- a) To prepare the National development strategy for aviation;
- b) To implement 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 granting concessions in the field of aviation;

- d) To propose Acts in the field of aviation and draft and enact bylaws provided by this Act;
- e) To conduct proceedings on sequestrate of concession on provisionally basis (receivership);
- g) to perform other duties specified under the regulations in the field of aviation

Article 7

- (1) For performing the 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").
- (2) The Agency shall be an independent regulatory body with public authorisations specified under this Act.
- (3) The Agency while performing its activities and decisions making within its competencies shall be completely politically, financially and functionally independent from other state body or public legal entity, as well as from industrial entities performing activities in the field of the aviation and shall be impartial to them.
- (4) The Agency shall become a legal entity after its registration in the Central Registry of the Republic of Macedonia.
- (5) The Agency is located in Skopje.
- (6) The Agency has a Statute which regulates the issues relevant for organisation of the work of the Agency.
- (7) The Agency has its own emblem/logo established by the Statute.
- (8) For the purpose of completion of certain activities in framework of its competences, the Agency may engage other domestic or foreign legal entities or natural persons always taking into consideration potential conflict of interests.

Article 7-a

- (1) The Agency's operation is a public one.
- (2) The Agency is responsible for its operations in front of the Assembly of the Republic of Macedonia.

Article 7-b

The Agency shall cover the following competencies:

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

Article 7-c

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

Article 8

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

Article 9

- (1) The Management Board consists of three members, one of which is the Management Board President.
- (2) The Management Board's operations are managed by the Management Board President.
- (3) The President and the members of the Management Board are appointed by the Assembly of the Republic of Macedonia, upon a proposal of the Committee for Election and Appointment Issues of the Assembly of the Republic of Macedonia, with a four years mandate, and possibility for one more mandate.
- (4) For the position President and members of the Management Board, persons can be nominated with completed faculty education in the field of technical, legal or economy sciences, with working experience of more than five years in the in the area of aviation and active knowledge of English language.
- (5) As President and member of the Management Board, persons can be nominated who are employed in other legal entities, provided that it shall not cause conflict of interests in accordance with an Act.
- (6) The President and the members of the Management Board are appointed not later than 60 days before the expiry of the mandate of their predecessors.
- (7) Throughout the mandate duration, the President and the members of the Management Board cannot be: delegates in the Assembly of the Republic of Macedonia, members of the Government of the Republic of Macedonia, persons performing duties in the bodies and entities of the political parties, members in management and supervisory boards of public enterprises or joint stock companies or members of other types of associations of legal and natural entities that could result into conflict of interests.
- (8) The President, a member of the Management Board, persons in matrimony or an matrimony union with the President or member of the Management Board, as well as close relatives in first line until second generation, are prohibited to have shares, or deposits directly or indirectly in the organization which performs activities in relation to the responsibilities of the Agency.
- (9) For the position President and members of the Management Board, persons cannot be nominated who have been convicted with a executive court sentence for criminal act with penalty – prison with duration of more than six months or sentence prohibiting the performing the profession, activity or duty for the duration of the sentence or prohibition.
- (10) If the appointment procedure is not completed before the expiry of the mandate of the President and the members of the Management Board, whose term has expired, the President and the members of the Management Board shall continue performing their function for a period not longer than six months.
- (11) The President of the Management Board is entitled to a monthly allowance in the amount of 50% of the average net monthly salary in the economy in the Republic of Macedonia and the members of the Management Board are entitled to a monthly allowance in amount of 40% of the average net monthly salary in the economy in the Republic of Macedonia.
- (12) The monthly allowance funds and the funds for other costs of the President and the members of the Management Board are provided from the Agency budget,, defined with the annual financial plan.

Article 9-a

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

Article 9-b

The Management Board of the Agency has the following responsibilities:

- enacts Statute and other acts of the Agency;
- adopts the draft and enacts the annual program of activities and development;

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

Article 9-c

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

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

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

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

Article 9-d

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

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

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

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

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

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

(7) The Director General of the Agency cannot be a person convicted with an effective court conviction for a criminal act to serve prison sentence for a period of more than six months or

conviction for prohibition of performing the professional activities or obligations on the day of sentencing the conviction for the duration of the sentence or the conviction.

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

Article 9-e

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

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

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

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

(4) The Director General can submit a resignation in written form to the Management Board.

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

Article 9-f

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

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

Article 10

Against the decisions of Director General of the Agency made in a first instance administrative procedure, unsatisfied party is entitled to a court protection by the Administrative court within a period of 30 days from the day when the decision was received.

Article 11

- (1) The Director General shall make decision on rights, duties and liabilities of the Agency's employees.
- (2) The Director General shall ensure an equitable and appropriate representation of all nationalities from Republic of Macedonia.
- (3) The provisions of the Law on Labour Relations and this Act shall apply to the employees of the Agency.

Article 12

- (1) The Agency shall be financed by:
 - a portion of the resources collected on basis of use of air navigation services provided within the Macedonian airspace;
 - charge for issuing, extending, renewing and modifying certificates, licences, approvals/permissions, consents and other provided for in this Act or bylaws adopted on the basis of this Act;
 - charge for aircraft checks;
 - charge for proficiency check of the aviation and other qualified personnel;
 - a portion from the charges for use of runway and taxiway, that is, for take-off and landing and lighting; and
 - donations, loans and other financial and technical support, and other charges established under this Act and regulations enacted thereunder.
- (2) The amount of the portion of the charge referred to in indent 1, paragraph (1), of this Article shall be determined on the basis of the approved annual financial plan with the Agency's cost of operation, depending on the administrative costs and costs for safety and continuing supervision of air navigation services provision, in a manner stipulated in accordance with paragraph (4) Article 56 of this Act.
- (3) The amount of the portion of the charge referred to in indent 5, paragraph (1) of this Article shall be 2% from the charge for use of runway and taxiway, that is, for take-off and landing and lighting collected by the airport's operator and paid every month to the Agency's account.
- (4) Charge level for obtaining approvals/permissions and consents referred to in indent 2, paragraph (1) of this Article shall be prescribed by the Management Board of the Agency with pricelist, depending on actual administrative and supervisory costs
- (5) 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

- (1) The Agency shall submit the draft annual program for activities and development and draft annual financial plan for consent to the Assembly of the Republic of Macedonia by the end of December each year.
- (2) The Management Board enacts the annual program for activities and development and the annual financial plan referred to in paragraph (1) of this Article by the end of January each year upon a previous consent by the Assembly of the Republic of Macedonia.
- (3) The Management Board of the Agency enacts the annual financial report with the final account and the report for implementation of the annual program for activities and development of the Agency for previous year by the end of March each year and submits them to the Assembly of the Republic of Macedonia.
- (4) The annual financial plan contains data on the revenues and expenditures of the functioning of the Agency.
- (5) The annual financial report contains final account as well as an audit report of the previous year.
- (6) The audit is conducted by external independent auditor, selected pursue to the Law on Public Procurement.

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

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

- (1) For air traffic operation an aircraft meeting all requirements prescribed by this Act and regulations enacted thereunder may be used.
- (2) 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.
- (3) The rules and procedures in respect of the aircraft flying shall be prescribed by the Director General of the Agency.
- (4) The rules and procedures regarding the state aircraft operational flights 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

- (1) 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 agreement between the aeronautical authorities, transfer to that State all or part of its functions and duties of the Agency pertaining to Articles 12, 30, 31 and 32-a of the Chicago Convention. In such case, the Republic of Macedonia shall, as a State of Registry, discharge itself from its obligation in respect of the transferred responsibilities.
- (2) 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 agreement between the aeronautical authorities, transfer to the Republic of Macedonia all or part of the functions and duties of the aeronautical authorities of that country resulting from Articles 12, 30, 31 and 32-a of the Chicago Convention. In such case, the State of Registry of that aircraft shall discharge itself from its obligation in respect of the transferred responsibilities.
- (3) The functions and duties to be transferred pursuant to Article 83-bis of the Chicago Convention shall be precisely specified in the agreement referred to in paragraphs (1) and (2) of this Article.

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

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

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

(7) Certified copies of the concluded agreement for transfer and airline's Air Operator Certificate (AOC) shall be carried in the aircraft being the subject of an agreement for the lease, charter or any similar agreement.

Article 17

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

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

Article 18

(1) Air traffic operation may be permanently or provisionally prohibited over a defined area previously declared as a prohibited, restricted or danger area.

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

(3) The prohibited or restricted or danger areas shall be published according to air traffic standard procedure.

(4) 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 return the aircraft to the flight path specified in the approved flight plan.

(5) 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.

(6) The procedures for returning and forced landing of the aircraft mentioned in paragraphs (4) and (5) of this Article shall be prescribed by the Government of the Republic of Macedonia.

(7) Air traffic operation over cities and other inhabited places and industrial objects under the prescribed flight level shall be prohibited.

(8) The flight level mentioned in paragraph (7) of this Article shall be prescribed with the rules and procedures in respect of the aircraft operation in accordance with Article 15 of this Act

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

(10) Notwithstanding the provision of paragraph (7) of this Article, the air traffic 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.

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

Article 19

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

(2) 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.

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

- (1) Anti-hail rockets may be launched only on the ground of permission granted by the competent air traffic control.
- (2) 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

- (1) The Agency or air navigation services provider shall, at request of the Ministry of Defence, be obliged to prohibit or restrict operations 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.
- (2) 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

- (1) 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 order and peace and certain flights operated by customs aircraft shall be deemed as flights of special importance for the security of the Republic of Macedonia.
- (2) 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

- (1) In principle an aircraft shall enter the Macedonian airspace, i.e. shall exit there from at a boundary point, taking into consideration the purpose of efficient and flexible use of the airspace.
- (2) The boundary points shall be approved by the Agency at proposal of the air navigation service provider, in accordance with the established plan of EUROCONTROL and ICAO, taking into account the goal of efficient and flexible use of airspace.
- (3) Notwithstanding the provision of paragraph (1) of this Article in case of danger or unfavourable weather conditions, humanitarian activities, activities to protect people and material assets due to fire, hail etc. and for efficiency of air traffic operations, the competent air traffic control may grant a permission for entry/exit beyond boundary point as well as make and approve a change of the flight route of an aircraft.
- (4) The competent air traffic control shall be obliged, in case of an entry/exit of aircraft without request and permission to operate, to notify, without any delay, the Ministry of Defence and the Ministry of Internal Affairs.

