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## ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA

According to paragraphs 1 and 2, Article 75 of the Constitution of the Republic of North Macedonia, the President of the Republic of North Macedonia and the President of the Assembly of the Republic of North Macedonia issue the following

### DECREE ON PROMULGATION OF THE AVIATION ACT

Herewith the Aviation Act,  
adopted by the Assembly of the Republic of North Macedonia, at its Session held on 15 January 2024, is promulgated.

No 08 – 315/1  
15 January 2024  
Skopje

THE PRESIDENT  
OF THE REPUBLIC OF NORTH  
MACEDONIA  
**Stevo Pendarovski**, sig.

THE PRESIDENT  
OF THE ASSEMBLY OF THE REPUBLIC  
OF NORTH MACEDONIA  
**Talat Xhaferi**, sig.

### AVIATION ACT

#### CHAPTER ONE GENERAL PROVISIONS

##### Article 1

- (1) This Act shall govern the activities in the field of aviation performed on the territory and within the airspace of the Republic of North Macedonia.
- (2) Beyond the territory and the airspace of the Republic of North Macedonia the provisions of this Act and the regulations enacted under this Act shall apply to aircraft registered in the Republic of North Macedonia, provided that the same are in compliance with the legislation of the State in which territory the aircraft is.
- (3) The provisions of this Act shall apply to domestic civil aircraft and to foreign civil aircraft while performing activities in the field of civil aviation on the territory and within the airspace of the Republic of North Macedonia.
- (4) The provisions of this Act shall apply to State aircraft only if it is explicitly provided for by this Act.
- (5) The provisions of this Act shall also apply to the civil aerodromes, while to military aerodromes and military portion of the civil-military aerodromes (combined aerodromes), if it is explicitly provided for by this Act.
- (6) The activities in the field of civil aviation shall be performed on the territory and within the airspace of the Republic of North Macedonia in compliance with this Act and other national regulations, the Convention on International Civil Aviation (hereinafter referred

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to as: Chicago Convention) and Annexes thereto and other international agreements ratified by the Republic of North Macedonia.

#### **Article 2**

- (1) The Republic of North Macedonia shall have complete and exclusive sovereignty over the airspace above its territory, and organize the air traffic management and air navigation services (hereinafter referred to as: ATM/ANS services) therein.
- (2) The airspace of the Republic of North Macedonia (hereinafter referred to as: Macedonian airspace) is inviolable.

#### **Article 3**

- (1) The regulations provided for by this Act shall be developed in accordance with the applicable international aviation standards, recommended practices and legislation of the European Union, i.e. EASA, ICAO, ECAC and EUROCONTROL, as well as the ratified international agreements.
- (2) The international standards, regulations, guidance material and recommended practices being referred to in this Act and regulations provided for by this Act shall be considered as accepted and directly applied.
- (3) The regulations stipulated by this Act in respect of State aircraft shall be developed by the Ministry of Internal Affairs, that is, the National Security Agency regarding the aircraft when engaged in police operations, the Ministry of Defence for the aircraft when engaged in military operations and the Ministry of Finance for the aircraft when engaged in customs operations (hereinafter referred to as: competent State authorities in the field of police, defence and customs) and in accordance with the relevant international standards, regulations and procedures.
- (4) The Government of the Republic of North Macedonia shall enact regulations prescribing the measures, method and requirements for implementation of standards of the European Union and international standards, recommended practices and normatives in the field of aviation in accordance with the provisions of this Act.

#### **Article 4**

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

1. The term **air carrier** means an entity certified to carry out air service;
2. The term **aerodrome** means a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed off-shore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
3. The term **airport infrastructure** means runways, taxiways, aprons, vertical signalisation installations and terminal buildings with associated facilities and installations;
4. The term **airport services** mean services to be provided at an airport and provided by either Management Body of the Airport or third party (such as firefighting-rescue services, emergency medical services and other services), excluding ground-handling services at an aerodrome;
5. The term **ATM/ANS** means air traffic management and air navigation services covering the following:
  - a. ATM functions and services is management of the air traffic meaning the aggregation of the airborne and ground-based functions (air traffic services (ATS), airspace management (ASM) and air traffic flow management (ATFM) necessary to ensure the safe and efficient movement of the aircraft during the all flight phases;

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- b. ANS services covering air traffic services (ATS); communication, navigation and surveillance services (CNS services), meteorological services (MET services) and aeronautical information services (AIS services);
  - c. Network functions and services means services provided with aim to ensure detailed arrangements for common decision-making among ECAA Member-States, ATM/ANS service providers and network management function;
  - d. Services, which augment signals emitted by satellites of core constellations of GNSS for the air navigation purposes;
  - e. Design of flight procedures, and
  - f. Services consisting in the origination and processing of data as well as the formatting and delivering of data to general air traffic for the air navigation purposes.
6. The term **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. The term **pilot-in-command** means a pilot designated by the operator or the owner responsible for the safe operation of the aircraft during flight time;
  8. The term **flight information region (FIR)** means an airspace of defined dimensions within which flight information service and alerting service are provided;
  9. The term **air traffic** means flying of aircraft or operating of aircraft on the manoeuvring area of an aerodrome;
  10. The term **airway** means a control area or portion thereof established in the form of a corridor;
  11. The term **air service** means a flight or series of flights performed for carriage of passengers, cargo and/or mail for remuneration and/or hire;
  12. The term **air show** means an activity organised with purpose to exhibit a static display, flying display or both at the same time being advertised for audience and public;
  13. The term **airport** means any area especially adapted for air services;
  14. The term **aircraft** means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;
  15. The term **aircraft other than ICAO standard aircraft** mean ultralight aircraft, (microlight aircraft), powered wings and wings for free flying (hang gliders, paragliders etc.);
  16. The term **unmanned aircraft** means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board;
  17. The term **aeronautical information** means information resulting from the assembly, analysis and formatting of aeronautical data;
  18. The term **aeronautical information circular (AIC)** means a notice containing information not qualified for the origination of a NOTAM or for inclusion in the AIP, but they have administrative nature relating to air navigation, technical and administrative matters, provisions of the regulations or flight safety;
  19. The term **air policing** means NATO peacetime mission that involves the use of Air Surveillance and Control System (ASACS), Air Command and Control and appropriate Air Defence assets, including intercepting aircraft, for the purpose of preserving the airspace integrity of NATO members, thereby the airspace of the Republic of North Macedonia, as well;
  20. The term **operation time of airport** means a period from the beginning till the end of operation hours of a legal entity providing aerodrome services and ground handling services at an aerodrome;
  21. The term **supplier of ground handling services** means any legal or natural person supplying third parties with one or more categories of ground-handling services.
  22. The term **part** means any element of a product, as defined by that product's type design;

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23. The term **licence** means a certificate certifying that the licence holder is competent to perform certain professional duties related to aviation safety;
  24. The term **State aircraft** means, according to this Act, the aircraft when is used in military, police and customs services;
  25. The term **ECAA** means the European Common Aviation Area established by the Multilateral Agreement between the European Community and its Member-States, Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Republic of North Macedonia, the Republic of Iceland, the Republic of Montenegro, Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area;
  26. The term **ECAC** means the European Civil Aviation Conference;
  27. The term **EASA** means the European Union Aviation Safety Agency;
  28. The term **EUROCONTROL** means the European Organization for the safety of air navigation;
  29. The term **safety performance** means the European Union's, Member State's or an organization's safety achievement, as defined by their safety performance targets and safety performance indicators;
  30. The term **prohibited area** means a portion of the Macedonian airspace of defined dimensions above the specified territory within which the flight of aircraft is prohibited;
  31. The term **Aeronautical Information Publication of the Republic of North Macedonia** means an official publication containing aeronautical information of lasting character essential to air traffic operations, issued by the ATM/ANS services provider, and approved by the Civil Aviation Agency;
  32. The term **ground-handling services** means services provided to airport users (such as aircraft, passenger, baggage, cargo and mail handling and aircraft supplying with fuel and oil handling and other services);
  33. The term **ICAO** means the International Civil Aviation Organization;
  34. The term **flight information service (FIS)** means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;
  35. The term **incident** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
  36. The term **certificate** means any certificate, licence, approval, rating, attestation, authorization or other document issued as a result of a procedure certifying the compliance with applicable requirements required for relevant field of aviation;
  37. The term **notice to airman - NOTAM** means a notice distributed by means of previously defined telecommunication network containing information concerning the establishment, condition or change of any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;
  38. The term **commercial air transport** means carriage of passengers, cargo and/or mail for remuneration and/or hire;
  39. The term **air traffic control** means a service provided for the purpose of separation of aircraft and preventing collisions between aircraft while flying and on the manoeuvring areas and between aircraft and obstacles on ground and ensuring an orderly flow of air traffic;
  40. The term **airport user** means a legal entity or natural person responsible for carriage of passengers, mail and/or cargo by air to/from the airport in question;
  41. The term **airfield** means a defined area on land or water which meets the requirements for safe take-off and landing of aircraft engaged in specialized operations primarily used in aerial, forestry and similar operations;

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42. The term **Macedonian airspace** means the airspace above the territory of the Republic of North Macedonia;
  43. The term **airport charge** means a charge collected for the benefit of the airport managing body and paid by airport users for the use of facilities and services, which are exclusively provided by the airport managing body and which are related to landing, take-off, lighting and parking of aircraft and processing of passengers and cargo;
  44. The term **occurrence** means any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person and includes in particular an accident or serious incident;
  45. The term **non-scheduled air services** means any air service performed other than a scheduled air services;
  46. The term **accident** means an occurrence associated with the operation of an aircraft which, in case of manned aircraft, takes place between the time any person boards the aircraft with intention of flight until such time as all such persons have disembarked or in case of unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:
    - a) a person is fatally or seriously injured as a result of:
      - being in the aircraft, or
      - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
      - direct exposure to jet blast,except when the injuries are from natural causes, 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
    - b) the aircraft sustains damage or structural failure which:
      - adversely affects the structural strength, performance or flight characteristics of the aircraft, and
      - would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), or for damage limited to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the random); or
    - c) the aircraft is missing or is completely inaccessible.
  47. The term **security** means a set of measures and activities being a combination of human and technical resources intended to safeguard international civil aviation against acts of unlawful interference;
  48. The term **publication according to air traffic standard procedure** means a publication in the Aeronautical Information Publication (AIP) or in respect to urgent notifications (NOTAM) or by the Aeronautical Information Circular (AIC);
  49. The **air traffic control clearance** means an authorisation for an aircraft to proceed under conditions specified by the competent air traffic control;
  50. The term **renegade aircraft** means a civil aircraft that is suspected of being misused as weapons to perform terrorist attack;
  51. The term **danger area** means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;
  52. The term **operational flight** means a State aircraft operation for special purposes to which the general rules, procedures and flight rules could not be applied, instead rules, procedures

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- and flight rules established by the competent State authorities in the field of policy, defence and customs shall apply;
53. The term **aircraft operator** means any legal or natural person operating or intend to operate one or more aircraft;
  54. The term **aerodrome operating minima** mean the limits of usability of an aerodrome for take-off/landing expressed in terms of visibility or runway visual range (RVR), and decision altitude/height (DA/H) or minimum descent altitude/height (MDA/H) and cloud conditions;
  55. The term **aerodrome operator** means any legal or natural person operating or intend to operate one or more aerodromes;
  56. The term **taxiway** means a defined path on a land aerodrome established for the taxiing of an aircraft and intended to provide a link between one part of the aerodrome to another, including:
    - a) Aircraft stand taxi lane. A portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
    - b) Apron taxiway. A portion of a taxiway system located on an apron and intended to provide a through taxi-route across the apron;
    - c) Rapid exit taxiway. A taxiway connected to a runway at an acute angle and designed to allow landing airplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times;
  57. The term **flight plan** means specified information provided to the air control service units, in respect of an intended flight or portion of a flight of an aircraft;
  58. The term **apron** means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail and cargo, fueling, parking or maintenance;
  59. The term **aircraft airworthiness** means the ability of the aircraft for safe air traffic determined in a prescribed manner.
  60. The term **manoeuvring area** means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;
  61. The term **runway** means a defined rectangular area on aerodrome prepared for landing and take-off of aircraft;
  62. The term **search and rescue of an aircraft** means an organised system for search of an aircraft and rescue the passengers and crew thereof;
  63. The term **known consignor** is a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow the carriage of cargo or mail on any aircraft;
  64. The term **obstacle** means every fixed (whether permanent or temporary) and mobile object, or parts thereof, that:
    - a) is located on an area intended for the surface movement of aircraft; or
    - b) extends above a defined surface intended to protect aircraft in flight; or
    - c) stands outside the surfaces defined in items a) and b) and represents a hazard to air traffic;
  65. The term **security programme** means a set of regulations and activities applied at national level at an aerodrome, air carrier or other legal entity, given in writing, and accepted, that is, approved by a competent authority intended to safeguard civil aviation against acts of unlawful interference;
  66. The term **product** means an aircraft, aircraft engine, or aircraft propeller;
  67. The term **scheduled air services** means a series of flights with the following characteristics;
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- 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 such regular frequency that it constitutes a recognizably systematic series of flights;
68. The term **timetable** means established time of take-off/landing of aircraft engaged in scheduled air services;
69. The term **regulated agent** means an agent, freight forwarder or any other entity that conducts business with an operator and ensures security checks that are accepted or required by the appropriate authority in respect of cargo or mail;
70. The term **self-handler** means an airport user that provides for itself one or more categories of ground-handling services at an aerodrome.
71. The term **self-handling** means a situation in which an airport user directly provides for himself one or more categories of ground-handling services and concludes no contract with a third party. Among themselves airport users shall not be deemed to be third parties where:
- one holds a majority holding in the other, or
  - a single body has a majority holding in each.
72. The term **specialized operations** mean any flight operation other than commercial air transport, where the aircraft is used for specialized activities such as agriculture, construction, photography, surveying, observation and patrol, aerial advertisement, maintenance check flights and other;
73. The term **serious incident** means an incident which endangers aircraft safety involving circumstances indicating that an accident nearly occurred;
74. The term **vocational education** means a type and degree of education;
75. The term **training proficiency** means a level of knowledge and proficiency in performance of specific professional duties in respect of air traffic not obtaining a degree of vocational education;
76. The term **unmanned aircraft system – UAS** means an unmanned aircraft and the equipment to control it remotely;
77. The term **aviation industry entities** means aircraft operators, training organizations, aerodrome or airfield operators, aerodrome or ground-handling service providers, ATM/ANS service providers, aircraft design, construction and maintenance organizations and other entities engaged with certain aviation related activities specified under this Act;
78. The term **Managing Body of the Airport** means a legal entity which, in conjunction with other activities or not as the case may be, has as its objective under national law or regulation the administration and management of the airport infrastructures, and the coordination and control of the activities of the operators present at the airport or airport system concerned;
79. The term **terrain/landing strip** means a land area which meets the requirements for temporarily operations of an aircraft of special category;
80. The term **restricted area** means a portion of the Macedonian airspace of defined dimensions above the specified territory within which the flight of aircraft is restricted in accordance with certain specified conditions and during specified time;
81. The term **civil aviation** means any air traffic carried out by civil aircraft only, excluding operations carried out by the State aircraft referred to in Article 3 of the Chicago Convention;
82. The term **civil aircraft** means an aircraft engaged in civil operations, that is, commercial air transport, specialized or non-commercial flight operations, including the search and
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rescue activities, firefighting activities, border control and coast guard activities and similar activities, as well as aviation sport activities.

## **CHAPTER TWO COMMON PROVISIONS**

### **1. COMPETENT AUTHORITIES**

#### **Article 5**

- (1) For the purpose of regulation and implementation 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 the purpose of regulation and implementation of the activities laid down by this Act regarding the State aircraft operations, the following entities shall be competent:
  - The Ministry of Defence for aircraft when engaged in military operations through the Air Force authority that is functionally separated from the aircraft operator, the commands and units under its control,
  - The Ministry of Interior, that is, National Security Agency regarding the aircraft when engaged in police operations, and
  - The Ministry of Finance – Customs Administration for the aircraft when engaged in customs operations.
- (3) For the purpose to conduct a safety investigation of aviation accidents and serious incidents in the sense of this Act, a Committee for Investigation of Aviation Accident and Serious Incident (hereinafter referred to as: the Investigation Committee) as an independent investigation body with capacity of a legal entity shall be established by the Government of the Republic of North Macedonia.