Article 26

- (1) A foreign aircraft may operate within the Macedonian airspace only with a prior flight permission, unless otherwise specified under an international agreement ratified by the Republic of Macedonia.
- (2) For civil foreign aircrafts entering the territory of the Republic of Macedonia with the purpose of landing, the permission referred to in paragraph (1) of this Article shall be issued by the

Agency, and for civil foreign aircrafts entering the territory of the Republic of Macedonia with the purpose of over flight, the permission shall issued by the air navigation service provider

(3) 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, upon previous consent by the Ministry of Defence.

(4) The method, procedure and special requirements for granting flight permission shall be prescribed by Government of the Republic of Macedonia.

Article 27

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

(2) A foreign state aircraft not engaged in state purposes and with a flight permission 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

(1) 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 .

(2) In respect of take-off and landing of foreign aircraft at an airport or airfield not open for international air traffic specified in paragraph (1) of this Article, such foreign aircraft must have a special permission granted by the Agency after prior opinion obtained by the Ministry of Defence, Ministry of Finance – Customs Administration and the Ministry of Internal Affairs, unless otherwise stipulated by international agreement which was ratified by the Republic of Macedonia.

(3) 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, 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

(1) 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.

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

II REQUIREMENTS FOR AIR TRAFFIC OPERATION

1. AIR SERVICES

Article 30

The carriage by air in domestic and international air traffic may be carried out as a public air services and air services 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

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

Article 33

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

(2) To the airline satisfying the requirements from paragraph (1) of this Article, the Agency shall issue or renew the Operating Licence and the Air Operator Certificate - AOC, for which a decision is made.

(3) The Agency shall not issue or renew the Operating Licence and the Air Operator Certificate - AOC or allow it to be valid in case the requirements referred to in paragraph (1) of this Article have not been met, for which a decision is made.

(4) To the airline which ceases to satisfy the requirements referred to in paragraph (1) of this Article, the Agency will suspend the Operating Licence and the Air Operator Certificate - AOC for a period which cannot be longer than 60 days. If the airline does not meet the requirements within the specified period, the Agency shall revoke the Operating Licence and the Air Operator Certificate - AOC, for which a decision is made.

(5) The form, the contents, keeping of data and the procedure of issuing, renewing and modifying the certificates referred to in paragraph (2) of this Article shall be prescribed by the Agency.

Article 34

(1) 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.

(2) 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 non-scheduled air services agreement binding to the Republic of Macedonia or according to the conditions from the permission issued on the basis of Article 26 of this Act.

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

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

Article 35 is deleted

Article 36 is deleted

Article 37

(1) An airline shall be obliged to perform the air services regularly and orderly

(2) The airport operator (ground handling services, security service, service for maintenance of manoeuvring areas, aprons, buildings, installations and equipment, medical services and fire fighting service), legal entity supplying aircraft with fuel, internal affairs and customs services, the competent air traffic control, meteorological services shall be obliged to perform their duties in a way to ensure regular and orderly air traffic services operation.

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

Article 38

- (1) The Director General of the Agency shall prescribed the rules for the implementation of the list of airlines being subject to operation a ban in accordance with EU Regulation 2111/2005 and shall published the list of airlines being subject to operating ban.
- (2) In order to achieve an advancement of the Safety Management System and achievement of acceptable level of safety in the air traffic the Agency shall established National Aviation Safety Programme upon previous consent by the Government of the Republic of Macedonia.
- (3) Airlines, aerodrome operators, providers of the air navigation services and aircraft maintenance organizations are obliged to establish and to maintain Safety Management System in accordance with National Aviation Safety Programme.

Article 39 is deleted

Article 40 is deleted

Article 41 is deleted

1.2 REQUIREMENTS FOR AIR SERVICES FOR OWN USE

Article 42

- (1) A legal entity or physical person may perform carriage of persons and things by an aircraft for its own use provided that it has aircraft, equipment, and satisfies the other special requirements necessary for safe and regular operation prescribed by the Agency.
- (2) A legal entity or physical person referred to in paragraph (1) of this Article that satisfies the requirements to operate such type of air services shall be granted an operating certificate by the Agency.
- (3) 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.
- (4) The operating certificate of a legal and/or physical entity which has ceased to meet the requirements referred to in paragraph (1) of this Article shall be suspended by the Agency for a period not exceeding 60 days. If the legal and/or physical entity has failed to meet the requirements in the specified period, the Agency shall revoke its operating certificate, for which a decision is made
- (5) The form, contents, keeping data and procedure of issuance, renewal, revalidation and modification of the operating certificate referred to in paragraph (2) of this Article shall be prescribed by the Director General of the Agency.
- (6) The way of performing the air services for own use, as well as the special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation shall be prescribed by the Agency

2. AERIAL WORKS

Article 43

- (1) A legal entity or physical person may operate aerial works, other than carriage of persons and things by air, provided that it has aircraft, equipment, and satisfies the other special requirements necessary for safe and regular operation prescribed by the Agency.
- (2) The legal entity or physical person satisfying the requirements to operate certain aerial works activity shall be granted an operating certificate by the Agency.
- (3) 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.
- (4) The operating certificate of a legal and/or physical entity which has ceased to meet the requirements referred to in paragraph (1) of this Article shall be suspended by the Agency for a

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

(5) The form, contents, keeping data and procedure for issuance, renewal revalidation and modification of the certificate mentioned in paragraph (2) of this Article shall be prescribed by the Director General of the Agency.

(6) The way of performing the operation of aerial works, as well as the special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation shall be prescribed by the Agency

3. SPORTS FLIGHTS

Article 44

(1) Legal entity may organize sports flights provided that it has aircraft, equipment, and satisfies the other special requirements necessary for safe and regular operation prescribed by the Agency.

(2) 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.

(3) 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.

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

(5) The form, contents, data keeping and procedure for issuance, renewal, revalidation and modification of the certificate mentioned in paragraph (2) of this Article shall be prescribed by the Director General of the Agency.

(6) The way of organising the sports flights, as well as the special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation shall be prescribed by the Agency

(7) The way of performing 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.

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

4. SPECIAL AVIATION ACTIVITIES

Article 45

(1) The Ministry of Defence and the Ministry of Interior are organizing and performing special aviation activities.

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

5. CHARGES

Article 46

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

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

6. AIR SHOWS

Article 47

- (1) 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.
- (2) 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. AIRCRAFT CERTIFICATES/LICENCES, BOOKS AND OTHER DOCUMENTS

Article 48

- (1) An aircraft engaged in air traffic operation shall be required to carry on board the aircraft, during the flight, the certificates/licences, books and other documents prescribed by this Act and regulations enacted on the basis of this Act.
- (2) The certificates/licences, books and other document of the aircraft shall provide an evidence of aircraft identity, airworthiness and other aircraft performances.

Article 49

- (1) An aircraft, excluding the balloons and aircraft other than ICAO standard aircraft, while operating the air traffic operations, 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. Flight Crew License; and
 5. Aircraft Journey Log;
- (2) 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 stipulated by the bylaws referred to in Article 33 paragraph (1) and Article 42 paragraph (6) of this Act

Article 50

- (1) The certificates/licences specified in Article 49 of this Act issued by the Agency shall be done in Macedonian and English languages.
- (2) The books and other documents of aircraft of domestic airlines 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

- (1) Any documents concerning the airworthiness and any licenses issued or verified by a Contracting State of ICAO being the State of Registry of the aircraft shall be rendered valid by the Republic of Macedonia according to Article 33 of the Chicago Convention, provided that the requirements under which such documents and licenses have been issued or verified are equal or stronger than the minimum standards established according to the Chicago Convention.
- (2) In relation to Article 33 of the Chicago Convention, if a Contracting State of ICAO in which an aircraft has been registered transfers its responsibilities for issuance or validation of documents referred to in paragraph (1) of this Article to the State of operator of the aircraft according to Article 83-bis of the Chicago Convention, the Republic of Macedonia shall also recognize the validity of the documents referred to in paragraph (1) of this Article issued by the State of operator of the aircraft additionally to those documents issued by the State of Registry of the aircraft provided that the Republic of Macedonia has been formally notified about the agreement for transfer of responsibilities made according to Article 83-bis of the Chicago Convention.

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

III AIR NAVIGATION SERVICES

1. GENERAL PROVISIONS

Article 53

- (1) Air navigation services shall be provided within the flight information region to ensure safe, regular and efficient air traffic operation.
- (2) The air navigation services shall be provided on exclusive basis by the air navigation service provider established in accordance with Article 60 of this Act, which should be designated by the Government of the Republic of Macedonia and which should hold a certificate for competency to provide air navigation services issued by the Agency. The designation by the Government of the Republic of Macedonia of the air navigation service provider established in accordance with Article 60 of this Act, shall also apply in case of established functional airspace block, and for possible designation of other air navigation services providers, decision shall be made with the international agreement on establishing functional airspace blocks.
- (3) For the purpose to be granted certificate for competency to provide air navigation services, the services provider shall have the required personnel, equipment, and meet the other special requirements necessary for safe and regular operation.
- (4) The Agency shall grant certificate for competency to provide air navigation services with validity period of two years.
- (5) The form, content and procedure for issuance, renewal, revalidation, modification and suspension of an certificate for competency shall be prescribed by the Agency.
- (6) Management Board of the Agency with an pricelist, depending on actual administrative and supervisory costs shall establish the level of the charge for issuance, renewal, revalidation and modification of the certificate referred to in paragraph (2) of this Article.
- (7) The way for provision of air navigation services as well as the special requirements in respect of required personnel, equipment and other special requirements necessary for safe and regular provision shall be prescribed by the Government of the Republic of Macedonia.
- (8) The way of provision of the required air navigation services for state aircraft shall be regulated by a cooperation agreement between the Air Navigation Services Provider and the competent Ministries.

Article 54 is deleted

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

- (1) A charge for the use of air navigation services provided within the Macedonian airspace shall be paid by the operator of the aircraft consisting of charge intended for financing the costs for over flight services (En-Route Charges) and charge intended for financing the costs for terminal services.
- (2) The charge intended for financing the costs for over flight services (En-Route Charges) referred to in paragraph (1) of this Article shall be collected by EUROCONTROL and shall transfer it to the Agency and to the air navigation service provider on the basis of previously concluded agreement.

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

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

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

Article 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

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

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

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

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

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

Article 59

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

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

(3) Data in respect of technical facilities, equipment, devices and objects for provision of air navigation services shall be published according to air traffic standard procedure. The failure or stoppage of certain technical facility, equipment or device used for provision of air navigation services shall be, without any delay, published according to air traffic standard procedure and the reasons thereof shall be eliminated as soon as possible.

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

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

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

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

Article 59-a

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

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

Article 59-b

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

2. AIR NAVIGATION SERVICES PROVIDER

Article 60

(1) 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.

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

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

Article 60-a

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

1. Provision of air navigation services (ANS) covering the following:

1.1) ATM services (Air Traffic Management) which includes:

a) Air Traffic Services, that is;

- Air Traffic Control, services provided to an aircraft through clearances and instructions granted by the competent air traffic control to ensure safe, regular and smooth flow of air services operation;

- Flight Information Service, services provided by publication of information useful for safe conduct of flight; and

-ALRT – Alerting Service services provided in need of search and rescue aid through notification and coordination of the competent entities;

b) Air Traffic Flow Management, services provided to ensure maximum utilization of the capacity of the air traffic control and volume of air services operation, and

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

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

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

1.4) Installation, maintenance, inspection and monitoring of technical facilities, devices and equipment intended for provision of air navigation services which means preventive and corrective maintenance, setting, calibration, monitoring, supervision, management, appointing and introduction to operation, as well as development and modification of procedures and instruction for operating and maintaining the operative technical means in a condition enabling safe and regular air traffic (CNS Services),

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

(3) preparing and regular updating of the Aeronautical Information Publication; and

(4) Training of ANS personnel.

Article 60-b

The air navigation service provider shall be financed by:

- the portion of the charge collected on the basis of provision of aviation navigation services whose level is determined by the cost of operation of the aviation navigation service provider in a way prescribed in accordance with Article 56 paragraph (4) of this Act
- charges on ANS personnel training, and
- taxes, loans, credits and other financial and technical support.

Article 60-c

- (1) Air navigation services provider shall administer the technical facilities, equipment, devices and objects for provision of air navigation services as well as with lands related thereto.
- (2) Air navigation services provider shall insure the technical facilities, equipment, devices and objects for provision of air navigation services against damage or destruction thereof.

Article 60-d

- (1) Air navigation services provider shall develop and enact a programme on provision of air navigation services covering human resources development, technical and technological compliance of the technical facilities, equipment, devices and objects intended for provision of air navigation services in accordance with the international standards, revenues level, in order to ensure safe, regular and smooth air traffic operations.
- (2) The Programme referred to in paragraph (1) of this Article with the annual financial plan containing data on designed revenues and expenditures for the next year, audit and financial report of the previous year, as well as the anticipated capital and operational expenditures for the next year, made during the current year, shall be approved by the Government of the Republic of Macedonia.
- (3) The air navigation services provider shall, once in a year, submit to the Government of the Republic of Macedonia a report on business results/achievements.

Article 60-e

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

Article 60-f

- (1) Personnel in charge with provision of air navigation services, during a strike, must ensure safe air traffic operations in accordance with this Act and regulations governing strikes and the Collective Agreement.
- (2) The personnel referred to in paragraph (1) of this Article shall, during a strike, ensure the following:
 - operation of aircraft engaged in search and rescue mission;
 - operation of aircraft engaged in humanitarian missions;
 - operation of state aircraft and operational flights of security character.

CHAPTER FOUR

AERODROMES, AIRFIELDS AND TERRAINS (LANDING STRIPS) I GENERAL PROVISIONS

Article 61

- (1) Any aerodrome and airfield may be used for air traffic 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.

(2) 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

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

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

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

(3) 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

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

(2) The agreement referred to in paragraph (1) of this Article shall define the parts 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

For each aerodrome, the Agency shall establish and publish procedures and requirements for safe take off and landing of aircraft 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.

II CONSTRUCTION, MAINTENANCE AND USE OF AERODROME/AIRFIELD INFRASTRUCTURE

Article 67

(1) 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.

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

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

Article 68

(1) 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 a consent on conditions for construction in respect of the aviation safety relating to the respective location.

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

(3) Commissions on technical checks 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

(1) 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.

(2) 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

(1) The airlines, passengers and suppliers of airport services 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 (airport tax) .

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

(3) The level of charge referred to in paragraph (2) of this Article in respect of usage of airport infrastructure shall be established by the airport operator, depending of the cost for maintenance and usage of airport infrastructure and approved by the Government of the Republic of Macedonia.

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

- of domestic state aircraft and aircraft owned by the Government of the Republic of Macedonia;
- of aircraft engaged in humanitarian missions;
- of aircraft engaged in sports activities;
- of aircraft engaged in training of domestic aviation personnel;
- of aircraft engaged in search and rescue operation, and
- for calibration and testing of air navigation aids and devices
- in cases specified by the international agreements or documents accepted by the Republic of Macedonia.

Article 71

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

(2) 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 opening time of the airport.

Article 71-a

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

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

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

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

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

Article 72

- (1) 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, or evidence on terrain (landing strips).
- (2) 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.
- (3) The form, contents and procedure for record keeping in the Aerodrome and Airfield Register and evidence on terrain (landing strips) shall be prescribed by the Director General of the Agency.
- (4) 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.
- (5) A terrain (landing strip) failing to satisfy the requirements for safe use shall be deleted from the evidence on terrain (landing strip).

Article 73

- (1) 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 operator thereof.
- (2) 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.
- (3) The Agency shall suspend the certificate of an aerodrome or airfield that has ceased to satisfy the requirements referred to in paragraph (1) of this Article, for a period not exceeding 60 days. If an aerodrome or airfield has failed to satisfy the requirements within the specified period, the Agency shall revoke the certificate, for which a decision is made.
- (4) The form, contents, keeping data and procedure of issuance, renewal, revalidation, modification and transfer of the certificate referred to in paragraph (1) of this Article shall be prescribed by the Director General of the Agency.
- (5) An administrative charge in the amount specified by the Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs shall be paid for issuance, renewal, modification, revalidation or transfer of the certificate referred to in paragraph (1) of this Article.

Article 74

- (1) 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.
- (2) For any planned work of larger scope, which may result with closure of parts of an aerodrome or limitation to use the manoeuvring areas, a notification about it shall be submitted at least 7 days before the day of beginning of works.
- (3) 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

- (1) The manoeuvring areas, aprons and other areas of an aerodrome or airfield designated for aircraft movements on ground must be distinctively marked.
- (2) The way of marking the areas mentioned in paragraph (1) of this Article shall be prescribed by the Director General of the Agency.

Article 76

- (1) 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 way prescribed by this Act or other act.
- (2) The land within the aerodrome and airfield zone as well as the land in the vicinity thereof shall be cultivated and used in a way prescribed by this Act or other act.

(3) The conditions for locating, construction and marking of objects referred to in paragraph (1) of this Article and the requirements and the way of 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

(1) 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.

(2) 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

(1) The manoeuvring areas, aprons, buildings, installations, devices and equipment of an aerodrome shall be used, maintained and controlled by the operator in a way prescribed by the Agency.

(2) At a military aerodrome and military portion of a combined aerodrome, the manoeuvring areas, aprons, buildings, installations and equipment thereof shall be maintained and controlled according to the procedure prescribed by the Minister of Defence.

Article 80

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

III AIRPORTS SERVICES

Article 81

(1) Airport services shall be provided by trade companies.

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

(3) The charge referred to in paragraph (2) of this Article shall be revenue for the suppliers of the airport services.

(4) The level of the charge referred to in paragraph (2) of this Article shall be established by the suppliers of the airport services..

Article 82

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

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

- (3) The airport operator may grant the performance of airport services regarding ground handling for aircrafts, passengers, baggage, freight and mail and fuel and oil supply to the aircraft to another legal entity, with a contract, under conditions and in a way stipulated in Article 82-g of this Act.
- (4) Supply with fuel and oil of jet and piston engine aircraft shall be provided at an airport in accordance with the applicable quality standard.
- (5) An airport supply of fuel and oil should be at least for a period of three days, depending on the intended scope of air traffic at that airport.
- (6) In case of force majeure or other emergency event, the legal entity supplying an aircraft with fuel and oil 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.

Article 82-a

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

Article 82-b

- (1) The provisions of the Council Directive 96/67/EC shall apply to all airports located in the territory of the Republic of Macedonia and are open for public air services, in the following cases:
 - (a) The provisions from Article 82-d paragraph (1) of this Act, referring to the categories of airport services not covered with Article 82-d paragraph (2) of this Act shall apply to any airport regardless of its volume of traffic;
 - (b) The provisions relating to the categories of airport services listed in Article 82-d paragraph (2) of this Act shall apply to airports whose annual traffic is not less than 1 million passengers or 25,000 tonnes of freight. and
 - (c) The provisions relating to the categories of airport services listed in Article 82-c of this Act shall apply to airports:
 - with annual traffic not less than 3 million passengers or 75,000 tonnes of freight or
 - with annual traffic which has been not less than 2 million passengers or 50,000 tonnes of freight during the six months period prior to 1st April or 1st October of the preceding year.
- (2) The provisions of the Council Directive 96/67/EC shall apply to all airports located in the territory of the Republic of Macedonia and are open to public air services whose annual traffic is not less than 2 million passengers or 50,000 tonnes of freight.
- (3) If the airport reached one of the freight traffic thresholds referred to in this Article, without reaching the corresponding passenger movement threshold, in such a case the provisions of the Council Directive 96/67/EC shall not apply to the categories of airport services referring exclusively to passengers.
- (4) The Ministry of Transport and Communications every year before 1st July shall submit to the European Commission data on the airports on the territory of the Republic of Macedonia, which will reach certain thresholds of traffic referred to in this Article.