#### **Article 6**

- (1) The Ministry of Transport and Communications shall be competent for the activities in the field of civil aviation, that is:
  - a) To establish the National Aviation Development Strategy as an operational document;
  - b) To implement the policy of the Government of the Republic of North Macedonia in the field of aviation;
  - c) To implement the policy of the Government of the Republic of North Macedonia in respect of concession awarding in the field of aviation;
  - d) To propose laws in the field of aviation and to develop, enact and amend the regulations provided for by this Act, as well as regulations prescribing the implementation of the European Union's and international standards, recommended practices and norms in the field of aviation in accordance with this Act;
  - e) To conduct a proceedings on concession sequestration;
  - f) To perform other duties specified in the regulations in the field of aviation.
- (2) The National Aviation Development Strategy referred to in item a) paragraph (1) of this Article shall be enacted by Government of the Republic of North Macedonia, with a period of validity of ten years.

#### **Article 7**

- (1) For the purpose of performing the activities in the field of aviation specified by this Act, a Civil Aviation Agency shall be established (hereinafter referred to as: the Agency).



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- (2) The Agency shall be an independent regulatory body with public authorizations laid down in this Act.
  - (3) The Agency shall exercise the competencies provided for by the European Union's regulations and international aviation standards and recommended practices in the capacity of competent aeronautical authority in respect of regulation, licensing, certification and oversight in the civil aviation in the Republic of North Macedonia, which are activities of public interest.
  - (4) The Agency while performing its activities and decisions making within its competencies shall be completely politically, financially and functionally independent from any other State body or public legal entity or a company performing activities in the field of aviation and shall be impartial to them.
  - (5) Upon its registration in the Central Registry of the Republic of North Macedonia, the Agency shall become a legal entity.
  - (6) The head office of the Agency shall be in Skopje.
  - (7) The organization and operation of the Agency shall be more closely regulated by the Agency's Statute, which in particular contains provisions regarding the following:
    - head office of the Agency,
    - emblem, *i.e.* logo of the Agency,
    - production and use of the Agency's seals,
    - the manner of representation of the Agency,
    - internal organization of the Agency,
    - obligation of the employees in terms of maintaining confidentiality of the data,
    - degree of confidentiality of acts, documents and other data related to the operation of the Agency, and
    - other provisions relevant to the operation of the Agency.
  - (8) The Agency shall have its own emblem/logo established by the Statute thereof.
  - (9) In case of lack of competent personal for completion of certain activities within the framework of its competences, the Agency may engage other domestic or foreign legal entities or natural persons involved in aviation, always taking into consideration potential conflict of interests

#### **Article 8**

- (1) The operation of the Agency shall be public.
- (2) The Agency shall be accountable for its work to the Assembly of the Republic of North Macedonia.

#### **Article 9**

- (1) The Agency shall cover the following competencies:
  - Performance of duties within its framework in accordance with the regulations in the field of aviation, as well as the National Aviation Development Strategy and international agreements in the field of aviation ratified by the Republic of North Macedonia to ensure safe and orderly civil air traffic operation,
  - Oversight of the implementation of the regulations in the field of civil aviation,
  - Participation in draft laws preparation in the field of aviation,
  - Preparation, enactment and amending of regulations in the field of aviation provided for by this Act, as well as regulations prescribing the implementation of the European Union's and international standards, recommended practices and norms in the field of aviation in accordance with provisions of this Act,
  - Implementation of the procedures for access of an aerodrome ground-handling services suppliers to the ground-handling services market of third parties,

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- Approval of exemptions, exceptions and derogations from the application of the accepted international standards and recommended practices when provided for by the aforementioned,
  - Approval of the Aeronautical Information Publication;
  - Carry out the procedure and issues administrative acts regarding the issuance, extension, renewal, limitations, modification, suspension, revocation and/or transfer of certificates and other administrative acts where provided for by this Act and regulations enacted according to this Act, as well as record keeping of the same;
  - Registration of aircraft, aerodromes, airfields and book keeping of terrain/landing strips;
  - Make proposals regarding the new aviation technologies development and application;
  - Protection of passengers' rights and the rights of persons with disabilities and persons with reduced mobility in aviation;
  - Issuance of flight permissions and designations of national air carriers,
  - Preparation and/or recommendation of literature in the field of aviation and guidance for the aviation industry entities, and
  - Other duties specified under the regulations in the field of the aviation.
- (2) Notwithstanding the provisions of paragraph (1) of this Article, certain activities that fall in the competence of the Agency shall be performed by the EASA, where provided for by an international agreement, this Act, and the regulations enacted in accordance with this Act.
- (3) The Agency within the framework of its competences specified by this Act and regulations enacted in accordance with this Act may grant exemption to any legal or natural person from implementation of the prescribed requirements, only in the event of emergency unforeseen circumstances or urgent operational needs of that person. The exemption may be of limited duration, i.e. when the emergency unforeseen circumstances or urgent operational needs cease to exist, provided that the level of safety is not adversely affected thereby.

#### **Article 10**

- (1) The provisions of the Law on Common Administrative Procedures shall be subsidiary applied to the procedures provided for by this Act, unless otherwise specified by this Act or regulations enacted under this Act.
- (2) The format, content and bookkeeping of certificates and administrative acts issued by the Agency in accordance with this Act and regulations enacted under this Act, as well as the procedure for their issuance, extension, renewal, modification and/or transfer shall be prescribed by the Agency.
- (3) A charge for issuance, extension, renewal, modification and/or transfer of certificates and other administrative acts referred to in paragraph (2) of this Article shall be paid and the amount thereof shall be determined by the Management Board of the Agency in a Tariff Regulation depending on the actual administrative and oversight costs.

#### **Article 11**

- (1) The bodies of the Agency shall be Management Board and Director General.

#### **Article 12**

- (1) The Management Board shall be composed of three members, one of which is the President of the Management Board.
- (2) The operation of the Management Board shall be managed by the President of the Management Board.

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- (3) The President and the members of the Management Board shall be appointed by the Assembly of the Republic of North Macedonia, upon a proposal of the Committee for Election and Appointment Issues of the Assembly of the Republic of North Macedonia, for a mandate of four years and possibility for one more mandate.
  - (4) Persons having higher education in the field of technical, legal or economy sciences, with at least of five years of working experience in the field of aviation and with active knowledge of English language may be appointed as President and members of the Management Board.
  - (5) Agency employees, employees of other legal entities dealing with civil aviation activities and established by the State may be appointed as a President and members of the Management Board, unless it constitutes a conflict of interest pursuant to law.
  - (6) The President and the members of the Management Board shall be appointed not later than 60 days prior the expiry of the mandate of their forerunners.
  - (7) Throughout the duration of their mandate, the President and the members of the Management Board cannot be: members of the Assembly of the Republic of North Macedonia, members of the Government of the Republic of North Macedonia, persons performing duties in the organs and bodies of the political parties, members of 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 marital or common-law union with the President or member of the Management Board, as well as first cousin-in-law up to second degree relative cannot be acquired with shares or stakes, directly or indirectly in the organization dealing with activities directly related to the competences of the Agency.
  - (9) Persons convicted with an effective (final) court verdict for a criminal offense of unconditional imprisonment of at least six months or a measure banning them from performing a profession, activity or duty for the duration of the verdict or measure cannot be appointed at the position President and members of the Management Board.
  - (10) If the appointment procedure fails to be completed before the expiry of the mandate of the President and the members of the Management Board, whose mandate has expired, the President and the members of the Management Board may continue to exercise their function, but not longer than six months.
  - (11) The President of the Management Board shall be entitled to a monthly allowance in an amount of 50% of the average net monthly salary of the Republic of North Macedonia and the members of the Management Board shall be entitled to a monthly allowance in amount of 40% of the average net monthly salary of the Republic of North Macedonia.
  - (12) The monthly allowance funds and the other expenses of the President and the members of the Management Board shall be provided from the Agency's budget, determined in the annual financial plan.

### **Article 13**

- (1) The Management Board shall make decisions at its sessions.
- (2) The sessions shall be convened by the President of the Management Board, at least once a month.
- (3) The Management Board sessions are public. By way of derogation, the Management Board may decide whether the session or debate regarding certain issue shall be closed for the public.
- (4) The decisions of the Management Board shall be taken by a majority of votes from total number of members of the Management Board.

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#### **Article 14**

The Management Board of the Agency shall have the following responsibilities:

- to adopt a Statute and other acts of the Agency,
- to adopt the draft and enact the annual work and development programme,
- to adopt the proposal and enact an annual financial plan,
- to adopt the annual financial report with balance sheet,
- to adopt report on the implementation of the annual work and development programme,
- to appoint the Director General of the Agency in accordance with this Act,
- to adopt the general acts in respect of the Agency's internal organization and job position systematization, salaries of the employees as well as tariff regulations and cost sheets for the operation of the Agency,
- to cooperate with other State authorities and institutions and local self-government authority units,
- to submit reports, recommendations and proposals to the Assembly of the Republic of North Macedonia and other State authorities and institutions in the field of civil aviation, and
- to perform other activities specified by the Statute and this Act.

#### **Article 15**

- (1) The president and the members of the Management Board of the Agency may be dismissed by the Assembly of the Republic of Macedonia, upon a proposal of the Committee on Elections and Appointment Issues of the Assembly of the Republic of Macedonia prior the expiry of the mandate for which they have been nominated due to the following reasons:
  - at his/her request,
  - in the event of incapacity due to illness for more than six months or death,
  - acceptance of a position or work not in line with his/her function member of the Management Board,
  - if he/she is convicted with an effective (final) court verdict for a criminal offense of unconditional imprisonment of at least six months or a measure banning he/she from performing a profession, activity or duty, from the day of sentencing,
  - violation 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 work and development programme of the Agency as well as the annual financial report to the Assembly of the Republic of North Macedonia shall be a basis for collective dismissal of the President and members of the Management Board.
- (3) If, in accordance with paragraphs (1) and (2) of this Article there is a reason for dismissal of a member of the Management Board of the Agency prior to the expiry of his/her mandate for which he/she has been appointed, the Management Board of the Agency shall notify the Committee on Elections and Appointment Issues of the Assembly of the Republic of North Macedonia within seven days from the day of finding out the reason.

#### **Article 16**

- (1) The Agency shall be managed by the Director-General.
- (2) The Director General of the Agency shall be elected by the Management Board of the Agency by public announcement, published in at least three daily newspapers issued throughout the territory of the Republic of North Macedonia, among which, one is issued in the language spoken by at least 20% of the citizens speaking an official language different from the Macedonian language.
- (3) The mandate of the Director General shall be for four years, with possibility for one more subsequent mandate.

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- (4) A person meeting the following requirements can be elected as a Director General of the Agency that is:
- 1) to be a citizen of the Republic of North Macedonia;
  - 2) at the time of the election, not to have been sentenced to a fine or misdemeanor sanction, a ban on performing a profession, activity or duty;
  - 3) to have acquired at least 240 credits according to the ECTS or completed VII/1 degree in the field of technical, legal or economic sciences;
  - 4) to have at least five years of working experience in the field of civil aviation and at least three years of working experience at a managerial position;
  - 5) to actively use the Macedonian language;
  - 6) to have one of the following internationally recognized certificates for active knowledge of English, that is:
    - TOEFEL IBT – at least 74 points,
    - IELTS – at least 6 points,
    - ILEC (Cambridge English: Legal) – at least level B2,
    - FCE (Cambridge English: First) – passed, or
    - APTIS – at least level B2, and
  - 7) to have a certificate for knowledge of computer programmes and office work.
- (5) The Management Board shall be obliged to appoint the Director General not later than 30 days prior to the expiry of the mandate of his/her forerunner.
- (6) The Director General of the Agency, persons in marital or common-law union with the Director General, first cousin-in-law up to second degree relative cannot be acquired with shares or stakes, directly or indirectly in the organization dealing with activities directly related to the competences of the Agency.
- (7) The Director General of the Agency cannot be a person convicted with an effective (final) court verdict for a criminal offense of unconditional imprisonment of at least six months or a measure banning him from performing a profession, activity or duty for the duration of the verdict or measure.
- (8) The Director General shall be full-time professionally engaged in the Agency.

#### **Article 17**

- (1) The Director General shall manage the operation of the Agency and shall be responsible for legal operation of the Agency empowered with the following competences:
- to represent and promote the Agency,
  - to propose, prepare and enact regulations, procedures and manuals for implementation of regulations enacted according to this Act and internal working procedures,
  - to issue authorizations to physical or legal entities to perform a part of the Agency's competencies determined by a regulation enacted according to this Act;
  - to develop draft annual work and development programme, annual financial plan of the Agency, financial statement with balance sheet and report on annual work and development programme implementation of the Agency,
  - to propose general acts in respect of the Agency's internal organization and job position systematization, salaries of the employees, as well as tariff regulations and cost sheets for the operation of the Agency,
  - to propose the acts to be enacted by the Management Board,
  - to implement the decisions taken by the Management Board,
  - to make decisions, orders and other acts not covered by the Management Board in accordance with this Act and the Statute of the Agency,
  - to ensure sufficient professional staff and working conditions for the smooth, competent and efficient exercise of the Agency's competences,
  - to appoint the aviation inspectors,

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- to appoint persons at managerial posts in the Agency,
  - to issue air safety information letters, orders and/or operational directives,
  - to organize a process for consultation with the aviation industry entities,
  - to cooperate with other State authorities and institutions and local self-government authority units, as well as non-governmental organizations and civil associations, and
  - to perform other activities specified by this Act and the Statute of the Agency.
- (2) The Director General shall have the right to take part at the sessions of the Management Board, without the right to vote.
  - (3) The Director General can submit his resignation in written form to the Management Board.
  - (4) If the mandate of the Director General has expired and the procedure for appointing a new director has not been completed, the Director General can continue to exercise his function until a new director is appointed, but not longer than six month.

#### **Article 18**

- (1) The Director General can be dismissed by the Management Board prior to the expiry of his/her mandate, in case;
  - upon his/her own request,
  - in the event of incapacity due to illness for more than six months,
  - acceptance of a position or work not in line with his/her function as Director General,
  - if he/she is convicted with an effective (final) court verdict for a criminal offense of unconditional imprisonment of at least six months or a measure banning he/she from performing a profession, activity or duty, from the day of sentencing, and
  - of violation of the provisions of the regulations in the field of the aviation or misuse of the function.
- (2) If the Director General is dismissed according to paragraph (1) of this Article or the procedure for appointing a new director has not been completed within the period specified in paragraph (5) Article 17 of this Act or in case of death, an Acting Director from the managerial employees of the Agency shall be appointed by the Management Board till the appointment of a new one, but not longer than two months.

#### **Article 19**

Against the decisions of the Agency made in a first instance administrative procedure, the unsatisfied party shall be entitled to a court protection by the Administrative court within a period of 30 days from the day of receipt of the decision.

#### **Article 20**

- (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 of the Republic of North Macedonia.
- (3) The employees of the Agency performing administrative activities shall have a status of administrative servants.
- (4) Regarding the issues related to the working relations of the employees referred to in paragraph (3) of this Article not governed by this Act and Collective Agreement, the provisions of the Law on Administrative Servants, Law on Public Sector Employees and the common regulations on labour relations shall apply.
- (5) The employees of the Agency performing assistive and technical activities shall have the status of assistive and technical personnel.
- (6) Regarding the issues in respect of the classification, book-keeping, employment and mobility of the employees referred to in paragraph (5) of this Article, the Law on Public

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Sector Employees shall apply, and regarding other issues related to the labour relations the common regulations on labour relations and collective agreements shall apply.

- (7) The method of determining the basic salary and salary contributions of the Agency employees shall be governed by the collective agreement.

### **Article 21**

- (1) The Agency shall be financed by:
- a portion of the charge collected for ATM/ANS services provided within the Macedonian airspace, in order to compensate the costs incurred by the Agency for oversight of the work of ATM/ANS services providers;
  - charge for issuing, extension, renewal and modification of the certificates and other administrative acts provided for by this Act or regulations enacted under this Act, as well as continuing oversight related to the aviation activities referred to in Article 23 of this Act, excluding the ATM/ANS services,
  - charge for aircraft inspection,
  - charge for proficiency check of the aviation personnel,
  - charge per any departing passenger from the aerodromes of the Republic of North Macedonia intended for the needs of the Agency and aviation enhancement, and
  - donations, fines, loans and other financial and technical assistance and other charges established by this Act and other regulations enacted under this Act.
- (2) The amount of the portion of the charge referred to in indent 1 paragraph (1) of this Article shall be determined on the ground of the approved annual financial plan with the Agency's cost of operation, depending on the administrative costs and costs for continuing oversight on ATM/ANS services provision, in a manner stipulated in accordance with paragraph (6) Article 58 of this Act.
- (3) The amount of the charge referred to in indent 2, 3 and 4 paragraph (1) of this Article shall be determined by the Management Board of the Agency, by a Tariff Regulation depending on actually incurred administrative and oversight costs.
- (4) The amount of the charge referred to in indent 5 paragraph (1) of this Article shall be determined by the Management Board of the Agency, by a Tariff Regulation depending on administrative costs and safety and continuing oversight costs. The amount of charge may not exceed one euro in denar equivalent.
- (5) The charge referred to in indent 5 paragraph (1) of this Article shall be collected by the air carriers on their behalf and for the account of the Agency. The air carriers shall submit to the Agency on its request, report for the number of departing passengers transported from the aerodromes in the Republic of North Macedonia, for the number of passenger exempted from paying the charge referred to in indent 5 paragraph (1) of this Article, as well as for the total paid amount of the charge.
- (6) The charge referred to in indent 5 paragraph (1) of this Article shall be calculated by the air carriers in the passenger ticket per any passenger departing from the aerodromes of the Republic of North Macedonia, excluding:
- passengers in case the aircraft carried them has been returned to the departing airport due to a Force Majeure,
  - passengers on flights operated by aircraft with capacity less than 20 seats,
  - children up to two years,
  - transit passengers, and
  - passengers with standby tickets (ID 00, ID 90).
- (7) The operator of an aerodrome shall submit to the Agency, based on a mutual agreement, a monthly report containing data about the number of passengers departing from the aerodromes of the Republic of North Macedonia, for each air carrier separately, in accordance with paragraph (6) of this Article. The Agency shall, based on this report,

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submit an invoice for the charge to each air carrier, with 15 days paying period, and calculated at the average exchange rate of the National Bank of the Republic of North Macedonia on the date of issue of the invoice.

- (8) If the air carrier fails to pay the charge within the period specified in paragraph (7) of this Article, the Agency shall issue to the air carrier a reminder for debt payment. If the air carrier fails to pay the debt even after the issued warning, the Agency may initiate court proceedings and refuse to issue a flight permission to foreign aircraft to operate within the Macedonian airspace or withdraw the issued permission referred to in Article 41 of this Act, that is, to ban the air carrier from flying.
- (9) 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, training and professional development of employees and aviation enhancement.
- (10) If in the event of war, emergency or crisis the Agency cannot be financed from the revenues referred to in paragraph (1) of this Article in the current year, the resources for performing the responsibilities of the Agency shall be provided by the Budget of the Republic of North Macedonia in accordance with the Budget Law.

### **Article 22**

- (1) The Agency shall submit the draft annual work and development programme and draft annual financial plan for consent to the Assembly of the Republic of North Macedonia at the latest by the end of December of the current year for the coming year.
- (2) The annual work and development programme and annual financial plan referred to in paragraph (1) of this Article shall be enacted by the Management Board upon a previous consent by the Assembly of the Republic of North Macedonia by the end of January each year.
- (3) The Report on the accomplishment of the annual work and development programme of the Agency for the previous year, followed by financial and accounting reports developed in accordance with the International Financial Reporting Standards, shall be adopted by the Management Board of the Agency not later than 25 February of each year.
- (4) The annual financial plan shall contain data on the revenues and expenditures of the operation of the Agency.
- (5) The Report delivered by any independent auditor shall be submitted to the Management Board of the Agency not later than 1 June of each year.
- (6) The Report on the accomplishment of the Annual Work and Development Programme of the Agency for the previous year shall be submitted by the Management Board of the Agency to the Assembly of the Republic of Macedonia for endorsement not later than 30 June, with the Report submitted by an independent auditor.
- (7) The audit shall be conducted by an external independent auditor, selected in accordance with the Law on Public Procurement.

## **2. AVIATION ACTIVITIES**

### **Article 23**

The activities in the field of aviation performed by the aviation industry according to this Act shall be as follows:

1. Commercial air transport;
2. Specialized operations;
3. Non-commercial operations;
4. Aircraft design, production and maintenance;
5. Construction, reconstruction and maintenance of aerodromes and airfields;



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6. Aerodrome services and ground handling services;
  7. ATM/ANS services;
  8. Training of aviation personnel, and
  9. Other activities specified by this Act or other regulations.

### **3. AVIATION SAFETY**

#### **Article 24**

- (1) In order to improve the safety management systems and achieving an acceptable level of air traffic safety, the Agency shall adopt a National Aviation Safety Programme at the proposal by the National Aviation Safety Management Committee, and upon a prior consent of the Government of the Republic of North Macedonia.
- (2) National plan, targets safety policy, indicators and target values regarding the safety performance for the period of five years shall be determined by the Agency based on the National Aviation Safety Programme upon a prior consent of the National Aviation Safety Management Committee and revised every year.
- (3) The training organizations of the aviation personnel, the air carriers, aerodrome operators, ATM/ANS services providers and aircraft maintenance, design and construction organizations, as well as other aviation industry entities shall develop a Safety Management Manual in accordance with the National Aviation Safety Programme approved by the Agency.
- (4) The legal entities referred to in paragraph (3) of this Article shall establish and maintain safety management system in accordance with the approved Manual and the National Aviation Safety Programme.
- (5) The Agency shall establish a safety management system in accordance with the accepted standards in the field of aviation.

#### **Article 25**

- (1) A National Aviation Safety Management Committee (hereinafter referred to as: Safety Committee) shall be established by the Government of the Republic of North Macedonia to ensure the monitoring of the implementation of the National Aviation Safety Programme and decision making on taking preventive measures for eliminating the aviation safety risks and efficient operation of the entire aviation safety system.
- (2) The Safety Committee shall perform the following activities:
  - propose a National Aviation Safety Program, national safety plan and policy as well as aviation safety performance goals, indicators and target values as well as modification thereof,
  - monitor the compliance with the aviation safety performance goals, indicators and target values,
  - review accident and serious incident reports in respect of the aviation safety,
  - make decision on the implementation of the preventive measures to mitigate the risks of potential aviation safety hazards, and
  - perform other activities in accordance with the National Aviation Safety Programme and other regulations.
- (3) The Safety Committee shall be composed of two representatives, members and their deputies nominated by the Ministry of Transport and Communications, Ministry of Defence, Ministry of Interior, the Agency, the airport operator, ATM/ANS services provider, the aircraft operators association and the President of the Aircraft Accident and Incident Investigation Committee. The representatives shall have working experience of

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three years at least in the field of aviation and the same shall be nominated at the request of the President of the Committee.

- (4) The President of the Safety Committee shall be the Director General of the Agency authorized and responsible for the management (administration) and coordination of the implementation of the National Aviation Safety Programme.
- (5) Regarding the activities of the Safety Committee, the nominated representatives may be paid an annual allowance in the amount of one average monthly paid net salary per employee at the level of the Republic of North Macedonia, provided that the legal entity nominating its representatives has provided resources for such purpose and the representative participated in at least one meeting of the Safety Committee in that year.
- (6) The Committee shall adopt Rules of Procedure for its operations.

#### **Article 26**

The common basic safety rules related to the various activities in the field of civil aviation shall be prescribed by the Director General of the Agency.

#### **Article 27**

A National Runway Safety Programme shall be adopted by the Agency in order to improve the runway safety of the aerodromes and upon the prior consent of the Government of the Republic of North Macedonia.

### **4. AVIATION SECURITY**

#### **Article 28**

- (1) The operator of an aerodrome shall develop an Airport Security Programme in accordance with the provisions of the National Civil Aviation Security Programme. The Airport Security Programme shall be approved by the Agency.
- (2) Each domestic air carrier shall develop an Air carrier Security Programme in accordance with the provisions of the National Civil Aviation Security Programme. The Airline Security Programme shall be approved by the Agency.
- (3) At the request of the Agency, each foreign air carrier shall submit its Air Carrier Security Programme approved by the competent aviation authority of the State which issued the Air Operator Certificate (AOC).
- (4) The ATM/ANS services provider shall develop an ATM/ANS Services Provider Security Programme in accordance with the provisions of the National Civil Aviation Security Programme. The ATM/ANS Services Provider Security Programme shall be approved by the Agency.
- (5) The operator of an aerodrome, ATM/ANS services provider and the air carriers shall be obliged to implement the security measures in accordance with the appropriate approved Security Programmes in order to safeguard the civil aviation against acts of unlawful interference.
- (6) All physical persons or legal entities present at the aerodrome shall comply with the prescribed security requirements, rules and measures.
- (7) The Government of the Republic of North Macedonia shall prescribe the security requirements, rules and manner to safeguard against acts of unlawful interference.
- (8) Critical parts of security-restricted areas shall be established at the aerodromes where more than 40 employees hold airport identification cards and access to the security-restricted areas is allowed.
- (9) Cargo and mail security controls in air traffic may be performed by a regulated agent and/or known consignor to ensure that the inspected consignment has been protected from

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unauthorized interference from the moment the security control was made to the moment of its loading in an aircraft. The regulated agent and the known consignor should be approved by the Agency in accordance with paragraph (7) of this Article.

- (10) The regulated agent referred to in paragraph (9) of this Article shall develop a security programme in accordance with the provisions of the National Civil Aviation Security Programme. The security programme of the regulated agent shall be approved by the Agency.
- (11) Delivery of in-flight supplies carried on board an aircraft may be done by an authorised supplier approved by the Agency in accordance with the provision referred to in paragraph (7) of this Article.
- (12) The authorised supplier referred to in paragraph (11) of this Article shall develop a security programme in accordance with the provisions of the National Civil Aviation Security Programme. The security programme of the authorised supplier shall be approved by the Agency.

#### **Article 29**

- (1) An Airport Security Committee shall be established by the operator of the aerodrome at each aerodrome.
- (2) The members of the Airport Security Committee shall be representatives of:
- the airport operator,
  - the domestic air carriers,
  - the ground-handling service suppliers,
  - the foreign air carriers,
  - the Agency,
  - ATM/ANS services provider,
  - the Ministry of Transport and Communications, the Ministry of Interior, the Ministry of Defence and the Ministry of Finance – Customs Authority, and
  - representatives of other entities if their activity is 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 aerodrome security.

#### **Article 30**

- (1) A National Civil Aviation Security Committee shall be established by the Government of the Republic of North Macedonia to ensure taking preventive measures, organized actions and elimination of consequences from the acts of unlawful interference in civil aviation.
- (2) The National Civil Aviation Security Committee shall be composed of two representatives, members and their deputies by the Ministry of Transport and Communications, Ministry of Interior, the National Security Agency, the Ministry of Defence, Ministry of Finance – Customs Authority, the Agency, ATM/ANS services provider, the operator of the aerodromes, ground-handling services supplier, domestic air carriers and representatives of other entities provided that their activity is of importance for the security and nominated at the request of the President of the National Aviation Security Committee.
- (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) Regarding the activities in the National Civil Aviation Security Committee, the nominated representatives may be paid an annual allowance in the amount of one average monthly paid net salary per employee at the level of the Republic of North Macedonia, provided that the legal entity nominating its representatives has provided resources for such purpose and the representative participated in at least one meeting of the Security Committee in that year.

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- (5) The National Security Committee shall adopt Rules of Procedure for its operations.
  - (6) The Agency shall, upon the prior consent of the Government of the Republic of North Macedonia, enact the following documents:
    - National Civil Aviation Security Programme
    - National Civil Aviation Security Training Programme,
    - National Civil Aviation Security Quality Control Programme, and
    - other programmes and plans.

## **5. UNMANNED AIRCRAFT, UNMANNED AIRCRAFT SYSTEMS AND MODEL AIRCRAFT**

### **Article 31**

- (1) Special requirements for safe use, provision of appropriate services and carrying out unmanned aircraft flight operations, unmanned aircraft systems and model aircraft, for obtaining the relevant certificates as well as competency training of the persons operating such aircraft and systems shall be prescribed more closely by the Director General of the Agency.
- (2) A State unmanned aircraft may operate within the Macedonian airspace in accordance with the special requirements prescribed by the Ministry of Interior Affairs, i.e. the Director General of the National Security Agency in respect of the aircraft when engaged in police operations, the Ministry of Defence in respect of the aircraft when engaged in military operations and the Ministry of Finance in respect of the aircraft when engaged in customs operations taking into consideration the safety of civil air traffic.

## **CHAPTER THREE AIR TRAFFIC**

### **1. REQUIREMENTS FOR AIR TRAFFIC OPERATION**

#### **Article 32**

- (1) For the purpose of air traffic operation, an aircraft meeting the requirements prescribed by this Act and regulations enacted under this Act may be engaged.
- (2) The aircraft engaged in air traffic operation shall operate in accordance with their type, category and purpose specified in the Certificate of Airworthiness, that is, Operational permit.
- (3) Rules of the air for the aircraft shall be prescribed by the Director General of the Agency.
- (4) Operational flight rules and special aviation operations regarding the State aircraft shall be prescribed by the Ministry of Interior Affairs, i.e. the Director General of the National Security Agency in respect of the aircraft when engaged in police operations, the Ministry of Defence in respect of the aircraft when engaged in military operations and the Ministry of Finance in respect of the aircraft when engaged in customs operations.

#### **Article 33**

- (1) When an aircraft registered into the Aircraft Registry of the Republic of North Macedonia is engaged in other State by an operator, who has his principal place of business or permanent residence in that State pursuant to an agreement for lease or charter or any similar arrangement for the aircraft, the Republic of North Macedonia may, by agreement between the aeronautical authorities, transfer to it all or part of the functions and duties of the Agency arising from Articles 12, 30, 31 and 32-a of the Chicago Convention. In such

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case, the Republic of North Macedonia, as a State of Registry, shall be relieved of responsibility in respect of the functions and duties transferred.

- (2) When an aircraft registered into the Aircraft Registry of other State is operated in the Republic of North Macedonia by an operator, who has his principal place of business or permanent residence in the Republic of North Macedonia pursuant to an agreement for lease or charter or any similar arrangement for the aircraft, the State of Registry may, by agreement between the aeronautical authorities, transfer to the Republic of North Macedonia all or part of the functions and duties of the aeronautical authorities of that State arising from Articles 12, 30, 31 and 32-a of the Chicago Convention. In such case, the State of Registry shall be relieved of responsibility in respect of the functions and duties transferred.
- (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 submission of the concluded agreement referred to in paragraphs (1) and (2) of this Article to ICAO and published 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 transfer agreement 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 operated according to Article 83-bis of the Chicago Convention.
- (7) Certified copies of the concluded agreement for transfer and air carrier's Air Operator Certificate (AOC) shall be carried on board the aircraft being the subject of the agreement for the lease, charter or any similar agreement.

#### **Article 34**

- (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 defined 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 is closing to a prohibited or restricted or danger area or operates thereunto, or enters the airspace of the Republic of North Macedonia without a permission, the air traffic control competent for that portion of the Macedonian airspace shall be obliged to take prescribed measures in order to turn back the aircraft to the flight path specified in the approved flight plan in accordance with the regulation referred to in paragraph (6) of this Article.
- (5) If the pilot-in-command, that is, operator 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 initiate if necessary a procedure for interception of that aircraft.
- (6) The conditions and procedures for intercepting of the aircraft in accordance with paragraphs (4) and (5) of this Article shall be prescribed by the Government of the Republic of North Macedonia.

#### **Article 35**

- (1) It shall be prohibited to direct lights, lasers and reflections towards aircraft in flight.
- (2) It shall be prohibited to use jamming devices that interfere with global satellite navigation systems.

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### **Article 36**

- (1) In case of dangerous or adverse weather conditions, humanitarian activities, protective activities in respect of safeguarding of people and material assets due to fire, hail and similar as well as for efficiency of air traffic operation, the competent air traffic control can, by way of derogation from paragraph (2) Article 41 of this Act, grant a permission for overflight of aircraft in Macedonian airspace.
- (2) If the aircraft referred to in paragraph (1) of this Article lands at the territory of the Republic of North Macedonia, the competent air traffic control shall be obliged without any delay to notify the Agency, Ministry of Defence and Ministry of Interior.

### **Article 37**

- (1) Anti-hail rockets may be launched only on the ground of a permission granted by the competent air traffic control.
- (2) Entities, requirements and procedure to launch the rockets mentioned in paragraph (1) of this Article shall be prescribed by the Government of the Republic of North Macedonia.

### **Article 38**

- (1) Parachute jumps from an aircraft while flying within the flight path or terminal control zone and above aerodrome area 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 under this Act.
- (2) Special requirements, procedure and rules for parachute jumps from an aircraft shall be prescribed by the Director General of the Agency.
- (3) The rules regarding the military parachuting shall be prescribed by the Ministry of Defence.