Article 82-c

- (1) The Ministry of Transport and Communications shall ensure free access by suppliers of airport services to the market of airport services of third parties. The suppliers of airport services need to be established in a member-state of the ECAA, in accordance with the provisions of Article 82-b of this Act.
- (2) The supplying of airport services may be limited to at least two authorised airport services suppliers for each of the listed categories of airport services:
 - ground handling of baggage;
 - ground handling of aircrafts on the apron;
 - supply with fuel and oil and
 - ground handling of freight and mail, related to their physical handling whether incoming, outgoing or transfer between the freight terminal and the aircraft.

(3) The number of authorised suppliers of airport services referred to in paragraph (2) of this Article may not be limited to fewer than two for each category of airport services.

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

- the airport operator;
- any airport user who has carried more than 25% of the passengers or freight recorded at that airport in the year preceding the year in which the suppliers of airport services were selected and
- body controlling or controlled directly or indirectly by the airport operator or any other airport user.

(5) In case of restricting the number of authorised suppliers of airport services in accordance with paragraphs (2) and (3) of this Article, no airport user may be prevented, whatever part of the airport is allocated to him, from having the possibility of choice between at least two suppliers of airport services in respect of each category of airport services subject to restriction, under the conditions laid down in paragraphs (2), (3) and (4) of this Article.

Article 82-d

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

(2) As an exception of paragraph (1) of this Article, the self handle may be performed by at least two airport users, under the condition they were chosen on the basis of relevant, objective, transparent and non-discriminating criteria for the following categories of airport services:

- ground handling of baggage;
- ground handling of aircrafts on the apron;
- supply with fuel and oil and
- ground handling of freight and mail, related to their physical handling whether incoming, outgoing or transfer between the freight terminal and the aircraft..

Article 82-e

(1) The airport operator shall manage the centralised infrastructure used for supply of airport services, whose complexity, costs or environment impact do not allow division or duplication of systems for baggage sorting, de-icing, water purification and fuel distribution.

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

(3) The management of the centralised infrastructure should be transparent, objective and non-discriminatory and should not hinder the access of suppliers of airport services and airport users that supply themselves within the limits provided for in the Council Directive 96/67/EC.

Article 82-f

(1) If at an airport, specific constrains of available space or capacity, arising in particular from congestion and area utilization rate make it impossible to open up the market and/or implement the self provision of services, to the degree provided for in the Council Directive 96/67/EC, the Ministry of Transport and Communications after previous opinion from the Agency may:

- in accordance with Article 82-c paragraphs (2), (3) and (4) of this Act to limit the number of suppliers for one or more categories of airport services which are not listed in Article 82-c paragraphs (2) and (3) of this Act in all or part of the airport;
- to approve to a single supplier of airport services the provision of one or more airport services listed in Article 82-c paragraphs (2) and (3) of this Act;
- to approve self provision of services to a limited number of airport users for categories of airport services which are not listed in Article 82-d paragraph (2) of this Act, under the condition that those users are chosen on the basis of relevant, objective, transparent and non-discriminating criteria and

- ban or restrict self provision of services to a single airport user for categories of airport services listed in Article 82-d paragraph (2) of this Act.
- (2) All exceptions decided pursuant to paragraph (1) of this Article must:
- specify the category or categories of airport services for which the exception is granted and the specific constrains of available space or capacity which justify it and
 - be accompanied by a plan of appropriate measures to overcome the constrains.
- (3) The exceptions from paragraph (1) of this Article must not:
- unduly prejudice the aims of the Council Directive 96/67/EC;
 - give rise to distortions of competition between suppliers of airport services and/or airport users that supply themselves and
 - be extended further than necessary.
- (4) The exceptions referred to in paragraph (1) indents 1, 3 and 4 of this Article may not exceed a duration of three years. The Ministry of Transport and Communications must take a new decision on any request for exception, which will also be subject to the procedure stipulated in this Article, not later than three months before the end of that period.
- (5) The exception from paragraph (1) indent 2 may not exceed a duration of two years, but the Ministry of Transport and Communications, on the basis of the provisions referred to in paragraph (1) of this Article, may approve the extension of this period for a single period of two years.

Article 82-g

- (1) The airport operator shall organise and implement selection procedure for suppliers of airport services authorised to provide airport services at an airport if their number is limited in the cases provided for in Article 82-c paragraphs (2) and (3) or Article 82-f of this Act.
- (2) The selection procedure must comply with the following principles:
- a) in cases when the suppliers of airport services need to meet the appropriate standard conditions and technical specifications, then such conditions and specifications shall be established following consultation with the Airport Users Board. The selection criteria laid down in the standard conditions or technical specifications must be relevant, objective, transparent and non-discriminating;
 - b) the suppliers of airport services shall be chosen:
 - following consultation with the Airport Users Board by the airport operator, under the condition that the airport operator:
 1. does not provide similar airport services;
 2. has no direct or indirect control over any provider which provides such services and
 3. has no involvement in any such providers,
 - in all other cases, by the Ministry of Transport and Communications after previous consultation with the Airport Users Board and the airport operator.
 - c) the suppliers of airport services shall be selected for a maximum period of seven years;
 - d) if the supplier of airport services seases his activities before the end of the period for which he was selected, a new supplier of airport services provider shall be selected on the basis of the same procedure.
- (3) If the number of suppliers of airport services is limited in accordance with Article 82-c paragraphs (2) and (3) or Article 82-f of this Act, the airport operator may itself provide airport services without being subject to the selection procedure laid down in paragraph (2) of this Article. The airport operator, may without applying the procedure stipulated in this Article, authorise another undertaking to provide airport services at that airport under the condition that:
- the airport operator has direct or indirect control over that undertaking or
 - the undertaking has direct or indirect control over the airport operator.
- (4) The airport operator within a period of three days from adopting the selection decision shall inform the Airport Users Board on the result of the selection procedure.

Article 82-h

- (1) The supplier of airport services and the self service provider may start with the services provision upon obtaining the approval from the Agency.

- (2) The approval referred to in paragraph (1) of this Article shall be issued at request of the supplier of airport services or the self service provider, after the selection procedure, if it meets the conditions develop on the basis of Article 82 paragraph (1) of this Act.
- (3) The conditions for issuing the approval must relate to a sound financial situation and sufficient insurance cover, to the security and safety of installations, of aircraft, of equipment and of persons, as well as to environmental protection and compliance with the relevant social legislation.
- (4) The conditions for issuing the approval must comply with the following principles:
- be applied in a non-discriminatory manner to the various suppliers of airport services and airport users;
 - be related to the intended objective and
 - may not, in practice, reduce market access or the freedom to self provision of services to a level below that provided for in the Council Directive 96/67/EC.
- (5) The approval shall be issued for e period not longer than seven years.
- (6) The Agency shall revoke the approval referred to in this Article only if the approval holder does not meet the conditions listed in paragraph (2) of this Article, for reasons of his own doing. The grounds for withholding or revoking must be communicated to the supplier of airport services or the self service provider and to the airport operator.
- (7) The Agency on a proposal from the airport operator shall revoke the approval to the supplier of airport services or to the self services provider if that supplier or user fails to comply with the imposed rules for functioning of the airport referred to in Article 82 paragraph (1) of this Act

Article 82-i

(1) The suppliers of airport services and the self services providers must have access to the airport instalations, including the centralized infrastructure to the extent necessary for for them to carry out their activities. The space relevant for providing airport services must be divided among the various suppliers of airport service providers and self services providers, to the extent necessary for the exercise of their rights, as well as to allow fair and effective competition, on the basis of relevant, objective, transparent and non-discriminatory rules and criteria.

(2) The airport operator shall determine a fee for access and use of the infrastructure according to relevant, objective, transparent and non-discriminatory criteria.

Article 82-j

(1) In case where the airport operator, the airport user or supplier of airport services provide airport services, they must have a separate accounts for the fees of their airport services from the accounts of their other activities.

(2) In the annual financial statements of the airport operator must be an indication that there are no financial flows between its activity as airport operator and its activity as supplier of airport services .

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

Article 82-k

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

(2) The Airport Users Board shall adopt work Manual.

Article 82-l

- (1) The Ministry of Transport and Communications, the Agency, the airport operator, the Airport Users Board and the suppliers of airport services referred to Article 82-h of this Act, at least once a year shall organise meetings for consultations regarding the application of the provisions of this Act.
- (2) The consultations should cover to the prices of airport services for which an exceptions have been granted and the organisation of the provision of those services.

Article 82-m

- (1) If the Ministry of Transport and Communications determines that other countries have not legally and actually provided the Macedonian suppliers of airport services and self services providers with:
 - the same treatment that suppliers of airport services and self services providers of those countries have in the Republic of Macedonia;
 - the same treatment received by the suppliers of airport services and self services providers in the countries where they are established (as national) and
 - the same treatment received by the suppliers of airport services and self services providers from third countries,may wholly or partially cease the obligations arising from the Council Directive 96/67/EC.
- (2) The Ministry of Transport and Communications shall notify the European Commission on the type and scope of the decision referred to in paragraph (1) of this Article within 30 days from the day it is adopted.

III-a. SECURITY

Article 83

- (1) Within the perimeter of the aerodrome, only persons executing official duties and in possession of a valid airport identification card and vehicles with a valid airport permit, are permitted.
- (2) The airport identification card and valid vehicle permit referred to in paragraph (1) of this Article shall be issued by:
 - the airport operator upon previous opinion of the Ministry of Interior in accordance with the criteria listed in the National Civil Aviation Security Programme and
 - the Ministry of Defence with respect to the military part of a mixed airport.

Article 84

- (1) The airport operator shall develop an Airport Security Programme in accordance with the provisions of the National Civil Aviation Security Programme. The Airport Security Programme must be approved by the Agency.
- (2) Each domestic airline shall develop an Airline Security Programme in accordance with the provisions of the National Civil Aviation Security Programme. The Airline Security Programme must be approved by the Agency.
- (3) The airport operator and the domestic airlines shall implement the security measures in accordance with the appropriate approved Security Programmes in order to safeguard civil aviation against actions of unlawful interference.
- (4) All physical or legal persons present at the airport must comply with the prescribed security requirements, rules and measures.
- (5) The Government of the Republic of Macedonia shall prescribe the security requirements, rules and manner of protection against actions of unlawful interference.
- (6) At the airports where more than 40 staff members hold airport identification cards giving access to security restricted areas, the critical parts of security restricted areas shall be established.

Article 85

- (1) At each airport, an Airport Security Committee shall be established by the Airport operator.

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

Article 86

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

III-b. FACILITATION

Article 86-a

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

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

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

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

Article 86-b

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

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

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

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

IV. CONCESSIONS AND PUBLIC-PRIVATE PARTNERSHIP AND SELECTION OF SUPPLIERS

Article 87

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

- construction and use of a new aerodrome or airfield;
- reconstruction and use of the existing aerodromes and airfields;
- provision of airport services and
- route for schedule public air services within ECAA that is previously defined by the

Government of the Republic of Macedonia as a route of public interest in accordance with requirements, manner and procedure prescribed with Regulation (EC) no.1008/2008.

Article 88

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

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

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

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

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

(6) Upon the expiry of the period for which the concession or public private partnership is granted, and upon a request by the concessioner or public private partner, the concedent or public private partner may extend the duration of the concession or public private partnership period,

upon previously obtained opinion from the Ministry of Transport and Communication and the Agency, for the success and quality in execution of the relevant activity, with conclusion of a new agreement or amendment of a existing agreement.

Article 89 is deleted

Article 90

The Concession Agreement and the rights and obligations deriving from it, may be transferred in whole or partly upon a prior decision on consent, unless the continuous and qualitative implementation of the concession is endangered.

CHAPTER FIVE

**REGISTRATION, NATIONALITY AND MARKING
OF AIRCRAFT**

I REGISTRATION AND RECORDING OF AIRCRAFT

Article 91

- (1) Any aircraft not being registered or recorded shall be prohibited to operate within the Macedonian airspace.
- (2) Any aircraft registered in the Republic of Macedonia (hereinafter referred to as "Macedonian aircraft") shall bear the Macedonian nationality.
- (3) The Agency shall keep the Aircraft Register of the Republic of Macedonia (hereinafter referred to as "Aircraft Register").

Article 92

- (1) An aircraft shall be registered in the Republic of Macedonia if it has been entered into the Aircraft Register.
- (2) All aircraft in accordance with ICAO standards shall be entered into the Aircraft Register.
- (3) The way of keeping records for aircraft other than ICAO standard aircraft (ultralight aircraft, powered wings and wings for free flight flying), as well as amateur constructed aircraft shall be prescribed by the Director General of the Agency.

Article 93

- (1) 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.
- (2) If a domestic legal entity or national of the Republic of Macedonia leases a foreign aircraft for air traffic operations, such aircraft may be entered on the Aircraft Register, if:
 - it is provided for in the Aircraft Leasing Agreement;
 - the lease agreement is approved by the Agency,
 - comply with the requirements stipulated under Article 95 of this Act and
 - it is a case of a dry lease, that is, the aircraft operations are performed by its own crew.
- (3) 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, but the Agency shall issue only an approval on lease.
- (4) The Director General of the Agency shall prescribe criteria and procedure for approving the lease agreements of an aircraft.
- (5) A Macedonian aircraft leased to a foreign legal entity or physical person for air traffic operations abroad may, at a request of the lessee and with consent of the owner, be entered in a foreign Aircraft Register if it is provided for in the regulations of the State concerned.

Article 94

- (1) Aircraft Register shall consist of a main book and a set of documents.

- (2) The main book shall include a registration list, real rights and ownership deed.
- (3) 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.
- (4) 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 can be registered in the Aircraft Register under the following conditions:

- the aircraft meets all the airworthiness requirements stipulated with this Act and bylaws adopted on the basis of this Act;
- the aircraft operator is a domestic natural person or foreign natural person with regulated stay in the Republic of Macedonia or is a legal entity registered in and with principal place of business in the Republic of Macedonia;
- if the aircraft has already been registered in a foreign aircraft register, there is proof that it has been removed from the foreign aircraft register;
- if the aircraft has been imported from abroad, to have an export certificate of airworthiness issued by the competent authority of the country where it was previously registered;
- the aircraft satisfies the stipulated requirements regarding noise and other emissions in accordance with this Act and bylaws adopted on the basis of this Act;
- the aircraft operator has a proof of ownership or approved dry lease agreement for the aircraft and
- the operator who is not the aircraft owner, submits a statement in which the aircraft owner agrees for the aircraft to be registered in the Aircraft Register of the Republic of Macedonia.

Article 96 is deleted

Article 97 is deleted

Article 98

- (1) The Agency shall be obliged to enter the aircraft in the Aircraft Register and to issue the registration a certificate of aircraft registration to the applicant, if the requirements referred to in Article 95 of this Act have been met.
- (2) An administrative charge for the Certificate of Registration shall be paid by the operator of the aircraft in an amount specified by the Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs.
- (3) The form, content, record keeping and procedure for issuance or modification of the Certificate of Registration of aircraft shall be prescribed by the Director General of the Agency.

Article 99 is deleted

Article 100

- (1) 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, or user of the aircraft, ceases to fulfil the requirements referred to in Article 95 of this Act.
- (2) An aircraft encumbered with mortgage may be deleted from the Register only after submitting written consent from all mortgages creditors whose rights have been recorded in the Aircraft Register.

Article 101

The Agency shall be obliged after the deletion from the register is done, 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 real right document.

Article 102

(1) 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.

(2) The Ministry of Internal Affairs, the Ministry of Defence and the Ministry of Finance shall prescribe 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

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

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

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

(4) 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

(1) An aircraft, aircraft engine, propeller, components and parachute may be used if they fulfil the requirements for safe air traffic operation and airworthiness technical requirements specified under this Act and the accepted international standards.

(2) The requirements for safe air traffic operation mentioned in paragraph 1 of this Article shall be specified depending on aircraft type, category and purpose of the aircraft and purpose of its 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

(1) 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).

(2) 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 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.

Article 111

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

(2) The way of classifying, painting and marking as well as use of state aircraft shall be prescribed by:

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

II. CONSTRUCTION OF AIRCRAFT

Article 112

(1) Construction of an aircraft and modification of an aircraft, aircraft engine, propeller, parachute and equipment shall be carried out in accordance with the accepted international technical regulations for construction of aircraft and modification of aircraft, aircraft engine, parachute and equipment and material quality.

(2) 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, the technical documentation for such construction shall be presented to the Agency for inspection.

Article 113

(1) Design and construction of an aircraft and modification of an aircraft, aircraft engine, propeller, parachute and equipment, the technical control 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 Agency

(2) 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.

(3) An administrative charge shall be paid for issuance, renewal, revalidation and modification of the operating certificate referred to in paragraph (2) of this Article in amount prescribed by the Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs.

(4) The form and contents, record keeping and procedure for issuance, renewal, revalidation and modification of the operating certificate referred to in paragraph (2) of this Article shall be prescribed by the Director General of the Agency.

Article 114

- (1) A construction of the special category aircraft may be carried out by a natural person.
- (2) The conditions for construction, control 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 does not 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

- (1) The new type of aircraft, aircraft engine, propeller, parachute and equipment must undergo through a homologation (type certification) procedure or recognition of the homologation (type certification) procedure in order to determine whether they are in compliance with the airworthiness technical requirements prescribed by the Agency.
- (2) Homologation (type certification) check of a new type of aircraft, aircraft engine, propeller, parachute and equipment shall be carried out by EASA.
- (3) The examination for the purpose of type certification and the issuing of type certificates shall be made under conditions, in a manner and within procedure prescribed by the Director General of the Agency.

Article 118

- (1) The Type Certificate issued by EASA shall be directly recognised in the Republic of Macedonia, without conducting a validation procedure by the Agency.
- (2) The Agency shall validate Type Certificates issued by a foreign country provided they are in compliance with the EASA technical requirements for airworthiness.

III. MAINTENANCE OF AIRCRAFT

Article 119

- (1) The owner/user of an aircraft shall, during the aircraft operation, be obliged to make controls 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.
- (2) Controls 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 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

- (1) The maintenance and technical control of an aircraft, aircraft engine, propeller, parachute and equipment shall be according to maintenance technical system for each type of aircraft, aircraft engine, propeller, parachute or type of equipment.
- (2) The 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 control of their reliability during the operation.
- (3) 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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) An administrative charge shall be paid for the issuance, renewal, revalidation and modification of the certificate mentioned in paragraph (3) of this Article in amount prescribed by the Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs.
- (5) The form, contents, record keeping and procedure for issuance, renewal, revalidation and modification of the certificates shall be prescribed by the Director General of the Agency.

Article 122

- (1) Maintenance and technical control 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 that have the required personnel, equipment and meets other special requirements necessary for safe and regular operation.
- (2) To 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 certificate by the Agency.
- (3) An administrative charge shall be paid for the issuance, renewal; revalidation and modification of the certificate mentioned in paragraph (2) of this Article in amount prescribed the Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs.
- (4) Single-engine aircraft of normal, semi-acrobatic and acrobatic category and gliders, excluding the reconstruction procedures, may be maintained by an approved physical person if he/she is a holder of a licence for maintenance of such type of aircraft.
- (5) The maintenance and technical control in respect of state aircraft shall be made according to the procedure prescribed by the Minister for Internal Affairs in respect of police aircraft, by the Minister for Defence in respect of military aircraft and by the Minister for Finance in respect of customs aircraft.
- (6) The form, contents, record keeping and procedure for issuance, renewal, revalidation and modification of the certificate mentioned in paragraph (2) of this Article shall be prescribed by the Director General of the Agency.