### **Article 39**

- (1) The Government of the Republic of North Macedonia may prohibit or restrict the operation within the airspace of the Republic of North Macedonia if it is in the interest of the defence, national security or public interest.
- (2) The ATM/ANS services provider, at the request of the Ministry of Defence and/or Ministry of Interior and in accordance with the regulation referred to in paragraph (1) Article 60 of this Act shall be obliged temporary to prohibit or restrict operation within a specified portion of the airspace or at certain aerodrome, if it is in the interest of the defence, national security or aviation safety of certain aircraft or group of aircraft.
- (3) The prohibition to operate or restriction to operate referred to in paragraphs (1) and (2) of this Article shall be published according to air traffic 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 40**

- (1) Operational flights operated by the Macedonian State aircraft and NATO aircraft performing military and police operations in order to protect the sovereignty and territorial integrity of the Republic of North Macedonia as well as to protect public order and peace shall be deemed as flights of special importance for the security of the Republic of North Macedonia.
- (2) The flights referred to in paragraph (1) of this Article shall not be subject to the civil aviation rules and regulations and to the permissions, certificates and other document issued by the Agency. These flights shall not be subject to oversight by the Agency.

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- (3) The flights referred to in paragraph (1) of this Article shall have a priority over other flights, except for flights where the pilot declared a state of urgency, danger or state of emergency.

#### **Article 41**

- (1) A foreign aircraft may operate within the Macedonian airspace only with a prior granted permission, unless otherwise specified under an international agreement ratified by the Republic of Macedonia or regulations enacted under this Act.
- (2) In case of overflight, the permission referred to in paragraph (1) shall be issued as an entry clearance by the air traffic control in accordance with the regulation referred to in Article 32 of this Act, while in case of landing the entry clearance shall be issued upon a prior flight permission in accordance with paragraph (3) of this Article.
- (3) The permission referred to in paragraph (2) of this Article in respect of civil foreign aircraft entering the territory of the Republic of North Macedonia shall be granted by the Agency.
- (4) The permission referred to in paragraph (2) 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 the prior consent of the Ministry of Defence.
- (5) Notwithstanding the provisions of paragraph (4) of this Article, a flight permission for aircraft engaged in air policing shall not be required.
- (6) The requirements, method and procedure in respect of granting the flight permission to civil and State aircraft shall be prescribed by Government of the Republic of North Macedonia.

#### **Article 42**

- (1) Flight permission for operational flights performed by domestic State aircraft as well as for operation of domestic civil aircraft shall not be required.
- (2) A foreign State aircraft not engaged in State operation purposes shall be deemed as a civil aircraft and should have a flight permission in accordance with paragraph (2) Article 41 of this Act.

#### **Article 43**

- (1) A foreign aircraft with a permission to operate within the Macedonian airspace according to Article 41 of this Act may take off/land at an airport open for international air traffic.
- (2) In respect of take-off and landing at an aerodrome, terrain/landing strip or airfield not open for international air traffic specified in paragraph (1) of this Article, a foreign aircraft engaged in civil operations shall have a special permission for that aerodrome, terrain/landing strip or airfield granted by the Agency upon the prior opinion of the Ministry of Defence, Ministry of Finance – Customs Authority and the Ministry of Internal Affairs, unless otherwise specified in an international agreement ratified by the Republic of North Macedonia.
- (3) The special permission referred to in paragraph (2) of this Article for foreign aircraft performing State flights shall be issued by the competent State authorities in the field of police, defence and customs.
- (4) The Ministry of Internal Affairs and the Ministry of Finance – Customs Authority shall exercise the duties being under their competence in respect of landing at an aerodrome not open for international air traffic, at the landing site of that foreign aircraft and the costs for such activities shall be borne by the services user.
- (5) Domestic aircraft leaving the Macedonian airspace, during its return, may land on the territory of the Republic of North Macedonia only at an aerodrome open for the international air traffic or at an aerodrome, terrain//landing strip, i.e. airfield not open for

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international traffic, unless it has special permission in accordance with paragraph (2) of this Article.

#### **Article 44**

- (1) A foreign aircraft while flying within the Macedonian airspace shall be prohibited to carry on board an active loaded firearm, rockets, bombs, biological or chemical weapon or photographic equipment, unless otherwise specified in an international agreement ratified by the Republic of North Macedonia.
- (2) For the use of active photographic equipment, a foreign aircraft, excluding unmanned aircraft with MTOW of less than 20 kg shall have a special permission in accordance with the Law on Defence.

#### **Article 45**

Air services may be operated as scheduled or non-scheduled air services within the domestic or international air traffic.

#### **Article 46**

- (1) An international air services may be operated by a domestic airline, which in addition to the requirements mentioned in paragraph (2) Article 51 of this Act shall meet the requirements provided for by the international agreements binding on the Republic of North Macedonia as well as other international acts governing safe and orderly operation of the international air service.
- (2) If provide for by the international agreements binding on the Republic of North Macedonia that scheduled air service may be operated only by one air carrier per Contracting Country, the priority for granting designation shall be given to the domestic air carrier that first applied to the Agency to be designated.
- (3) A foreign air carrier may operate international air service to/from the Republic of North Macedonia according to the requirements of the bilateral and multilateral international scheduled or non-scheduled air services agreement binding on the Republic of North Macedonia or according to the requirements stated in the permission issued in accordance with Article 41 of this Act.
- (4) Notwithstanding the provision of paragraphs (1) (2) and (3) of this Article, a domestic air carrier or an air carrier of the ECAA State Member may operate international air services between the Republic of North Macedonia and ECAA Member State in accordance with the regulations enacted under this Act.

#### **Article 47**

- (1) An air carrier shall be obliged to perform the carriage in air services in an orderly and regular manner.
- (2) The airport operator, ground handling services supplier, security service, service for maintenance of manoeuvring areas, aprons, buildings, installations, devices and equipment, medical services and fire-fighting service, police and customs services, competent air traffic control, meteorological services shall be obliged to perform their duties in a way to ensure regular and orderly air traffic service.
- (3) The airport operator shall be obliged to submit to the Agency a monthly report on the orderly performed and regularity of the air traffic service.

#### **Article 48**

The Director General of the Agency shall prescribe the rules in respect of the list of air carries subject to operating ban and publish the list of air carriers subject to operating ban.



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### **Article 49**

- (1) Due to the faster civil aviation development and formation of competitive and more affordable available prices in air traffic, the Government of the Republic of North Macedonia and the local self-government units can grant to domestic and foreign air carriers financial support for promotion and development of air traffic in the Republic of North Macedonia.
- (2) The financial support referred to in paragraph (1) of this Article shall be established in accordance with the following criteria:
  - increase of the frequencies of flights on a particular destination;
  - introduction of new destinations;
  - increase of the number of passengers, and
  - compliance with the requirements regarding air services operation in accordance with this Act.
- (3) In respect of determination of the financial support referred to in paragraph (1) of this Article, a Three-Year Programme shall be adopted by the Government of the Republic of North Macedonia, upon the prior opinion of the Ministry of Finance and Competition Protection Commission.
- (4) In respect of determination of the financial support referred to in paragraph (1) of this Article, a Three-Year Programme shall be adopted by the local self-government units, upon the prior opinion of the Competition Protection Commission.
- (5) The manner, detailed criteria referred to in paragraph (2) of this Article and documentation required to be submitted by the recipients of the financial support referred to in paragraph (1) of this Article shall be established by the Government of the Republic of North Macedonia, that is, councils of local self-government units.
- (6) The funds to be used for financing the Programme referred to in paragraph (3) of this Article shall be provided from the Budget of the Republic of North Macedonia, that is, the Budget of the local self-government units.

### **Article 50**

- (1) In case when no air carrier has economic interest in performing scheduled air service on certain route within the ECAA and such route is considered of particular importance for the economic and social development of a certain region, that route may be designated by the Government of the Republic of North Macedonia as a route of public interest.
- (2) The procedure and requirements necessary to designate a route of public interest and to select an air carrier to operate scheduled air service at that route shall be established by the Government of the Republic of North Macedonia.

## **2. AIR OPERATIONS**

### **Article 51**

- (1) Air operations may be operated as commercial air transport, specialized and non-commercial air operations.
- (2) Method and special requirements in respect of air operations as well as for obtaining the relevant certificates necessary to operate such operations shall be more closely prescribed by the Director General of the Agency.

### **Article 52**

- (1) Legal entities and physical persons organizing, accepting and delivering of cargo and postal items containing dangerous goods for transport by air shall be obliged to ensure that the dangerous goods are not prohibited to be carried by air and are suitable packed at a

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manner meeting the requirements in accordance with this Act and regulations enacted under this Act.

- (2) Special requirements for organizing transport of dangerous goods by air by the entities for acceptance, delivery and preparation (classification, packaging, marking and labelling) of cargo and postal items containing dangerous goods as well as for training proficiency regarding the dangerous goods and for obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.
- (3) The dangerous goods intended to be transported by air and prepared in accordance with the requirements referred to in paragraph (2) of this Article shall be accepted to be transported by land to/from an aerodrome in accordance with the Act on transport of dangerous goods by road and rail.

### **3. AIRCRAFT CERTIFICATES, BOOKS AND OTHER DOCUMENTATION**

#### **Article 53**

The aircraft engaged in air traffic, while flying shall have on board the certificates, books and other documentation prescribed by the Chicago Convention, this Act and regulations enacted under this Act.

#### **Article 54**

- (1) Airworthiness certificates and licences issued or validated by ICAO Contracting State being the State of Registry shall be rendered valid by the Republic of North Macedonia in accordance with Article 33 of the Chicago Convention, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards established in accordance with the Chicago Convention.
- (2) In connection to Article 33 of the Chicago Convention, if ICAO Contracting State in which an aircraft has been registered transfers its responsibilities for issuance or validation of certificates referred to in paragraph (1) of this Article to the State of Operator according to Article 83-bis of the Chicago Convention, the Republic of North Macedonia shall recognize the validity of the certificates referred to in paragraph (1) of this Article issued by the State of Operator in addition to those certificates issued by the State of Registry, provided that the Republic of North 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 use the airspace of the Republic of North Macedonia and the Republic of North 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 shall be fully competent in accordance with Articles 30, 31 and 32-a of the Chicago Convention regardless the agreement for transfer of responsibilities.

### **4. ORGANIZATION OF CONTESTS AND AIR SHOWS**

#### **Article 55**

- (1) Method and special requirements for organizing contests or air shows shall be prescribed by the Director General of the Agency.

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- (2) The entities satisfying the requirements to organize a contest or air show referred to in paragraph (1) of this Article shall be granted an approval by the Agency upon previously performed oversight and granted approval by the ATM/ANS services provider.

## **CHAPTER FOUR AIR NAVIGATION**

### **1. ATM/ANS SERVICES**

#### **Article 56**

- (1) ATM/ANS services shall be provided on an exclusive basis within specified airspace blocks being sectors of the flight information region under the responsibility of the Republic of North Macedonia and by the ATM/ANS services provider to be designated by the Government of the Republic of North Macedonia, as long as it holds a valid certificate of competence for provision of ATM/ANS services.
- (2) In case of existence of a functional airspace block established by an international agreement in accordance with Article 59 of this Act that extends across the airspace of the Republic of North Macedonia, the signatory States shall jointly designate with an agreement, one or more ATM/ANS service providers and determine their rights and responsibilities.
- (3) The decision for designation referred to in paragraphs (1) and (2) of this Article shall relate to provision of ATS and Meteorological services, and contain the requirements to be met by the designated provider for the duration of the designation.
- (4) ATM/ANS services providers with their principal place of business or registered representative office in the Republic of North Macedonia shall be issued by the Agency a certificate for competency to provide ATM/ANS services.
- (5) Procedure and special requirements for provision of ATM/ANS services and obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.
- (6) The procedure for provision of ATM/ANS services for State aircraft shall be regulated by an agreement on cooperation between the ATM/ANS services provider and the competent State authorities in the field of police, defence and customs.
- (7) A National Performance Plan on the provision of ATM/ANS services shall be developed by the Agency in cooperation with the ATM/ANS services provider. The development of the National Performance Plan on the provisions of ATM/ANS services shall be based on the data received from the ATM/ANS services provider for the period of five years, and revised each year.
- (8) The National Performance Plan on the provision of ATM/ANS services shall be approved by the Government of the Republic of North Macedonia.
- (9) The Agency shall monitor the implementation of the National Performance Plan on the provision of ATM/ANS services by the ATM/ANS services provider.

#### **Article 57**

The units of measurement, abbreviations and measures established by a law, applicable standards or international agreements binding on the Republic of North Macedonia shall be used while providing ATM/ANS services.

#### **Article 58**

- (1) A charge for the use of ATM/ANS services provided within the Macedonian airspace shall be paid by the operator of the aircraft consisting of en-route charges and terminal charges.

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- (2) En-route charge referred to in paragraph (1) of this Article shall be collected by the EUROCONTROL and transferred to the Agency and to the ATM/ANS services provider according to previously concluded agreement.
  - (3) A portion of the charge transferred to the Agency in accordance with paragraph (2) of this Article, the Agency shall transfer to the Crisis Management Centre according to previously concluded agreement on manner and requirements for transfer of portion of the charge and Crisis Management Centre cost calculation regarding the search and rescue in the field of aviation previously approved by the Agency, depending on the costs related to the search and rescue organization and coordination in civil aviation.
  - (4) The terminal charge referred to in paragraph (1) of this Article, shall be collected by the ATM/ANS service provider or EUROCONTROL. If the charge is collected by EUROCONTROL it shall be transferred to the ATM/ANS service provider and the Agency based on previously concluded agreement. If the charge is collected by the ATM/ANS service provider, a portion thereof shall be transferred to the Agency in accordance with Article 21 of this Act and previously concluded agreement.
  - (5) The ATM/ANS service provider may detain an aircraft or refuse to provide ATM/ANS services in accordance with the regulation referred to in paragraph (6) of this Article if the outstanding debt has not be paid by the services user referred to in paragraph (1) of this Article.
  - (6) The way of determining the amount of the charge referred to in paragraph (1) of this Article, the way of collection and exemption from payment of the charge shall be prescribed by the Government of the Republic of North Macedonia in accordance with the international agreements ratified by the Republic of North Macedonia.
  - (7) The exemption from payment referred to in paragraph (1) of this Article, in addition to the flights specified by the regulation referred to in paragraph (6) of this Article, the aircraft flights of the State authorities of the Republic of North Macedonia shall be also exempted from payment as well as other flights that may be exempted from payment in accordance with the regulation referred to in paragraph (6) of this Article, upon a prior decision made by the Government of the Republic of North Macedonia.

#### **Article 59**

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 entity according to international agreements binding on the Republic of North Macedonia.

#### **Article 60**

- (1) Airspace design (organization and structure), classification, flexible use of the airspace and other functions necessary to ensure maximum use of the airspace (hereinafter referred to as: airspace management) shall be prescribed by the Government of the Republic of North Macedonia.
- (2) In order to ensure efficient and strategic airspace management (ASM Level 1), the Government of the Republic of North Macedonia shall establish a Civil-military Committee for performance of the duties related to airspace management and flexible use thereof.
- (3) The Civil-military Committee shall be composed of two representatives, members and their deputies nominated by the Ministry of Transport and Communications, National Security Agency, Ministry of Defence, Ministry of Interior, the Agency and ATM/ANS services provider. The representatives shall have working experience of three years at least in the field of aviation and the same shall be nominated at the request of the Coordinator of the Civil-military Committee.

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- (4) The activities of the Civil-military Committee shall be coordinated by the representative of the ATM/ANS service provider.
  - (5) Regarding the activities of the Civil-military Committee, the nominated representatives may be paid an annual allowance in the amount of one average monthly paid net salary per employee at the level of the Republic of North Macedonia, provided that the legal entity nominating its representatives has provided resources for such purpose and the representative participated in at least one meeting of the Committee in that year.
  - (6) The Committee shall adopt Rules of Procedure for its operations.
  - (7) The designated ATM/ANS services provider shall perform the duties of Civil-Military Cell for airspace management in order to ensure day-to-day airspace management (ASM Level 2). The representatives of the Ministry of Defence shall participate in the work of the Cell.
  - (8) In order to ensure airspace management in real time (ASM Level 3), the designated ATM/ANS services provider and the Ministry of Defence shall establish procedures for civil-military cooperation and ensure communication systems for mutual sharing of data to enable activation, deactivation and relocation of the airspace allocated by the Cell referred to in paragraph (7) of this Article.

#### **Article 61**

- (1) In order to implement the ICAO concept regarding the establishment of performance based navigation as well as determination of the air navigation specifications depending on the scope of the ATM/ANS services provided within the airspace of the Republic of North Macedonia, a Performance Based Navigation Implementation Plan shall be adopted by the Government of the Republic of North Macedonia, at the proposal of the Agency.
- (2) The Government of the Republic of North Macedonia shall determine in the Plan referred to in paragraph (1) of this Article the global navigation satellite systems and the satellite system signal amplifiers to ensure the improvement of the performances of the global navigation satellite systems to be used in the airspace of the Republic of North Macedonia.

#### **Article 62**

- (1) Technical facilities, equipment, devices and objects for provision of ATM/ANS services are the entire operational technical facilities that with their operation and function shall be necessary to ensure safe and regular provision of ATM/ANS 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 purchased, installed and maintained in such a way and state/condition as to ensure safe and regular air services operation.
- (3) Data in respect of the technical facilities, equipment, devices and objects for provision of ATM/ANS 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 ATM/ANS 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 ATM/ANS services shall be protected against any damage or destruction.
- (5) Any obstacles, emission devices, objects, long-distance power lines or other devices emitting electromagnetic waves shall not be placed at a distance from which they may interfere the operation of the technical facilities and devices intended for provision of ATM/ANS 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 necessary for provision of ATM/ANS services.

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- (7) The procedure for 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 63**

- (1) Rules and requirements in respect of systems interoperability, their components and related procedures for provision of ATM/ANS services with the European ATM network shall be more closely prescribed by the Director General of the Agency.
- (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 64**

The Agency and the ATM/ANS services provider shall define the activities for implementation of PAN-European assignments and objectives specified in the European ATM Master Plan (Level 3) through LSSIP.

#### **Article 65**

- (1) Means, procedures and other requirements in respect of safe take-off and landing of aircraft shall be established and accepted for each aerodrome.
- (2) The means, procedures and other requirements in respect of safe take-off and landing of aircraft at a controlled aerodrome shall be developed and established by the ATM/ANS service provider.
- (3) The means, procedures and other requirements in respect of safe take-off and landing of aircraft at an uncontrolled aerodrome shall be developed and established by the aerodrome operator upon prior coordination with the ATM/ANS service provider.
- (4) The means, procedures and other requirements in respect of safe take-off and landing of aircraft established in accordance with paragraph (2) and (3) of this Article shall be submitted to the Agency for approval by the ATM/ANS service provider and the aerodrome operator.
- (5) The approved means, procedures and other requirements in respect of safe take-off and landing of aircraft shall be published according to air traffic standard procedure.
- (6) Definition and the establishment of the means, procedures and other requirements in respect of safe take-off and landing of civil aircraft shall be prescribed by the Director General of the Agency.
- (7) The means, procedures and other requirements in respect of safe take-off and landing of the State aircraft when engaged in military operations shall be defined and established by the Ministry of Defence upon or opinion of the ATM/ANS service provider.

#### **Article 66**

- (1) The minimum safety levels for flying an aircraft above obstacles shall be defined and published according to air traffic standard procedure by the ATM/ANS service provider.
- (2) The operating minima for each aerodrome and the procedures for determining thereof shall be developed by the aircraft operator for each aerodrome used by such operator for landing and take-off, in a way that the levels defined in accordance with the aerodrome operating minima shall not be below the levels defined in accordance with paragraph (1) of this Article.
- (3) The means, procedures and other requirements for safe take-off and landing during adverse weather conditions as well as the means for defining the aerodrome operating minima shall be prescribed by the Director General of the Agency.

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### **Article 67**

- (1) Aerodrome flight information service may be provided at an uncontrolled aerodrome and controlled aerodrome outside the working hours of the designated ATM/ANS service provider.
- (2) The means and special requirements for provision of aerodrome flight information service, designation of aerodromes and airspace wherein such service is provided, for obtaining the relevant certificates and for the personnel providing such service and other special requirements shall be more closely prescribed by the Director General of the Agency.

## **2. ATM/ANS SERVICE PROVIDER**

### **Article 68**

- (1) A Joint Stock Company with one shareholder, the State – ATM/ANS service provider to ensure the provision of ATM/ANS services shall be established by the Government of the Republic of North Macedonia in accordance with 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.

### **Article 69**

Subject of operation of the ATM/ANS service provider shall be provision of ATM/ANS services, training of ANS personnel, development and regular update of the Aeronautical Information Publication based on the data received from the determined originators and other activities related to the air navigation.

### **Article 70**

- (1) The ATM/ANS service provider shall be financed by:
  - the portion of the charge collected on the basis of provision of ATM/ANS services, and the level thereof shall be determined in the cost calculation of the ATM/ANS service provider in a manner prescribed in accordance with paragraph (6) Article 58 of this Act,
  - ANS personnel training charge,
  - donations, loans, credits and other financial and technical support, and
  - charges for other activities performed by the ATM/ANS service provider.
- (2) The amount of the charge referred to in indents 2 and 4 paragraph (1) of this Article shall be established by the Management Board of the ATM/ANS service provider in a Tariff Regulation

### **Article 71**

- (1) The ATM/ANS service provider shall administer and use the technical facilities, devices, equipment and objects for provision of ATM/ANS services and the lands related thereto.
- (2) ATM/ANS services provider shall insure the technical facilities, equipment, devices and objects for provision of ATM/ANS services against damage or destruction thereof.

### **Article 72**

- (1) The ATM/ANS services provider shall develop an ATM/ANS Services Provision Programme as well as an Annual Financial Plan, upon prior consent of the Agency, and submit the same to the Government of the Republic of North Macedonia for approval, by the end of each year at the latest.

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- (2) The Annual Financial Report with the Balance Sheet, Auditor's Report for the previous year as well as the Performance Report for the previous year shall be furnished to the Government of the Republic of North Macedonia for approval by the ATM/ANS services provider by the end of May each year, upon prior positive opinion of the Agency.

#### **Article 73**

- (1) The ATM/ANS services provider shall have insurance for third party liability.
- (2) The insurance referred to in paragraph (1) of this Article shall be concluded for liability for damage caused in connection with the provision of ATM/ANS services.
- (3) If the amount of the insurance coverage on which the insurance has been agreed upon referred to in paragraph (1) of this Article is not sufficient to compensate the established claims in the indemnity claim, the repayment of the uncovered part of the amount of the determined damage shall be guaranteed by the Government of the Republic of North Macedonia.
- (4) In case the Government of the Republic of North Macedonia repays the uncovered part of the amount of the determined damage in accordance with paragraph (3) of this Article, it has the right to refund.
- (5) The ATM/ANS services provider shall provide a risk identification, assessment and mitigation system in respect of risks present during provision of ATM/ANS services in accordance with the accepted international standards.

#### **Article 74**

- (1) Personnel in charge with provision of ATM/ANS services shall during a strike ensure safe air traffic operations in accordance with this Act, other regulations governing strikes and the Collective Agreements.
- (2) The personnel referred to in paragraph (1) of this Article shall ensure during a strike a normal execution of the following:
- aircraft operation engaged in search and rescue mission,
  - operation of aircraft engaged in humanitarian and medical missions, and
  - operational flights of State aircraft for security purposes.

### **CHAPTER FIVE**

## **AERODROMES, AIRFIELDS AND TERRAINS/LANDING STRIP**

### **I GENERAL PROVISIONS**

#### **Article 75**

Aerodrome and airfield may be used for air traffic operation only if satisfies the requirements for aviation safety set forth in this Act and regulations enacted under this Act.

#### **Article 76**

- (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 air service – airports;
  - 2) Aerodromes intended to be used mainly for aviation-sports activities – 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).



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### **Article 77**

- (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.
- (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 78**

Aerodromes are divided into classes according to their physical, construction and traffic characteristics of the main runway and taxi-way and into categories according to their level of equipment with devices and facilities for aircraft approach, landing, maneuvering and take-off.

## **2. CONSTRUCTION, MAINTENANCE AND USE OF AERODROME/AIRFIELD INFRASTRUCTURE**

### **Article 79**

- (1) The special requirements for construction, maintenance and use of aerodromes, that is, airfield as well as for obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.
- (2) The special requirements for construction, maintenance and use of military aerodromes shall be prescribed by the Minister of Defence.
- (3) The special requirements for safe use of terrain/landing strip as well as for obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.

### **Article 80**

- (1) In the procedure for issuance of construction acts according to the Construction Law, the investor shall in respect of construction or reconstruction of an aerodrome, airfield or object at an aerodrome or airfield, as well as an obstacle within the aerodrome or airfield area, be obliged to obtain a consent in respect of the safety of air service operation.
- (2) During the procedure for issuance of construction acts according to the Construction Law in respect of construction of objects within and outside of the aerodrome or airfield area, the investor shall be obliged to obtain an consent in respect of the safety of air service operation for separate antenna poles over 30 m in height, chimneys over 30 m in height, high-voltage power lines greater of 100 KB, windmills over 30 m in height and for any other objects over 100 m in height.
- (3) The consents referred to in paragraphs (1) and (2) of this Article shall be issued by the Agency.
- (4) A representative of the Agency shall be a member of the Commission for Technical Inspection of Constructed Facility in respect of the issuance of an approval to use for the objects referred to in paragraphs (1) and (2) of this Article.

### **Article 81**

- (1) The operator of an aerodrome or airfield shall be obliged to use runways and other tracks, apron, buildings, installations, devices and equipment according to their purpose and capacities pursuant to the provisions of this Act and regulations enacted under this Act.
- (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

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infrastructure in accordance with the applicable regulations and within the limits of the available capacities.

#### **Article 82**

- (1) An airport charge shall be paid by the air carriers, passengers and other users of the aerodrome infrastructure.
- (2) The charge referred to in paragraph (1) of this Article shall be income for the Managing Body of the Airport.
- (3) The charge referred to in paragraph (1) of this Article shall be determined by the Managing Body of the Airport depending on the costs incurred for maintenance and use of aerodrome infrastructure in a manner and procedure prescribed by the Minister of Transport and Communications.
- (4) Notwithstanding the provisions of paragraph (1) of this Article, exempted from payment of charge shall be the flights in respect of:
  - aircraft of the State authorities of the Republic of North Macedonia,
  - aircraft engaged in fire-fighting operation,
  - Air Policing mission,
  - humanitarian purpose,
  - air sports activity,
  - aviation personnel training organized by legal entities approved by the Agency,
  - search and rescue operation,
  - calibration and testing of air navigation aids and devices for air traffic and
  - in cases specified by the international agreements or documents accepted by the Republic of North Macedonia,
- (5) The airport operator shall not use the charge referred to in paragraph (1) of this Article relating to the security of civil aviation against the acts of unlawful interference for other purposes, except to take measures and activities related to the security.

#### **Article 83**

The operation time of an aerodrome shall be specified by the operator thereof and published according to air traffic standard procedure.

#### **Article 84**

- (1) The Government of the Republic of North Macedonia may designate an aerodrome as a coordinated aerodrome or schedules facilitated aerodrome when problems with the capacity of that certain aerodrome occur.
- (2) The Government of the Republic of North Macedonia shall, at the coordinated aerodrome or schedules facilitated aerodrome, appoint a natural person or legal entity as aerodrome coordinator or independent schedules facilitator upon prior consultations with the air carriers, aerodrome operator or Coordination Committee, if such a committee exists.
- (3) The aerodrome coordinator or independent schedules facilitator appointed in accordance with paragraph (2) of this Article shall be entitled to an allowance in the amount of one average monthly paid net salary per employee at the level of the Republic of North Macedonia.
- (4) The Government of the Republic of North Macedonia shall establish a Coordination Committee at a coordinated aerodrome.
- (5) Rules for the allocation of slots shall be prescribed by the Government of the Republic of North Macedonia.

#### **Article 85**

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- (1) An aerodrome and airfield meeting the prescribed requirements for safe take-off, landing and stay of aircraft shall be entered into the Aerodrome Register, that is, Airfield Register, and published in the Aeronautical Information Publication. The terrain/landing strip meeting the requirements for safe use shall be entered into Evidence on Terrain/Landing Strip.
  - (2) The Aerodrome Register, Airfield Register or the Evidence on Terrain/Landing Strip referred to in paragraph (1) of this Article shall be kept by the Agency.
  - (3) The form, content and procedure for record keeping of Aerodrome Register, that is, Airfield Register and Evidence on Terrain/Landing Strip shall be prescribed by the Director General of the Agency.
  - (4) An aerodrome or airfield shall be deleted from the register if, based on an inspection, it is found out that it permanently fails to meet the requirements for safe use thereof or at request of the owner thereof.
  - (5) A terrain/landing strip failing to meet the requirements for safe use shall be deleted from the Evidence on Terrain/Landing Strip.

#### **Article 86**

- (1) Military aerodromes, airfields and terrains/landing strips meeting the requirements for safe landing and stay of aircraft shall be entered into the Register of Military Aerodromes, Airfields and Terrains/Landing Strips, kept by the Ministry of Defence.
- (2) The form, contents and manner of keeping the Register of Military Aerodromes, Airfields and Terrains shall be prescribed by the Minister of Defence.

#### **Article 87**

- (1) The aerodrome operator shall notify the Agency and ATM/ANS services provider on 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 major planned work, which may result with closure of parts of an aerodrome or limitation to use the manoeuvring areas, the notification 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 aerodrome operator shall, without any delay, notify the Agency and ATM/ANS services provider.

#### **Article 88**

- (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 the aviation safety (antennas, chimneys, towers and similar) and other obstacles 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 special requirements for locating, construction and marking of obstacles as well as for the way of cultivation and use of the land referred to in paragraph (2) of this Article shall be closely prescribed by the Director General of the Agency.

#### **Article 89**

The marking of obstacles shall be made by the owner, that is, user 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.

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#### **Article 90**

- (1) If the object referred to in paragraph (1) Article 88 of this Act has not been built in compliance with this Act or regulations enacted under this Act, the owner shall be obliged to remove it at its expense if the object has been built after the construction of the 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 also apply to natural obstacles within the approach/take-off directions (routes) of an aerodrome or airfield (trees, bushes and similar).

### **3. AERODROME AND GROUND-HANDLING SERVICES**

#### **Article 91**

- (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 shall be organized at an airport providing airport services i.e. ground-handling services, under the requirements and in a manner prescribed by the Director General of the Agency.
- (2) The fire fighting service, emergency medical service, and/or fire fighting protection and medical protection, as well as the ground-handling services shall be organised by the airport operator, i.e. the aerodrome operator.
- (3) The airport operator may grant the performance of ground-handling services to another legal entity, with a contract, under the requirements and in a manner specified in the Articles 92 and 93 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 the aircraft with fuel and oil is not able to supply the aircraft with fuel and lubricant, it shall be obliged to notify, without any delay, the aerodrome operator, Agency and competent air traffic control on such circumstances.

#### **Article 92**

- (1) Access to the ground-handling services market, that is, limitation thereof shall be prescribed by the Director General.
- (2) Every year before 1<sup>st</sup> July, the Ministry of Transport and Communications shall submit to the European Commission data on airports in the territory of the Republic of North Macedonia, reaching certain traffic thresholds specified by the regulation referred to in paragraph (1) of this Article.
- (3) If the airport operator submits request for excluding or limitation the number of suppliers of certain ground-handling services, the number thereof shall be determined by the Agency.

#### **Article 93**

- (1) The airport operator shall organise and implement selection procedure for suppliers of ground-handling services at an aerodrome, if their number is limited in the accordance with paragraph (3) Article 92 of this Act.

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- (2) If the airport operator fails to meet the requirements for organising and implementation of the selection procedure for suppliers of ground-handling services at an aerodrome in accordance with paragraph (1) Article 92 of this Act, the Agency shall organise and implement selection procedure referred to in paragraph (1) of this Article.
  - (3) The Law on Public Procurement shall not apply to the selection procedure for suppliers of ground-handling services at an aerodrome referred to in paragraphs (1) and (2) of this Article.
  - (4) The decision in the selection procedure for suppliers of ground-handling services at an aerodrome referred to in paragraphs (1) and (2) of this Article shall be taken by the airport operator or the Agency, as appropriate.
  - (5) Against the decisions made by the airport operator and the Agency referred to in paragraph (4) of this Article, the dissatisfied party may file a suit at a competent court within 15 days from the date of decision on selection. The lawsuit shall postpone the execution of the decision on selection.

#### **Article 94**

- (1) The supplier of ground-handling services at an aerodrome and the self-services provider of ground-handling services at an aerodrome may start with the provision of services 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 ground-handling services or the self-services provider of ground-handling services provided that it meets the requirements prescribed under paragraph (1) Article 91 of this Act.

#### **Article 95**

- (1) If the Ministry of Transport and Communications determines that countries not parties of the Multilateral Agreement on the Establishment of ECAA have not legally and actually provided the Macedonian suppliers of ground-handling services and self-services providers of ground-handling services:
  - equal treatment that suppliers of ground-handling services at an aerodrome and self-services providers of those countries have in the Republic of North Macedonia,
  - equal treatment granted to suppliers of ground-handling services and self-services providers in the countries where they have been established (as national ones),
  - equal treatment granted to suppliers of ground-handling services and self-services providers from countries not parties of the Multilateral Agreement on the Establishment of ECAA, may in whole or partially suspend the obligations arising from that Agreement in respect of market access for those services.
- (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 date of decision-making.