(7) The way of maintenance, technical control of the maintenance and development of maintenance technical and technological documentation and special requirements in respect of required personnel, equipment and other special requirements necessary for safe and regular operation shall be stipulated by the Agency.

Article 123

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

IV. AIRWORTHINESS OF AIRCRAFT

Article 124

(1) 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.

(2) The Certificate of Airworthiness shall be issued if the aircraft correspond to the type certificate as well as is equipped with instruments 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.

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

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

(5) An administrative charge shall be paid for issuance, renewal, revalidation, and modification of the Certificate of Airworthiness in amount prescribed by the Management Board of the Agency with an pricelist depending on the actual administrative and supervisory costs

(6) The form, content, record keeping and procedure for issuance, renewal, renewal, revalidation and modification of the certificate mentioned in paragraph (2) of this Article shall be prescribed by the Director General of the Agency.

Article 125

(1) 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.

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

(3) 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

(1) An airworthiness inspection of aircraft in the course of flight shall be made as, examination of the aircraft in flight (test flight) or as checking of aircraft in flight (functional test).

(2) The examination of the 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 owner or the user of the aircraft and approved by the Agency.

(3) The checking of the aircraft in flight may be made with passengers on board and includes inspection of the functioning of the aircraft devices and systems in such way not to endanger the flight safety.

(4) An administrative charge for examination of the aircraft in flight, shall be paid to the crew members and aviation technical personnel on board the aircraft, in amount prescribed by the

Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs.

Article 127

(1) The operator of an aircraft shall pay a charge for the inspection of its aircraft in amount prescribed by The Management Board of the Agency with a pricelist, depending on the actual administrative and supervisory costs.

(2) 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

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

(2) 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

(1) 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 (type certification) 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.

(2) The Agency shall require checks 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 certification 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.

(3) Should the owner/user of an aircraft fail to fulfil 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.

(4) If it is determined a failure mentioned in paragraph (1) of this Article to an aircraft of domestic production with a type certificate from the Republic of Macedonia, the Agency shall, without delay, notify the aeronautical authorities of the State in which the aircraft has been exported and in which has been registered.

(5) If it is determined a failure mentioned in paragraph (1) of this Article to a Macedonian aircraft manufactured abroad and type certificate has been accepted 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 type certification has been made.

Article 132

- (1) The airworthiness of an aircraft shall be the responsibility of the aircraft operator.
- (2) 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 or by the aeronautical authorities of the State where the homologation (type certification) has been carried out, have not been made. (Mandatory Continuing Airworthiness Information).
- (3) 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

- (1) An aircraft operating within the Macedonian airspace shall have a Certificate of Noise as a result from take-off, flying and landing of an aircraft, as well as a Certificate of Gas Emission resulting from the combustion during the take off, flying and landing of an aircraft.
- (2) Macedonian aircraft shall be issued the certificates referred to in paragraph (1) of this Article by the Agency. A charge shall be paid for issue, renewal and modification of the certificates referred to in paragraph (1) of this Article in the amount prescribed by the Management Board of the Agency with a pricelist, depending on the actual administrative and supervisory costs.
- (3) 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.
- (4) 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.
- (5) The form, contents, record keeping and procedure for issuance, renewal, revalidation and modification 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

- (1) The aviation personnel in order to perform aviation duties, shall have required vocational education, training proficiency, licence according the accepted international standards and recommended practices and rating or certificate for training proficiency, and to satisfy other requirements prescribed by this Act and regulations enacted thereunder.
- (2) The other qualified personnel engaged with other duties essential to the aviation safety shall be qualified.

Article 135

- (1) The Agency shall keep the register of aviation personnel and other qualified personnel.
- (2) 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

- (1) The vocational education of the personnel referred to in Article 134 of this Act shall be achieved in the high schools and faculty educational institutions in the Republic of Macedonia or abroad.

- (2) The training proficiency shall be achieved in the organisations or centres for training of aviation personnel and other qualified personnel which have the necessary training personnel, equipment, as well as meet the other special requirements necessary for safe and regular operation.
- (3) Aviation and other qualified personnel may, also, accomplish the required training proficiency abroad in organisations and centres for training if they are authorised by a foreign aviation authority for performing appropriate training according international standards accepted by the Republic of Macedonia.
- (4) The training shall be carried out in accordance with programmes of organizations and centres for training previously approved by the Agency.
- (5) 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.
- (6) An administrative charge shall be paid for issuance, renewal, validation and modification of the certificate mentioned in paragraph (5) of this Article in an amount specified by the Management Board of the Agency with a pricelist, depending on the actual administrative and supervisory costs.
- (7) The form, contents, record keeping and procedure for issuance, renewal, revalidation and modification of the certificate referred to in paragraph (5) of this Article shall be prescribed by the Director General of the Agency.
- (8) The method of carrying out the training for obtaining training proficiency as well as the special requirements in respect of the required training personnel, equipment and other special requirements necessary for safe and regular operation of organisations and centres for training in the Republic of Macedonia shall be prescribed by the Agency.

Article 137

- (1) The training proficiency of the aviation personnel achieved in accordance with Article 136 of this Act shall be checked by the Agency through an examinations.
- (2) The examination shall be carried out by authorized examiners chosen from the aviation experts' list.
- (3) The aviation expert's list shall be established by the Director General of the Agency at the beginning of each calendar year under criteria and within procedure prescribed by the Ministry of Transport and Communications.
- (4) The applicants for examination shall be charged to pay an administration fee for the examination.
- (5) The authorised examiners are entitle for remuneration.
- (6) The amount of the fee/remuneration referred to in paragraphs (4) and (5) of this Article shall be established by the Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs.

Article 138

- (1) The check of the training proficiency referred to in Article 137 of this Act may be a regular or extraordinary one.
- (2) The regular training 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 for training proficiency.
- (3) Issuance or renewal/revalidation of the validity of a licence shall be refused to a person who is 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 adequate duties,
 3. It is determined, following a test, that he is under the influence of alcohol, narcotics or other stimulants.
- (4) The provisions of paragraph (3) of this Article shall be applied at the procedure of issuance of certificate for training proficiency..

(5) An extraordinary training proficiency 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 of performing the duties by a person who is a holder of a licence, rating or certificate for training proficiency or if there is a violation of the provisions of this Act and regulations enacted thereunder.

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

Article 139

(1) The Agency shall issue a licence or revalidate the validity of a licence or rating or issue a certificate for training proficiency, to the applicant who has successfully passed the examination mentioned in Article 137 of this Act.

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

(3) Requirements for issuance of certificates for training proficiency, continual refreshment of acquired knowledge of the certificates holders, procedure of issuance and suspension, registry and type of certificates for training proficiency shall be prescribed by the Agency.

Article 140

(1) The vocational education and training proficiency of the aviation personnel performing and providing activities essential to aviation safety related to state aircraft shall be achieved in the relevant institutions of the Ministry of Defence or Ministry of Interior.

(2) The vocational education and training proficiency of aviation personnel performing and providing activities essential to aviation safety related to state aircraft may also be achieved abroad.

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

Article 141

The appropriate aviation vocational education and training proficiency of the aviation personnel performing and providing activities essential to aviation safety, related to state aircraft, achieved in the relevant institutions of the Ministry of Defence, Ministry of Interior and/or appropriate foreign organizations shall be recognized for obtaining a civil aviation licence, if they meet the requirements on issuing a licence or a rating specified by this Act, as well as the regulations enacted in accordance with this Act.

Article 142

(1) 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.

(2) 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 which makes him unfit to perform his duties in a proper and safe manner.

(3) His superior shall make a decision on removal of the personnel mentioned in paragraph (1) of this Article and shall notify the Agency within 24 hours from the decision on removal.

Article 143

(1) The licence or the certificate for training proficiency of the aviation personnel shall be suspended in case:

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

- 2) the holder has been attested as unfit to perform duties of his licence or the certificate for training proficiency because of medical or psychological reasons;
 - 3) of inspection, the breach of the provisions of the regulations in the field of aviation is stated;
 - 4) the holder has been tested that he performed the duties of his licence or the certificate for training proficiency under the influence of alcohol, narcotics or other stimulants;
 - 5) he/she was involved in an accident or serious incident in the field of civil aviation; and
 - 6) in other cases stipulated with the bylaws enacted on the basis of Article 139 of this Act.
- (2) In case referred to in item 1 paragraph (1) of this Article, the licence or the certificate of training proficiency shall be suspended by the Agency.
- (3) If an aviation inspector has found, during an inspection, that reasons mentioned in items 2, 3, 4 and 5 paragraph (1) of this Article exist, he is obliged to require an extraordinary medical check or extraordinary check of training proficiency of the person and temporary to revoke his licence or the certificate for training proficiency and to submit it, within 3 days, to the authority which has issued it.
- (4) The medical check or extraordinary check of training proficiency shall be conducted within 30 days from the day of temporary revocation of the licence or the certificate for training proficiency.
- (5) If it is determined, as a result from medical check of the aviation personal (regular or extraordinary) that he/she has a weakness for alcohol, drugs or other stimulants, his/her licence or the certificate for training proficiency 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

- (1) 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.
- (2) 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.
- (3) 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 direct participation in performing duties related to 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

- (1) Determination of medical fitness (physical and psychical) of the aviation and other qualified personnel shall be made through medical examinations.
- (2) 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.

(3) A medical certificate shall be issued for the conducted medical examinations.

Article 147

(1) The medical examinations of the aviation and other qualified personnel shall be regular or extraordinary ones and conducted in medical institutions or by an authorised medical examiners,, 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.

(2) The Agency shall issue a certificate on compliance, to the subjects that satisfy the requirements to conduct medical examinations on aviation and/or other qualified personal, laid down in paragraph (1) of this Article.

(3) 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 Management Board of the Agency with a pricelist depending on the actual administrative and supervisory costs..

(4) The form, content, record keeping and procedure for issuance, renewal, revalidation and modification of the certificate referred to in paragraph (2) of this Article shall be prescribed by the Director General of the Agency.

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

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

3. AIRCRAFT CREW

Article 148

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

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

Article 149

(1) To the organisation of working time, the duration of rest period and other right of the aircraft crew members, the Council Directive 2000/79/EC is applicable..

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

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

Article 150

(1) A crew member of an aircraft shall perform the duties for which a licence or rating or the certificate for training proficiency. has been issued.

(2) 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

(1) A crew member shall be obliged to notify, without any delay, the pilot-in-command of an aircraft on each incident in respect of the aircraft, persons and items on board the aircraft.

(2) In case of danger or accident of an aircraft, the crew members shall be obliged to take all necessary measures to save 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.

Article 153

- (1) 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.
- (2) The pilot-in-command must be familiarised with the contents of the load to be carried.

Article 154

- (1) 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.
- (2) In case of emergency all crew members and passengers shall obey the orders and instructions given by the pilot-in-command.

Article 155

- (1) If a person on board the aircraft endangers the aviation safety or safety of the passengers and property on board, or violates the discipline 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 unruly passenger at the first airport the aircraft is to land.
- (2) The pilot-in-command shall be obliged, while 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 of the aircraft and persons on board the 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, to ease the consequences thereof taking care of the safety of the passengers, crew members and aircraft itself.

5. AVIATION TECHNICAL PERSONNEL

Article 157

- (1) The owner/user of an aircraft shall be obliged according to the approved maintenance technical system to provide aviation technical personnel.
- (2) The personnel referred to in paragraph (1) of this Article shall be insured against accidents.
- (3) The personnel referred to in paragraph (1) of this Article shall be obliged to notify, without delay, the authorized persons according to the established procedures on incident reporting about any safety endangerment/incident, that is related to design, manufacture, maintenance and repair of an aircraft and equipment.

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

Article 158

- (1) The duties in respect of installation, maintenance, control and surveillance of technical devices, instruments and equipment to be kept 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.

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

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

Article 159 is deleted

7. AIR TRAFFIC CONTROL PERSONNEL

Article 160

(1) 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.

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

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

Article 161 is deleted

Article 162

The air traffic controller and flight data shall be obliged to report, without any delay, to authorized persons according to the established procedure on incident reporting on any ATM safety occurrences.

Article 163

(1) The working hours of an air traffic controller and flight data may be in duration up to 32 hours within seven subsequent days, provided that total number of working hours during 90 subsequent days, shall not exceed 416 hours.

(2) Duration of a continuous work, duration of 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 psychical fitness..

CHAPTER EIGHT

INVESTIGATION OF AVIATION ACCIDENTS, SERIOUS INCIDENTS, INCIDENTS, OCCURENCES AND AIRCRAFT SEARCH AND RESCUE

I. INVESTIGATION OF AVIATION ACCIDENTS, SERIOUS INCIDENTS, INCIDENTS AND OCCURENCES

Article 165

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

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

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

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

(5) The aviation industry entities shall nominate a person for protection of safety information's resulting from the investigation specified in paragraph (1) of this Article from inappropriate use specified in Article 167 paragraphs (2) and (3) of this Act.

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

Article 166

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

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

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

Article 167

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

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

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

Article 168

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

Article 169

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

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

Article 170

- (1) The Committee shall consist of three investigators appointed by the Government of the Republic of Macedonia, one of whom shall be appointed as President of the Committee..
- (2) The investigators shall have at least 10 years of working experience in the area of civil aviation, sound knowledge of the English language and have or had aviation personnel status in the sense of this Act.
- (3) The investigators must have completed appropriate training for carrying out investigations and shall constantly refresh and improve their professional knowledge.
- (4) The Committee shall enact Rules of Procedure.

Article 170-a

- (1) For each accident or serious incident the President of the Committee shall appoint investigator in charge.
- (2) In case of accident or serious incident the President of the Committee may hire external experts in the area of aviation or foreign investigatory bodies from the civil aviation, or other bodies qualified for investigating aviation accidents or serious incidents. They shall be granted a compensation for their work, determined with the Agreement for their hiring.
- (3) If the accident or serious incident of a foreign or domestic civil aircraft also involved a state aircraft, a representative from the corresponding Ministry shall participate in the work of the Committee.
- (4) The accidents, serious incidents and incidents of state aircraft shall be investigated by the Commission appointed by the corresponding Ministries.

Article 170-b

- (1) The Ministry of Interior, competent courts, the Public Prosecutor's Office and other entities in the investigation of the accident or the serious incident must enable the investigators free access to necessary operative, technical and legal information and documents regarding the investigation.
- (2) The investigators and external experts shall protect safety information regarding the aircraft accidents or serious incidents from inappropriate use in accordance with Article 167 paragraphs (2) and (3) of this Act.

Article 170-c

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

Article 170-d

- (1) The investigators and external experts of the aviation accident or serious incident shall examine any person whom they consider being able to provide relevant information for the investigation and may investigate facilities, documents, records and data stored on an electronic devices.
- (2) The investigators and external experts shall have the following authorisations and competencies:
 - a) free and undisturbed access to the site of the accident or incident, as well as to the aircraft, its component parts or its wreckage;
 - b) listing of evidence;
 - c) controlled removal of debris or components for examination or analysis;
 - d) immediate access to and use of the contents of the flight data recorder, cockpit voice recorder and any other relevant recordings;
 - e) immediate access to the results of examination of the persons involved in the aircraft operation or of tests made on samples taken from those persons;
 - f) examination of witnesses;
 - g) free access to any relevant information or records held by the owner, the airline (aircraft operator/user) or aircraft manufacturer and by the authorities responsible for civil aviation or for airport operation or from all other relevant entities;

- h) access to the results of the examination (autopsy) of the bodies of victims or of tests made on samples taken from the bodies of victims and
- i) access to the information from the accident investigation obtained by the Ministry of Interior, the competent courts and the Public Prosecutor's Office.

Article 170-e

- (1) The aircraft, parachute, parts of the aircraft and the items which were transported with the aircraft or the items for which there is a doubt being possible cause of the aviation accident must not be removed or displaced without permit from the investigator in charge.
- (2) Notwithstanding to paragraph (1) of this Article the permit of the investigator in charge is not needed whenever is necessary for saving a person's life or in other exceptional cases when that is necessary for prevention of greater damage consequences.

Article 170-f

- (1) The Committee on the basis of the investigation of accident or serious incident shall prepare safety recommendations which will be sent to the Agency, the aviation industry entities and/or other interested parties.
- (2) , The Agency, on the basis of the safety recommendations referred to in paragraph (1) of this Article or when there is a reasonable doubt that new incident or risk shall be avoided on that way, may, with an order temporally prohibit or limit the use of a certain type of aircraft, its parts, equipment, navigation devices as well as execution of flights and performance of the work of the aviation or other qualifiedl personnel, until the moment of removing the possible reasons for the aviation accident, serious incident or incident.
- (3) The safety recommendations shall in no case create a presumption of blame or liability for an aviation accident, serious incident or incident.

Article 170-g

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

Article 170-h

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

Article 170-i

- (1) The investigation of civil aviation accidents, serious incidents, incidents and occurrences shall be regulated in accordance with Council Directive 94/56/EC, and the reporting of accidents, serious incidents, incidents and occurrences, in accordance with Directive 2003/42/EC of the European Parliament and of the Council.
- (2) The Government of the Republic of Macedonia shall in details prescribe the principles for governing the investigation of accidents, serious incidents, incidents and occurrences of civil and state aircraft as well as the manner of their reporting.

Article 170-j

- (1) The Committee by latest of 31st January of the following year, shall submit to the Government of the Republic of Macedonia the annual report on its operation in the previous year and annual programme with a financial plan for activities for the following year to be reviewed and adopted.
- (2) Documents referred to in paragraph (1) of this Article shall contain the undertaken measures and measures to be undertaken for improving the aviation safety.

III. SEARCH AND RESCUE

Article 171

- (1) 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.
- (2) 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

- (1) The involved entities participating in search and rescue operation shall have a right for compensation to the extent of the expenditures sustained during the search and rescue operation.
- (2) The expenditures referred to in paragraph (1) of this Article shall be covered, within 60 days from the date of the occurrence, by the owner/user of the aircraft for which the search and rescue has been organized.
- (3) 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 from the provider of the services referred to in Article 60 of this Act.

CHAPTER NINE ONGOING INSPECTION/SUPERVISION I GENERAL PROVISIONS

Article 173

- (1) The supervision of the implementation of the regulations in the field of aviation shall be conducted by the Agency in accordance with this Act and bylaws enacted under this Act through aviation inspectors (hereinafter referred to as "inspectors").
- (2) The method, procedures and special requirements for conducting an inspection shall be prescribed by the Minister of Transport and Communications.

Article 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, accurate data, information and material required by the inspector which are necessary for the inspection.

II INSPECTION DUTIES 1. GENERAL DESCRIPTION OF INSPECTION DUTIES

Article 176

The inspection of an aircraft and air traffic operation shall in particular include the supervision of the implementation of the regulations in respect of: aircraft, especially in respect conditions for safe operation and proper maintenance of the aircraft and its airworthiness for safe air traffic 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 economic solvency of airlines and for safe air services, aerial works activities 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 supervision of the implementation of the regulations in respect of: safe use of aerodromes, airfields and landing field; design, construction and reconstruction of aerodromes and facilities 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 traffic operation; location, accuracy and maintenance of the notice signs of 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, as well as for the economic operation of the airport operators and suppliers of airport services.