### **4. FACILITATION**

#### **Article 96**

- (1) An Airport Facilitation Committee shall be established at each airport by the airport operator.
- (2) The members of the Airport Facilitation Committee shall be representatives of:
  - the aerodrome operator,
  - the domestic air carriers,
  - the suppliers of ground-handling services,

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- the foreign air carriers,
  - the Agency,
  - the Ministry of Transport and Communications,
  - the Ministry of Interior,
  - the Ministry of Finance – Customs Authority, and
  - representatives of other entities if their activity is 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 of the aerodrome.
  - (4) An Airport Facilitation Programme shall be adopted by the operator of the aerodrome in accordance with the provisions of the National Aviation Facilitation Programme. The Airport Facilitation Programme shall be approved by the Agency.
  - (5) The aerodrome operator shall implement the facilitation measures in accordance with the approved Facilitation Programme.
  - (6) The civil aviation facilitation measures and procedures shall be prescribed by the Government of the Republic of North Macedonia.

#### **Article 97**

- (1) In order to take measures for civil aviation facilitation, a National Facilitation Committee shall be established by the Government of the Republic of North Macedonia.
- (2) The National Facilitation Committee shall be composed of two representatives, members and their deputies, nominated by the Ministry of Transport and Communications, the Ministry of Interior, the Ministry of Finance – Customs Authority, the Agency, the operator of the aerodrome, the ground-handling service suppliers, the domestic air carriers and representatives of other entities if their activity is relevant for the facilitation, nominated at the request of the President of the National Facilitation Committee.
- (3) The President of the National Facilitation Committee shall be the Director General of the Agency in capacity of a national coordinator for aviation facilitation.
- (4) Regarding the activities of the National Facilitation Committee, the nominated representatives may be paid an annual allowance in the amount of one average monthly paid net salary per employee at the level of the Republic of North Macedonia, provided that the legal entity nominating its representatives has provided resources for such purpose and the representative participated in at least one meeting of the Committee in that year
- (5) The National Facilitation Committee shall adopt a Rules of Procedure for its operation.
- (6) A National Aviation Facilitation Programme shall be adopted by the Government of Republic of North Macedonia.

### **5. CONCESSIONS AND PUBLIC-PRIVATE PARTNERSHIP**

#### **Article 98**

Concession or public private partnership may be granted for the following:

- construction and use of a new aerodrome or airfield, or
- reconstruction and use of the existing aerodromes and airfields.

#### **Article 99**

- (1) The procedure for granting the concession or public private partnership referred to in Article 98 of this Act shall be carried out in accordance with the regulations in the field of concessions and public-private partnership.
- (2) The period for which the concession or public private partnership referred to in Article 98 of this Act is granted may not exceed 30 years.

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### **Article 100**

The agreements on concessions or public-private partnership and the rights and obligations arising thereof may be transferred with prior written consent of the concession grantor or the public partner, if it does not jeopardize the continuous and high-quality establishment of the concession or the public-private partnership.

## **CHAPTER SIX REGISTRATION, NATIONALITY AND MARKING OF AIRCRAFT**

### **1. REGISTRATION AND RECORDING OF AIRCRAFT**

#### **Article 101**

- (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 North Macedonia (hereinafter referred to as Macedonian aircraft) shall bear the Macedonian nationality.
- (3) The Agency shall maintain the register and records of civil aircraft of the Republic of North Macedonia (hereinafter referred to as Aircraft Register, that is, Records of Aircraft).

#### **Article 102**

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

#### **Article 103**

- (1) In the Aircraft Register, in addition to the aircraft owned by citizens of the Republic of North Macedonia or domestic legal entities, foreign aircraft engaged on ground of an aircraft lease agreement may be also entered therein.
- (2) If a domestic legal entity or national of the Republic of North Macedonia leases a foreign aircraft for air traffic operations, such aircraft may be entered in the Aircraft Register, if:
  - provided for by the Aircraft Leasing Agreement,
  - the lease agreement is approved by the Agency,
  - complies with the requirements specified in paragraph (1) Article 105 of this Act, and,
  - it is a dry lease, that is, the aircraft operations are performed by its own crew.
- (3) If a domestic legal entity or national of the Republic of North Macedonia leases a foreign aircraft on wet lease base for air traffic operation, such aircraft shall not be entered on Aircraft Register, but the Agency shall issue only an approval on lease.
- (4) A Macedonian aircraft leased to a foreign legal entity or physical person for air traffic operation abroad may, at a request of the lessee and with consent of the owner, be entered in a foreign Aircraft Register if provided for by the regulations of the State concerned.

#### **Article 104**

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- (1) Aircraft Register, that is, Records of Aircraft shall consist of a main book and a set of certificates.
  - (2) The main book shall include a registration form, mortgages sheet and ownership sheet.
  - (3) Data contained in the main book shall be submitted to the Central Register of the Republic of North Macedonia. The Agency shall be obliged to notify the Central Register of the Republic of North Macedonia about any changes or deletion of such data from the Aircraft Register.

#### **Article 105**

- (1) Special requirements for entering of civil aircraft into the Aircraft Register, that is, Records of Aircraft shall be more closely prescribed by the Director General of the Agency.
- (2) An aircraft used both as State and civil aircraft shall be entered into the Aircraft Register if meets the requirements specified in paragraph (1) of this Article.
- (3) The Agency shall be obliged to enter the aircraft in the Aircraft Register, that is, Records of Aircraft and to issue a registration certificate, that is, evidence of the aircraft to the applicant, if the requirements referred to in paragraph (1) of this Article have been met.

#### **Article 106**

- (1) Special requirements for deletion of civil aircraft from the Register and issuance of Certificate of Deregistration, that is, deletion from the Records of Aircraft shall be more closely prescribed by the Director General of the Agency.
- (2) The certificates of the aircraft being deleted from the Register, that is, from the Records of Aircraft of Republic of North Macedonia, shall be returned to the Agency.
- (3) The persons whose rights have been recorded into the mortgages sheet shall be notified by the Agency, about the deletion of the aircraft from the Aircraft Register.

#### **Article 107**

- (1) An aircraft used only as State aircraft shall be entered into an Aircraft Register maintained by the State authorities in the field of police, defence and customs.
- (2) Special requirements and procedure for registration of State aircraft into the State Aircraft Registers, the content and method of keeping of State Aircraft Registers, as well as the requirements for deletion of State aircraft from the State Aircraft Registers shall be prescribed by the Minister of Interior, that is the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

## **2. AIRCRAFT NATIONALITY AND MARKING**

#### **Article 108**

- (1) A civil aircraft registered, that is, recorded in the Republic of North Macedonia in accordance with this Act shall be obliged to bear nationality and registration marks.
- (2) The nationality marks shall be the flag of the Republic of North 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 North Macedonia, with nationality, registration and other marks shall be prescribed by the Director General of the Agency in respect of the civil aircraft, that is, the Minister of Interior, the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when



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engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

- (4) All other marks and inscription on the aircraft shall not impede the visibility of the nationality and registration marks.

#### **Article 109**

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 by an international agreement.

### **CHAPTER SEVEN**

#### **REQUIREMENTS FOR SAFE USE OF AIRCRAFT, AIRCRAFT PRODUCTS, PARTS AND EQUIPMENT**

##### **I. GENERAL PROVISIONS**

#### **Article 110**

An aircraft, aircraft products, parts and equipment may be used only if they meet the requirements for safe air traffic operation and airworthiness requirements provided for by this Act and the regulations enacted under this Act.

#### **Article 111**

- (1) State aircraft recorded into the registers referred to in Article 107 of this Act shall be classified according to aircraft type, category, purpose, weight, speed and other special divisions.
- (2) The classification, painting and marking, as well as the use of State aircraft entered into the registers referred to in Article 107 of this Act shall be prescribed by the Minister of Interior, that is, the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

##### **2. AIRCRAFT DESIGN AND PRODUCTION**

#### **Article 112**

- (1) Special requirements for aircraft design, production and conformity assessment of aircraft, aircraft products, parts and equipment and parachutes, as well as for obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.
- (2) Inspection of the conformity assessment of a new type of aircraft, aircraft engine, propeller, parachute and equipment shall be carried out by the EASA.

#### **Article 113**

- (1) The Type Certificate issued, recognized or validated by the EASA shall be directly recognized in the Republic of North Macedonia, without conducting a validation procedure by the Agency.
- (2) A Supplemental Type Certificate (STC), modifications and repairs of an aircraft registered in the Republic of North Macedonia shall be recognized if approved by EASA or by a design and production organization, authorized and accepted by the EASA or by the holder of aircraft Type Certificate.

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### **3. AIRCRAFT MAINTENANCE**

#### **Article 114**

- (1) The owner/operator of an aircraft shall be, during the aircraft operation, obliged to make controls and checks of the aircraft, aircraft products, parts and equipment and to maintain them in an airworthy condition which ensures safe air traffic operation in accordance with the provisions of this Act and regulations enacted under this Act.
- (2) The special requirements for maintenance of an aircraft, aircraft products, parts and equipment, parachutes, as well as, for obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.
- (3) The maintenance and technical control of State aircraft shall be carried out in accordance with the regulations adopted by the Minister of Interior, that is, the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

### **4. AIRWORTHINESS OF AIRCRAFT**

#### **Article 115**

- (1) The capability of an aircraft for safe air traffic (hereinafter referred to as: airworthiness of aircraft) shall be determined by a review and proved by a Certificate of Airworthiness as well as by Airworthiness Review Certificate when it is provided for by a regulation enacted on the basis of this Act.
- (2) The airworthiness of an aircraft other than ICAO standard aircraft shall be determined by a review and proved by an operational permit.
- (3) The manner, special requirements and procedure for determination of airworthiness of aircraft as well as for obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.

#### **Article 116**

- (1) The airworthiness of an aircraft shall be the responsibility of the aircraft operator.
- (2) The operator of an aircraft shall notify the Agency of any circumstances, occurrences, omissions and found failures both on the aircraft and in terms of documentation which may adversely affect the airworthiness of the aircraft.

### **5. ENVIRONMENT PROTECTION**

#### **Article 117**

- (1) The aircraft operators, the aerodrome operators, ATM/ANS services provider and pilots shall take measures in respect of protection against aircraft noise.
- (2) The maximum allowed noise level, i.e. the maximum allowed gas emission levels resulting from take-off and landing of an aircraft as well as the special requirements for obtaining the relevant certificates shall be prescribed by the Director General of the Agency.

## **CHAPTER EIGHT AVIATION PERSONNEL**

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### **Article 118**

- (1) Persons with competency to perform duties essential for aviation safety shall be deemed as aviation personnel, such as:
  - a) aircraft flight crew members, including: pilots of airplane, helicopters, gliders, balloons, aircraft other than ICAO standard aircraft, flight navigators, flight engineers and cabin crew members;
  - b) persons in charge of the maintenance and continuing airworthiness of aircraft, aircraft products, components, and equipment (aviation technical personnel);
  - c) persons charged with duties in respect of provision of ATM/ANS services, including:
    - persons in charge of air traffic control services (air traffic controllers and student air traffic controllers),
    - persons in charge of provision of aeronautical information (AIS personnel);
    - persons in charge of processing the aircraft flight data (FD personnel)
    - persons in charge of handling, maintenance and decommissioning and re-commissioning of functional system equipment (ATSEP personnel);
    - persons in charge of provision of meteorological services (MET personnel);
    - persons in charge of regulation and ensuring optimal flow of air traffic (FLOW personnel);
  - d) persons in charge of flight planning, dispatching and tracking (flight dispatchers);
  - e) persons in charge of provision of aerodrome services and ground-handling services, such as:
    - persons in charge of ground handling of aircraft, passengers, baggage, cargo and mail,
    - persons in charge of fire-fighting and rescue (firemen/rescuers in aviation),
    - persons in charge of provision aircraft with fuel and oil, and
    - persons in charge of operations and aerodrome infrastructure maintenance.
  - f) persons in charge of protection against the acts of unlawful interference, and
  - g) persons who jump by means of parachute (parachutists).
- (2) Method and special requirements in respect of competence training of the aviation personnel, determination of competence, issuance of the relevant certificates by the Agency, the entity of aviation industry or training organization, as well as for recognition of obtained competence training, passed examinations, that is, certificates shall be more closely prescribed by the Director General of the Agency.

### **Article 119**

- (1) Medical fitness of the aviation personnel shall be assessed through aviation medical examinations, unless otherwise specified by this Act or regulations enacted under this Act.
- (2) Special requirements in respect of medical fitness of the aviation personnel engaged in civil aviation activities, special requirements, method and procedure for aviation medical examinations, reassessment of medical fitness and for obtaining the relevant certificates shall be more closely prescribed by the Director General of the Agency.
- (3) Notwithstanding the provisions of paragraph (2) of this Article, medical examinations of the aviation personnel referred to in Article 118 of this Act may be carried out in accordance with regulations for occupational safety and health, if provided for by regulations adopted in accordance with this Act.
- (4) Reassessment of medical fitness referred to in paragraph (2) of this Article shall be carried out by a Commission of Second Instance established by the Agency at the request of the person not satisfied with the assessment. The request shall be submitted within 15 days from the date of receipt the notification on non-compliance with the prescribed requirements in respect of medical fitness.

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- (5) Persons participating in the operation of the Commission of Second Instance referred to in paragraph (4) of this Article shall have the right to allowance determined by the Agency and paid by the applicant.
  - (6) The personnel referred to in item a) Article 118 of this Act, considered as mobile workers, shall have the right to medical examinations paid by their employers.
  - (7) Special requirements in respect of medical fitness of the aviation personnel engaged in State aircraft operations, special requirements, method and procedure for carrying out medical examinations and obtaining the relevant certificates shall be prescribed by the Minister of Interior, that is the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

#### **Article 120**

- (1) The vocational education and training proficiency of the aviation personnel engaged in duties essential for the aviation safety in respect of State aircraft shall be acquired in relevant institutions of the Ministry of Defence and Ministry of Interior.
- (2) The vocational education and training proficiency of the aviation personnel engaged in duties essential for the aviation safety in respect of State aircraft may be acquired abroad.
- (3) The vocational education and training proficiency programmes, special requirements and procedure for issuance, extension, suspension and revocation of licences and ratings, as well as the form and content of the forms of the licences and ratings of aviation personnel and other personnel performing and providing activities essential to aviation safety related to State aircraft shall be prescribed by the Minister of Interior, that is the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

#### **Article 121**

- (1) The Agency shall keep the register of aviation personnel to whom it has issued certificates.
- (2) The form, contents and manner for keeping the register of aviation personnel referred to in paragraph (1) of this Article shall be prescribed by the Director General of the Agency.
- (3) The competent State authorities in the field of police, defence or customs shall keep Registers for the aviation personnel engaged in military, police or customs activities essential for aviation safety operated by State aircraft and certified thereby.
- (4) The form, contents and manner of keeping the Register of aviation personnel referred to in paragraph (3) of this Article shall be prescribed by the Minister of Interior and/or the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

#### **Article 122**

- (1) The certificate of the aviation personnel shall be suspended if:
  - 1) in criminal or misdemeanor proceedings a safety measure, that is, a misdemeanor sanction ban on exercising of the profession specified in his certificate has been imposed against him, for the duration of that measure;
  - 2) due to medical or psychological reasons the holder is unfit to perform duties of his/her certificate;

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- 3) during an oversight, a breach of the regulations in the field of aviation or the usage of certificate in case of noncompliance with the requirements under which the certificate has been issued has been ascertained and
  - 4) if it is determined by a check that the duties of his/her certificate have been performed under the influence of alcohol, narcotics or psychotropic substances or is confirmed that the rights from his certificate have been extremely unprofessionally and unconscionably exercised.
- (2) In case referred to in item 1 paragraph (1) of this Article, the certificate shall be suspended by the legal entity that issued the same.
  - (3) If an aviation inspector has found, during an oversight, that the reasons referred to in items 2, 3, and 4 paragraph (1) of this Article exist, he shall be obliged to refer the person for an extraordinary medical assessment and/or extraordinary check of training proficiency, and to temporarily seize his/her certificate and submit it, within 3 days, to the legal entity that issued the same.
  - (4) The procedure for medical and/or training proficiency assessment shall be carried out by a legal entity authorized to carry out medical assessment or training proficiency check, which must be completed within 90 days from the date of temporary revocation of the certificate.
  - (5) If it is determined, as a result from medical assessment of the aviation personal that he/she is prone to use alcohol, drugs or other psychotropic substance, his/her certificate shall be permanently revoked.
  - (6) If it is determined that the certificate has been issued on the basis on false evidence, the legal entity that issued the certificate shall revoke the same.
  - (7) In the event of an aviation accident or serious incident, the Aircraft Accident and Incident Investigation Committee may propose to the legal entity that issued the certificate to suspend the certificate before the preparation of the final report of the aviation accident or serious incident investigation, upon which the aviation inspector refers the person to an extraordinary medical and/or training proficiency assessment. The duration of the certificate suspension shall be until the end of the extraordinary assessment within the deadline specified in paragraph (4) of this Article.