Article 178

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

Article 179

The inspection of the provision of airport services shall include in particular the supervision of the implementation of the regulations in respect of: 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 its safety if the load contains dangerous goods; procedures for de-icing of aircraft and runways as well as protection procedures from icing, the quality of fuel and oil and operability of the systems used for supply of aircraft with fuel and oil; premises, technical equipment and procedure for carrying out checks of aircraft, passenger baggage and goods, airports security, fire-fighting and conditions for safe fire-fighting protection of the passenger's, information on the identity of the air carriers, the manner of establishing the charges by the airport operators and suppliers of airport services , 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 supervision of the regulations in respect of: manner of provision of ATM services, flight information service, meteorological services, economic operation of air navigation services providers, the method of operation of the Rescue Coordination Centre, the functioning of the safety management system as well as the condition, maintenance and proper functioning of technical facilities, devices and equipment essential for safe air traffic 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 Ministry of Transport and Communication.

III. BREACH OF REGULATIONS

Article 182

(1) 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) detain foreign aircraft at airport and take other necessary measures according to the international agreements ratified by the Republic of Macedonia.
- (2) An unsatisfied party may, against the decision of the Agency, file an appeal to the Government of the Republic of Macedonia - Second Instance Commission in respect of transport and communications and environment issues within 8 (eight) days from the day of receipt of the decision
- (3) The appeal against the decision does not postpone the execution of the decision.

Article 182-a is deleted

Article 183

While performing inspection on board the aircraft, the inspector shall be obliged to notify the pilot-in-command about his presence, and, if the inspection is made in a 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 company or governmental body or other legal entity related 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/data's he has found out during the inspection.

Article 186

- (1) While performing the inspection duties, the inspector must have an official credentials stating his identity and authorization.
- (2) The form, contents, record keeping of the official credentials 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 proficiency training, advanced training and refreshment of achieved knowledge according to the Agency's annual operation programme.

CHAPTER TEN

PENALTIES CLAUSES

Article 188

- (1) A fine in amount of 2.000 to 10.000 Euros in equivalent value in denars shall be charged for an offence to a legal entity, if:
 - 1) it fails to transfer to the Agency a portion of the monthly collection of the charges regarding the use of airport infrastructures, that is, for take-off and landing and lighting (Article 12 paragraph (4));
 - 2) it fails to carry out a public air services in compliance with the manner and special requirements prescribed by the Agency's General Director (Article 33 paragraph (1));

- 3) it fails to carry out a public air services in compliance with the requirements provided for under the international agreements and/or other international acts binding on the Republic of Macedonia (Article 34));
- 4) it fails to perform the air services regularly and orderly and performs its duties not allowing regular and orderly air traffic services operation (Article 37 paragraphs (1) and (2));
- 5) it fails to submit to the Agency a monthly report on the regularity or orderly of the air traffic operations (Article 37 paragraph (3));
- 6) it fails to establish and maintain a safety management system in accordance with the National Aviation Safety Programme (Article 38 paragraph (3));
- 7) it performs a carriage of passengers or things by an aircraft for its own use not in compliance with the manner and requirements prescribed by the Agency (Article 42);
- 8) it fails to operate aerial works in compliance with the manner and requirements prescribed by the Agency (Article 43));
- 9) it fails to use an aircraft for sports flights in compliance with the manner and requirements prescribed by the Agency (Article 44));
- 10) the aircraft while operating the air traffic operations does not carry on board the certificates/licences, books and other documents (Article 49));
- 11) it fails to provide ATM services in accordance to the airspace organization and use prescribed by the Government of the Republic of Macedonia (Article 58 paragraph (1));
- 12) it places any obstacles, emission devices, objects, long-distance power lines or other devices emitting electromagnetic waves at distance from which they may interfere the operation of air navigation aids and facilities intended for provision of air navigation services, or if it fails to ensure a priority of the communications lines necessary for provision of air navigation services (Article 59));
- 13) it fails to carry out airport/airfield planning, design, reconstruction and construction in accordance with the special requirements prescribed by the Minister of Transport and Communications (Article 67 paragraph (2));
- 14) the investor fails to obtain an approval on conditions for construction prior to the construction or reconstruction of an airport, airfield or any other object within the aerodrome zone or airfield zone (Article 68 paragraph (1));
- 15) it fails to use runways and other tracks, apron, buildings, installations and equipment according to their purposes and capacity and in accordance with the provisions of this Act and regulations enacted thereunder and if it does not ensure the usage of aerodromes buildings and infrastructure to an aircraft with a permission to operate within the Macedonian airspace (Article 69 paragraphs (1) and (2));
- 16) the operation time of an aerodrome fails to be within the specified time (paragraph Article 71 (1));
- 17) it fails to comply with the prescribed rules for the allocation of slots (Article 71–a paragraph (5));
- 18) it fails to notify the Agency and services provider referred to in Article 60 of this Act within prescribed period for any intended change of purpose, classification and categorization of the aerodrome, for any planned work of larger scope which may result in closure of portions of an aerodrome or limitation to use the manoeuvring areas as well as about any unexpected or unpredictable changes, works or interventions (Article 74 paragraphs (1), (2) and (3));
- 19) the manoeuvring areas or aprons or other areas of an aerodrome or airfield designated for aircraft movements on ground are not distinctively marked in accordance with the procedure prescribed by the Director General of the Agency (Article 75));
- 20) it fails to carry out the construction, location and marking of objects, installations and facilities within an aerodrome and airfield area (zone), including the air traffic control objects and facilities as well as the objects outside the aerodrome and airfield zone which may affect to aviation safety according to the procedure stipulated under this and other Act and in accordance with the requirements prescribed by the Ministry of Transport and Communications or if it fails to cultivate or use the land within the aerodrome/airfield zone, i.e. in the vicinity thereof according to a procedure prescribed by this or other Act and in accordance with the requirements prescribed by the Minister of Transport and Communications (Article 76));

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35) it fails initially to investigate, analyse and classify the serious incidents, incidents and other occurrences of endangering the civil aviation safety and if after completing the investigation, analysis and classification of serious incidents, incidents and other occurrences fails to submit to the Committee the results of the investigated serious incident, and the results of the

investigated incidents and other occurrences to the Agency or it fails to nominate a person for protection of the safety information resulting from the investigation as a result of an inappropriate use (Article 165 paragraphs (3), (4) and (5)).

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

Article 189

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

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

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

3) it fails to comply with the prescribed rules of the air (Article 15 paragraph (3));

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

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

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

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

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

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

10) it enters/exits from the Macedonian airspace outside of the boundary control point approved by the Agency (Article 25);

11) it fails to comply with the way of carriage out of sports flights, as well as special requirements in respect of aircraft, equipment and other specific requirements necessary for safe and regular operation and the procedure and rules in respect of flight of gliders, balloons, ultralight aircraft and powered wings and wings for free flight flying, parachute jumps, avio-modelling and organization of contests prescribed by the Agency (Article 44 paragraphs (6) and (7));

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33) the aviation personnel performs aviation duties without the required vocational education, proficiency training, licence or rating and fails to comply with the other requirements stipulated by this Act and regulations enacted thereunder (Article 134 paragraph (1));

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

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

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

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

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

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

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

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

Article 190

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 190–a

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

Article 191 is deleted

CHAPTER ELEVEN TRANSITIONAL AND FINAL PROVISIONS

Article 192

(article 192 from the Act published in the “Official Gazette “ of the Republic of Macedonia No. 14/06 and 24/07)

(1) The bylaws provided for in this Act shall be enacted two years from the date of entry into force of this Act.

(2) 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.

(3) 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

(article 193 from the Act published in the Official Gazette of the Republic of Macedonia No. 24/07)

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

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

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

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

(5) The separation balance sheet referred to in paragraph (4) of this Article shall be developed by a Commission established by the Government of the Republic of Macedonia, composed of the

representatives from the Ministry of Finance, Ministry of Transport and Communications, Civil Aviation Agency and Services Provider referred to in Article 60 of the Aviation Act.

Article 194

(article 194 from the Act published in the "Official Gazette of the Republic of Macedonia" No. 14/06)

Any procedure 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 is deleted

Article 196

(article 192 from the Act published in "the Official Gazette of the Republic of Macedonia" No. 14/06)

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

(article 197 from the Act published in "the Official Gazette of the Republic of Macedonia" No. 14/06)

Upon entry into force of this Act, the effect of the Act on Civil Aviation Administration ("Official Gazette of the Republic of Macedonia", 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 the Republic of Macedonia", No. 47/73 and 38/90) shall terminate.

Article 198

(article 76 from the Act published in "the Official Gazette of the Republic of Macedonia" No. 24/07)

Upon the date of entry into force of this Act, terminate the effect of the provisions specified in Article 97 to Article 106 Chapter V of the Law on Transport of Dangerous goods ("Official Gazette of SFRY", No. 27/90).

Article 199

(article 116 from the Act published in "the Official Gazette of the Republic of Macedonia" No. 67/10)

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

Article 200

(article 117 from the Act published in "the Official Gazette of the Republic of Macedonia" No. 67/10)

- (1) The Agency shall begin with its activities associated to the nomination of a president and members of the Management Board of the Agency.
- (2) The Parliament of the Republic of Macedonia shall within three months from the date of entering into force of this Act commence the procedure regarding the appointment of the President and members of the Management Board of the Agency.
- (3) The Management Board shall within 45 days from the date of its nomination initiate a procedure regarding the nomination of a Director General of the Agency.
- (4) Upon commencement of the operation of the Agency established in accordance with this Act, the Civil Aviation Agency established under the Aviation Act ("Official Gazette of the Republic of Macedonia" No. 14/2006, 24/2007 and 103/2008) shall cease to operate.
- (5) The existing Agency shall continue to perform the duties within its competence until the commencement of the operation of the Agency established under this Act.

- (6) The Director General of the existing Agency shall continue to carry out his function till the nomination of a new Director General with duties and assignments specified under this Act.
- (7) Assets and the property as well as the rights and responsibilities of the existing Agency shall be transferred to the new Agency established under this Act.
- (8) The employees of the existing Agency shall be undertaken by the new Agency established under this Act.

Article 201

(article 118 from the Act published in “the Official Gazette of
the Republic of Macedonia” No. 67/10)

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