#### **Article 123**

If a certificate of the aviation personnel issued by the Agency is lost, the owner shall be issued a new certificate, upon publishing the same, at his own expense, in the "Official Gazette of Republic of North Macedonia.

#### **Article 124**

- (1) The aviation personnel shall have a relevant certificate to perform the duties of their competence in a conscientious and qualitative and proper manner in accordance with this Act and regulations enacted under this Act.
- (2) The aviation personnel while performing its duties shall not be under the influence of alcohol, narcotics or other psychotropic substances.
- (3) The aviation personnel shall be prohibited to perform his/her duties when he is suffering from fatigue or ill or is in psychological condition unfit to perform his duties in a proper and safe manner.
- (4) The immediate superior shall make a decision to terminate the aviation personnel and notify the Agency within 24 hours from the decision on termination.

#### **Article 125**

- (1) An aircraft operator shall establish a scheme of flight duty and flight time of the aircraft crew and cabin crew members in a way not to exceed the prescribed limitations in respect

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of the time spent on flight duty, flight and numbers of take-offs and landings, as well as the minimum rest time for crew members.

- (2) The organisation of working time for crew members of an aircraft shall be more closely prescribed by the Director General of the Agency.
- (3) A person piloting an aircraft shall have a right to exercise a special paid leave with a salary allowance and other rights arising from the labour relations during a calendar year in order to keep his physical and psychical fitness.

#### **Article 126**

- (1) The working hours of the air traffic controllers, student-air traffic controllers and persons responsible for processing of flight data of an aircraft (FD) may be in duration up to 32 hours in seven consecutive days, provided that the total number of working hours in 90 consecutive days shall not exceed 416 hours.
- (2) Duration of a continuous work or shifts and daily rest time of air traffic controllers, student-air traffic controllers and persons responsible for processing of flight data of an aircraft (FD) shall be prescribed by the Director General of the Agency.
- (3) The air traffic controllers, student-air traffic controllers and persons responsible for processing of flight data of an aircraft (FD) shall have a right to a special paid leave with salary allowance and other rights arising from the labour relations during a calendar year in order to maintain their physical and psychical fitness.

### **CHAPTER NINE**

#### **INVESTIGATION OF AIRCRAFT ACCIDENTS, SERIOUS INCIDENTS, INCIDENTS, OCCURENCES AND AIRCRAFT SEARCH AND RESCUE**

##### **1. INVESTIGATION OF AIRCRAFT ACCIDENTS, SERIOUS INCIDENTS, INCIDENTS AND OCCURENCES**

#### **Article 127**

- (1) Any occurrence endangering aviation safety shall be investigated in detail, analysed and classified according to its seriousness in order to determine the reasons, facts and circumstances under which it occurred and undertake the appropriate measures for prevention of new safety endangerment occurrences in the civil aviation.
- (2) The Investigation Committee referred to in paragraph (3) Article 5 of this Act shall investigate the accidents and serious incidents involving civil aircraft or parachutes.
- (3) The aviation industry entities shall initially investigate, analysed and classified the occurrence endangering aviation safety in which they have been involved.
- (4) The aviation industry entities upon completion of the investigation, analysis and initially classification of the occurrences shall be obliged to submit the result of the investigation of the initially classified serious incidents to the Investigation Committee and the results of the investigation of the initially classified incidents and other occurrences to the Agency.
- (5) In addition to the duties referred to in paragraphs (2) and (4) of this Article, the Investigation Committee shall also perform the duties related to data collecting and analyzing and other aviation safety related duties, especially to aviation safety risk mitigation and prevention of accidents, serious incidents and incidents, provided that these tasks do not affect the independence of the Investigation Committee.

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### **Article 128**

- (1) If a foreign aircraft suffers accident, serious incident or incident on the territory of the Republic of North Macedonia, the investigation may also include representatives and their advisors, if necessary, for the efficiency of the investigation, of aviation authorities or organisations of the Country of Registry, Country of Operator, Country of Manufacturing and the country whose nationals were victims in the accident, at their request.
- (2) If a Macedonian aircraft suffers an accident, serious incident or incident on the territory of a foreign country, authorised representatives of the Republic of North Macedonia and their advisors, if necessary for the efficiency of the investigation, shall be nominated to participate in the investigation of the accident, serious incident or incident of that aircraft.
- (3) The authorised representatives of Republic of North Macedonia and their advisors referred to in paragraph (2) of this Article shall be nominated by the President of the Investigation Committee, who need to meet the requirements for investigators stipulated in Article 131 of this Act, and the competent authority of the foreign state shall be notified by the President of the Investigation Committee about it.

### **Article 129**

- (1) The aim of the safety investigation of accidents, serious incidents or incidents shall be the improvement of aviation safety by collecting of safety information and determination the reasons for those accidents, serious incidents or incidents and undertaking the appropriate measures in order to prevent their recurrence.
- (2) The safety information as well as statements of persons taken by the investigators, the communication between persons who were involved in aircraft operations, their personal or medical information, pictures, transcripts, recordings (CVR and other recordings), opinions from analysis of information and other data collected in the safety investigation of accidents, serious incidents or incidents shall not be used inappropriately.
- (3) The inappropriate use referred to in paragraph (2) of this Article shall cover the use of the information for purposes not related to the accident or incident investigation, determination of blame or giving penalty measures to the operational personnel, as well as their dissemination to the public, unless the facts and evidence indicate the existence of intention to cause a damage.

### **Article 130**

- (1) For the purpose of undisturbed performance of its duties, the Investigation Committee shall be organizationally, functionally and financially independent from the Ministry of Transport and Communications, the Agency and the aviation industry entities whose interest could conflict with its duties and authorisations.
- (2) Resources and equipment required for the performance of the duties of the Investigation Committee related to the investigation of accidents and serious incidents shall be provided by the Budget of the Republic of North Macedonia.

### **Article 131**

- 1) The Investigation Committee shall be composed of three investigators appointed by the Government of the Republic of North Macedonia, one of whom shall be appointed as President of the Investigation Committee.
- (2) The investigators shall have at least ten years of working experience in the field 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 shall have completed an appropriate training for carrying out investigations and constantly refresh and improve their professional knowledge.

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- (4) An official identification card shall be issued to the investigators by the Investigation Committee authorizing them to conduct investigation of an accident or serious incident.
  - (5) The form, content, manner of keeping the records and the issuance and revocation of the official identification card shall be prescribed by the Government of the Republic of the North Macedonia.
  - (6) The Investigation Committee shall adopt a Rules of Procedure in respect of its operation.
  - (7) The employees of the Investigation Committee performing administrative activities shall have a status of an administrative servants.
  - (8) In respect to the issues related to the working relations of the employees referred to in paragraph (7) of this Article not governed by this Act and a collective agreement, the provisions of the Law on Administrative Servants, the Law on Public Sector Employees and the general regulations on working relations shall apply.
  - (9) The employees of the Investigation Committee performing auxiliary and technical works shall have a status of an auxiliary-technical personnel.
  - (10) In respect to the issues related to the classification, book-keeping, employment and mobility of the employees referred to in paragraph (9) of this Article, the provisions of the Law on Public Sector Employees shall apply and for other issues related to the working relations, general regulations on working relations and collective agreements shall apply.

#### **Article 132**

- (1) An investigator in charge shall be appointed by the President of the Investigation Committee in respect of each accident or serious incident.
- (2) In case of an accident or serious incident the President of the Investigation Committee may engage external experts in the field of aviation or foreign investigatory bodies from civil aviation or other bodies qualified for investigation of aviation accidents or serious incidents. They shall be entitled to an allowance for their work, determined in the Agreement on their engagement.
- (3) The engaged persons should be released from their regular working duties with their employers and there shall be no conflict of interest.
- (4) If an accident or serious incident of a foreign or domestic civil aircraft involved a State aircraft, a representative from the competent state authority in the field of police, defence and customs shall participate in the work of the Investigation Committee.
- (5) Accidents, serious incidents or incidents of State aircraft shall be investigated by the Commission appointed by the competent state authority in the field of police, defence or customs.

#### **Article 133**

- (1) The Ministry of Interior, competent courts, the Public Prosecutor's Office and other entities in the investigation of the accident or serious incident shall allow the investigators unrestricted access to, and insight into, necessary operative, technical and legal information, evidence and documents concerning the investigation.
- (2) The investigators and external experts shall be obliged to protect safety information in respect of the aircraft accidents or serious incidents from improper use in accordance with paragraphs (2) and (3) Article 129 of this Act.

#### **Article 134**

If the Investigation Committee finds out that it is unable to complete the investigation in whole, it may transfer the investigation of an accident or serious incident or part thereof to an appropriate investigation body from another State, upon the prior consent of the Government of the Republic of North Macedonia.



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### **Article 135**

- (1) The investigators and external experts of the aircraft accident or serious incident shall interrogate any person they believe could provide relevant information for the investigation and may investigate facilities, documents, records and data stored on electronic devices.
- (2) The investigators and external experts shall have the following rights and authorisations:
  - free and unrestricted access to the site of the accident or incident, as well as to the aircraft, its components or debris,
  - recording of evidence,
  - controlled removal of debris or components for examination or analysis purposes,
  - immediate access to and use of the contents of the "black boxes" (flight data recorder and cockpit voice recorder) or any other relevant recordings,
  - immediate access to the results of interrogation of the persons involved in the aircraft operation or to tests made on samples taken from those persons,
  - witness interviewing,
  - free access to any relevant information or records held by the owner, the air carrier (aircraft operator/user) or aircraft manufacturer, or by the authorities responsible for civil aviation or aerodrome operation or by all other relevant entities,
  - access to the results of the examination (autopsy) of the bodies of victims or tests made on samples taken from the bodies of victims and,
  - access to the information from the accident investigation determined by the Ministry of Interior, the competent courts and the Public Prosecutor's Office.
- (3) Any person participating in safety investigation of accidents and serious incidents shall perform his/her duties independently and shall not take instructions from anybody, other than the investigator-in-charge or accredited representative.

### **Article 136**

- (1) The aircraft, aircraft components and equipment transported on board the aircraft, parachute, or items suspected to be a possible cause of the aircraft accident shall be forbidden to be moved or displaced without a permission of the investigator-in-charge.
- (2) Notwithstanding the provisions of paragraph (1) of this Article, there shall be no need of the permission of the investigator-in-charge whenever saving of human lives is necessary or in other extraordinary circumstances where necessary to prevent occurrence of major harmful consequences.
- (3) The Investigation Committee shall take measures for protection of the aircraft, debris and the accident site from unauthorized access, theft or deterioration (damage).

### **Article 137**

- (1) The Investigation Committee shall, based on the investigation of the accident or serious incident, create safety recommendations and forward the same to the Agency, the aviation industry entities and/or other interested parties.
- (2) The Agency may, 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 would be avoided on that way, with an order temporally to prohibit or limit the use of a certain type of aircraft, its components, equipment, navigation aids, as well as performance of flights and of the work of the aviation and other qualified personnel, until the moment of elimination of 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 138**

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

#### **Article 139**

The Government of the Republic of North Macedonia shall more closely prescribe the method, organization, entities and principles for conducting the investigation of accidents, serious incidents, incidents and other occurrences of civil and State aircraft, as well as the manner of their reporting.

#### **Article 140**

- (1) The Investigation Committee shall be responsible for its work to the Government of the Republic of North Macedonia and by latest of 31<sup>st</sup> January of the following year, shall submit to the Government of the Republic of North Macedonia the annual report on its operation in the previous year and annual programme with a financial plan for activities for the following year for review and adoption.
- (2) Documents referred to in paragraph (1) of this Article shall contain the taken measures and measures to be taken in respect of the improvement of the aviation safety.

## **2. SEARCH AND RESCUE**

#### **Article 141**

- (1) The Crisis Management Centre in capacity of the Rescue Coordination Centre shall organize and coordinate the civil aviation search and rescue activities of the entities that according to the location, material and human resources may participate in the system of search and rescue of a missing domestic or foreign aircraft or an aircraft in distress or suffered an accident in the territory of the Republic of North Macedonia.
- (2) The activities referred to in paragraph (1) of this Article shall be conducted by the military armed force units, Ministry of Interior, the Protection and Rescue Directorate services and units, services of legal entities dealing with search and rescue as regular activities thereof, as well as other legal entities and physical persons depending on the scope, requests and needs and in accordance with their rights, obligations and responsibilities.
- (3) The Crisis Management Centre may allow, under its control, the aircraft operator, aeronautical authority of the Country of Registry and/or search and rescue units of other countries to take part in the activities of search and rescue of a foreign aircraft in distress or suffered an accident.
- (4) The procedure for coordination of the activities of the participants involved in search and rescue activities shall be prescribed by the Crisis Management Centre with standard operational procedures adopted with the consent of the entities referred to in paragraph (2) of this Article.
- (5) The operator/owner of an aircraft, pilot-in-command, aerodrome operator and the competent health organizations shall at the request of the Crisis Management Centre take part in the search and rescue procedure, that is, make available all means necessary for search and rescue, provide the emergency medical services as well as take measures in respect of transport of survivors.
- (6) The procedure, organization and entities of the search and rescue of an aircraft shall be prescribed by the Government of the Republic of North Macedonia.

#### **Article 142**

- (1) The ATM/ANS services provider shall initiate by alerting the search and rescue of an aircraft under responsibility of the air traffic control, other aircraft which submitted flight

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plan or otherwise known to the ATM/ANS services provider as well as the aircraft threatened or subject to unlawful interference.

- (2) The ATM/ANS services provider shall, without any delay, notify the Crisis Management Centre and the Investigation Committee. The Investigation Committee shall notify the aircraft operator/owner and the competent authority of the State of Registry.

#### **Article 143**

- (1) The involved entities participating in search and rescue operation referred to in paragraph (2) of Article 141 of this Act shall have a right to reimbursement of the actual costs incurred in respect of the search and rescue activities covered by the Crisis Management Centre that shall be entitled to reimbursement of the resources by the operator of the aircraft subject to search and rescue.
- (2) Search and rescue costs of the Crisis Management Centre shall be financed in a way established in accordance with paragraphs (3) and (6) Article 58 of this Act.

### **CHAPTER TEN OVERSIGHT**

#### **I GENERAL PROVISIONS**

#### **Article 144**

- (1) The oversight in respect of the implementation of the regulations in the field of aviation shall be carried out by the Agency in accordance with this Act and regulations enacted under this Act by the aviation inspectors (hereinafter referred to as: inspectors).
- (2) The provisions of the Law on Inspection Supervision shall not apply to the oversight of the implementation of this Act and regulations enacted under this Act.
- (3) Notwithstanding the provision of paragraph (1) of this Article, police officers can identify persons using unmanned aircraft or wings for free flight flying if the lives, personal safety and property of citizens are jeopardized. In such case, the police officers may check the persons and temporarily impound the aircraft if it is a threat to public security. The Agency shall be notified by the Ministry of Interior on the official actions taken by the police officers.
- (4) The method, procedures and special requirements for conducting an oversight and taking measures in case of breach of the provisions of this Act and regulations enacted under this Act shall be prescribed by the Ministry of Transport and Communications.

#### **Article 145**

The rules, procedures and special requirements for conducting an oversight of State aircraft, rights, responsibilities and obligations, as well as the requirements to be satisfied by a person to carry out an oversight shall be prescribed by the Minister for Interior, that is, the Director of the National Security Agency in respect of the aircraft when engaged in police operations, the Minister of Defence in respect of the aircraft when engaged in military operations and the Minister of Finance in respect of the aircraft when engaged in customs operations.

#### **Article 146**

Legal entities and physical persons subject to an oversight shall be obliged to provide to an inspector conditions to make inspection and to provide, without any delay, access to their facilities, aircraft, documentation, certificates and materials, at the request of the inspector to provide exact data and information necessary to carry out the inspection, as well as the

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possibility of interviewing the responsible persons, the persons whose work is subject to an oversight, as well as possible witnesses.

## **2. CONDUCTING AN OVERSIGHT**

### **Article 147**

- (1) The oversight of an aircraft, aircraft components, parts and equipment and air traffic operation shall in particular include the oversight of the implementation of the regulations in respect of: the aircraft, especially in respect of the requirements for its safe operation and airworthiness, production, maintenance, repair and modification of aircraft, aircraft components, parts and equipment, parachutes, certificates, books and other documentation to be on board the aircraft; requirements for safe air traffic operation, air operations (commercial air transport, specialized and noncommercial operations) and use of aircraft for recreation, sports, training and other purposes; requirements and measures for security of air carriers and aircraft against acts of unlawful interferences; requirements for economic solvency of the air carries, insurance, passenger rights and price formation.
- (2) The oversight of an aircraft, aircraft components and air traffic operations shall include safety assessment of foreign aircraft landing and/or take-off to/from the aerodromes of the Republic of North Macedonia.

### **Article 148**

The oversight of aerodromes, airfields and terrains/landing strips shall include in particular the oversight of the implementation of the regulations in respect of: safe use of aerodromes, airfields and terrains; design, construction and reconstruction of an aerodrome and objects within aerodrome zones as well as 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 signs for obstacle detection in aerodrome, that is, airfield within the aerodrome zone and airfield outside that zone; 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 and organization and safe and economic operation of the airport operators.

### **Article 149**

The oversight of the aviation personnel shall include in particular the oversight of the implementation of the regulations in respect of: work and way of performance of professional duties; the training process, assessment of competence of such personnel, certificates of those personnel, their qualifications and medical fitness and assessment of medical fitness.

### **Article 150**

The oversight of the provision of airport services and ground-handling services shall include in particular the oversight of the implementation of the regulations in respect of: technical and other conditions for provision of safe ground-handling services at an aerodrome; 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 procedures for their anti-icing protection; premises, technical equipment and procedures for inspection of aircraft, passengers, baggage and cargo; firefighting and requirements for safe fire protection; information for passengers on air carriers' identity; method for information on the charges by the airport operators and ground-handling service suppliers; organization, requirements and

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procedure in respect of provision of medical protection, as well as aerodrome and airport security.

#### **Article 151**

The oversight of provision of ATM/ANS services shall include in particular the oversight of the implementation of regulations in respect of: procedure for provision of ATM/ANS services and economic operation of the ATM/ANS services provider; modes of operation of the Rescue Coordination Centre and the entities engaged in an aircraft search and rescue system; protection of ATM/ANS services providers against acts of unlawful interferences; function of the safety management system as well as the condition, maintenance and proper function of technical facilities, devices and equipment essential for safe provision of ATM/ANS services.

## **2. INSPECTOR AUTHORISATIONS AND RESPONSIBILITIES**

#### **Article 152**

- (1) The duties of an inspector may be carried out by a person holder of an authorization issued by the Agency. The authorization may be issued to a person with working experience of at least five years at appropriate working assignments in the field of aviation and satisfying the special requirements prescribed by the Ministry of Transport and Communications.
- (2) An inspector shall not carry any duties for remuneration in the aviation industry entities subject to his oversight in order to avoid conflict of interests.

#### **Article 153**

- (1) An inspector shall conduct oversight, make decisions and take measures within the framework of his rights and obligations established by this Act and regulations enacted under this Act.
- (2) While conducting the oversight, in the event of a breach of the provisions of this Act and regulations enacted under this Act, the inspector shall be authorized to apply the following administrative measures, that is: warnings, orders, prohibitions or restrictions, to request taking of corrective measures, to suspend and seize certificates, to request extraordinary assessment of training proficiency and medical fitness of the aviation personnel, to detain a foreign aircraft at the aerodrome, as well as to take other measures in accordance with the international agreements ratified by the Republic of North Macedonia, this Act and regulations enacted under this Act.
- (3) If the inspector, while conducting the oversight, issued verbal warning, order or prohibition, he shall notify in writing the person to whom it refers within three days.
- (4) Against the administrative measures referred to in paragraph (2) of this Article taken by the Agency, the dissatisfied party shall have the right to judicial protection before the Administrative Court within 30 days from the date of receipt of the decision.
- (5) A lawsuit against the decision referred to in paragraph (4) of this Article does not prolong the execution of the decision.

#### **Article 154**

- (1) An inspector, while conducting the oversight, shall be obliged to notify the present representatives or employees of the legal entity or physical person subject to the oversight on his presence.
- (2) If the inspector found errors and irregularities in the operation of the supervised legal entity, he shall notify the responsible person about the same.

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- (3) The inspectors, while conducting the oversight, shall have an appropriate equipment necessary for performance of their responsibilities established by the regulations enacted under this Act.

#### **Article 155**

The inspector shall be obliged to keep as a secret the information/data he/she has found out during the oversight.

#### **Article 156**

- (1) An inspector, while performing the oversight, shall have an official identity card stating his capacity and authorizations.
- (2) Form, content, method of keeping of the official identity cards, as well as procedure in respect of issuance and withdrawal thereof shall be prescribed by the Director General of the Agency.

#### **Article 157**

The inspectors shall have a right and responsibility to qualification training, advanced training and refreshment of acquired knowledge in accordance with the Annual Operation Programme of the Agency.

### **CHAPTER ELEVEN MISDEMEANEOR PROVISIONS**

#### **Article 158**

In addition to the administrative measures referred to in paragraph (2) Article 153 of this Act, the inspector may initiate a misdemeanor procedure for the misdemeanors defined in the Articles 159, 160 and 161 of this Act.

#### **Article 159**

- (1) A fine in amount of not less than:
- 500 euros in denar equivalents nor more than 1 000 euros in denar equivalents for micro-traders,
  - 1 000 euros in denar equivalents nor more than 2000 euros in denar equivalents for small-traders,
  - 2 000 euros in denar equivalents nor more than 6 000 euros in denar equivalents for medium-sized traders,
  - 5 000 euros in denar equivalents nor more than 10 000 euros in denar equivalents for large traders,
- shall be imposed for a misdemeanor to a legal entity, if:
- 1) it fails to comply with the requirements prescribed by the National Runway Safety Programme (Article 27);
  - 2) it operates without approved Aerodrome Security Programme or Air carrier Security Programme or of ATM/ANS services provider developed in accordance with the National Civil Aviation Security Programme or fails to implement security measures according to the relevant approved security programmes (paragraphs (1), (2) (3), (4), (5), (6) and (10) Article 28));
  - 3) it performs security check on cargo and mail without approval by the Agency (paragraph (9) Article 28);

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- 4) it operates international air service and fails to meet the requirements prescribed by the international agreements and/or other international acts binding on the Republic of North Macedonia (Article 46);
  - 5) it fails to maintain regular and orderly transport; it performs its duties on the way that disrupts the regular and orderly air traffic operations and/or it fails to submit to the Agency a monthly report on the regularity or orderly of the air traffic operations (Article 47);
  - 6) it fails to provide ATM/ANS services in accordance with the provisions for airspace management prescribed by the Government of the Republic of North Macedonia (paragraph (1) Article 60));
  - 7) 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 technical aids and facilities for provision of air traffic services, or fails to ensure a priority of the communications lines necessary for provision of ATM/ANS services (Article 62);
  - 8) it fails to comply with the requirements and procedure for aerodrome flight information service prescribed by the Director General of the Agency (paragraph (2) Article 67);
  - 9) technical facilities, devices and equipment for provision of ATM/ANS services are not insured against damage or destruction (paragraph (2) Article 71);
  - 10) there is no insurance for third party liability or there is no risk identification, assessment and mitigation system in respect of risks present during provision of ATM/ANS services in accordance with the accepted international standards (paragraphs (1) and (5) Article 73);
  - 11) during the issuance of decisions for construction according to the Construction Law, the investor fails to obtain an approval in respect of the aviation safety (paragraphs (1) and (2) Article 80);
  - 12) it fails to use runways and other tracks, apron, buildings, installations, devices and equipment according to their purpose and capacity in accordance with the provisions of this Act and regulations enacted under this Act and if fails to ensure the usage of aerodrome buildings and infrastructure to an aircraft with a permission to flight within the Macedonian airspace (paragraphs (1) and (2) Article 81);
  - 13) it fails to determine the charge for the use of an aerodrome infrastructure in the manner prescribed by the Minister of Transport and Communications (paragraph (3) Article 82);
  - 14) the aerodrome is not open for air traffic within the specified time, and the specified time is not published according to air traffic standard procedure. (Article 83);
  - 15) it fails to comply with the prescribed rules for the allocation of slots (paragraph (5) Article 84));
  - 16) it fails to notify the Agency and the ATM/ANS services provider within the prescribed period for any intended change of purpose, class or category of the aerodrome, any major planned work which may result in closure of portions of an aerodrome or limitation to use the manoeuvring areas as well as for any unexpected or unpredictable changes, works or interventions (Article 87);
  - 17) it fails to carry out the construction, allocation 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 Director General of the Agency or fails to cultivate or use the land within the aerodrome/airfield zone, i.e. in the vicinity thereof in accordance with a procedure

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- prescribed by this Act or other Act and the requirements prescribed by the Director General of the Agency (Articles 88 and 89);
- 18) it fails to provide firefighting and rescue and medical protection at an aerodrome and airfield, and to provide firefighting and rescue services, emergency medical services and ground-handling services at an airport, under the requirements and in a manner stipulated by the Director General of the Agency (paragraph (1) Article 91);
  - 19) it fails to supply the jet and piston engine aircraft at the airport with fuel and oil in accordance with the applicable quality standard or 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 aerodrome operator, the 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 (paragraphs (4), (5) and (6) Article 91);
  - 20) it fails to comply with the prescribed requirements in respect of the access to ground-handling services market (paragraph (1) Article 92));
  - 21) 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 to comply with the measures and procedures prescribed by the Government of the Republic of North Macedonia (paragraphs (4), (5) and (6) Article 96 and paragraph (6) Article 97);
  - 22) a foreign aircraft, while flying within the Macedonian airspace, does not bear the marks established by the regulation of its State of Registry or marks provided for by an international agreement (Article 109);
  - 23) performs the design and production of aircraft, aircraft products, parts and equipment or of parachutes not complying with the requirements prescribed by the Director General of the Agency (paragraph (1) Article 112));
  - 24) it fails to carry out the maintenance of an aircraft, aircraft products, parts and equipment and of parachutes in compliance with the requirements prescribed by the Director General of the Agency (paragraph (2) Article 114));
  - 25) it fails to notify the Agency about any circumstances, occurrences, omissions and found malfunctions of an aircraft as well in respect of the documentation which might cause adverse effects on the airworthiness of the aircraft (paragraph (2) Article 116));
  - 26) it fails initially to investigate, analyse and classify the serious incidents, incidents and other occurrences endangering the civil aviation safety and after the completion of the investigation and classification of serious incidents, incidents and other occurrences fails to submit to the Investigation Committee the results of the investigated serious incident and the results of the investigated incidents and other occurrences to the Agency (paragraphs (3) and (4) Article 127)).
- (2) A fine in amount of 250 up to 500 euros in denar equivalents shall be imposed for a misdemeanor referred to in paragraph (1) of this Article to the responsible person of the legal entity.
  - (3) In addition to the fine referred to in paragraph (1) of this Article, the legal entity may also be subject to a misdemeanor sanction, a ban on exercising of certain activity for a period of up to one year, from the date the decision becomes final.
  - (4) In addition to the fine referred to in paragraph (2) of this Article, the responsible person of the legal entity may also be subject to a misdemeanor sanction, a ban on the exercise of profession, activity or duty for a period of up to one year, from the date the decision becomes final.

#### **Article 160**

- (1) A fine in amount of not less than:



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- 500 euros in denar equivalents nor more than 1 000 euros in denar equivalents for micro-traders,
  - 1 000 euros in denar equivalents nor more than 2 000 euros in denar equivalents for small-traders,
  - 2 000 euros in denar equivalents nor more than 6 000 euros in denar equivalents for medium-sized traders, and
  - 5 000 euros in denar equivalents nor more than 10 000 euros in denar equivalents for large traders,

shall be imposed for a misdemeanor to a legal entity, if:

- 1) it fails to act in accordance with the issued orders and/or Operational Directives as well as issued orders, prohibitions, restrictions and other measures taken by an inspector (indent 12 paragraph (1) Article 17 and paragraph (2) Article 153));
- 2) it fails to establish and maintain a safety management system in accordance with the National Aviation Safety Programme (paragraph (4) Article 24));
- 3) it fails to comply with the common basic rules referring to different activities in the field of civil aviation (Article 26));
- 4) it fails to comply with the security requirements, rules and measures of protection against acts of unlawful interference prescribed by the Government of the Republic of North Macedonia and to establish critical parts of the security restricted areas at the aerodromes where more than 40 staff members hold airport identification cards (paragraphs (7) and (8) Article 28));
- 5) it fails to comply with the requirements prescribed in the National Civil Aviation Security Programme, National Civil Aviation Security Training Programme and other programmes and plans (paragraph (6) Article 30));
- 6) it fails to comply with the prescribed requirements for safe use and carrying out flight operations of unmanned aircraft, unmanned aircraft systems and model aircraft (paragraph (1) Article 31));
- 7) it operates an aircraft that does not fulfill the requirements prescribed by this Act and regulations enacted under this Act (paragraphs (1) Article 32));
- 8) it engages an aircraft in air traffic operation not in accordance with its type, category and purpose specified in the Certificate of Airworthiness or Operational permit (paragraphs (2) Article 32));
- 9) it fails to comply with the prescribed rules of the air (paragraph (3) Article 32));
- 10) it carries out air traffic operation over an area previously declared as prohibited, restricted or danger area or over specified areas during prohibited hours or below/over specified flight level (paragraphs (1) and (2) Article 34));
- 11) against an aircraft closing to or flying in a prohibited or restricted or danger area or 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 to initiate a procedure for forced landing of that aircraft (paragraphs (4) and (5) Article 34));
- 12) it directs lights, lasers or reflections towards aircraft in flight and uses jamming devices that interfere with global satellite navigation systems (Article 35);
- 13) it fails to notify, without any delay, the Agency, Ministry of Defence and Ministry of Interior in respect of permitted entry of an aircraft in the Macedonian airspace without a prior flight permission in the event of dangerous or adverse weather conditions, humanitarian activities, protective activities in respect of safeguarding of people and material assets due to fire, hail as well as for efficiency of air traffic operation (Article 36));
- 14) 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 North Macedonia (Article 37);

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- 15) a foreign aircraft is flying within the Macedonian airspace without a permission or it allows to a foreign aircraft to land without prior flight permission (paragraph (1) Article 41));
  - 16) it fails to perform air operations in compliance with the requirements prescribed by the Director General of the Agency (paragraph (2) Article 51));
  - 17) it receives, delivers or transport cargo or postal items containing dangerous goods prohibited to be carried by air and not suitable packed in a manner meeting the requirements established by this Act and regulations enacted under this Act and fails to comply with the requirements in respect of the organization of carriage of dangerous goods by air, that is, of their acceptance, delivery, preparation i.e. classification, packaging, marking and labelling of cargo and mail containing dangerous goods as well as to the requirements in respect of dangerous goods training proficiency (Article 52));
  - 18) certificates, books and other documents prescribed by the Chicago Convention, this Act and other regulations enacted under this Act are not carry on board the aircraft while operating the air traffic operations (Article 53));
  - 19) it organizes competitions or air shows without approval issued by the Agency and ATM services provider or fails to comply with the requirements and procedure prescribed by the Director General of the Agency (Article 55));
  - 20) it fails to comply with the requirements and procedure in respect of the provision of ATM/ANS services prescribed by the Director General of the Agency (paragraph (5) Article 56));
  - 21) while providing the ATM/ANS services, it fails to use measurement units, abbreviations and measures established by a law, applicable standards or international agreements binding on the Republic of North Macedonia (Article 57);
  - 22) it fails to protect the technical facilities, equipment, devices and objects for provision of ATM/ANS services against any damage or destruction, and to comply with the method of installation, maintenance and protection prescribed by the Director General of the Agency and to publish without delay the failure of such facilities, equipment and devices according to air traffic standard procedure (paragraphs (3), (4) and (7) Article 62));
  - 23) it fails to comply with the rules and requirements in respect of systems interoperability, their components and related procedures prescribed by the Director General of the Agency (Article 63);
  - 24) it fails to establish a method, procedures and other requirements for safe take-off or landing and to publish such approved method, procedures and other requirements according to air traffic standard procedure (Article 65);
  - 25) it fails to define and publish according to air traffic standard procedure the minimum obstacle clearance altitude or operating minima for each aerodrome used for take-off and landing of aircraft in a manner prescribed by the Director General of the Agency (Article 66);
  - 26) it fails to prepare and update regularly the Aeronautical Information Publication based on data received by the designated originators (Article 69);
  - 27) it uses aerodromes and airfields not meeting the requirements for aviation safety prescribed under this Act and regulations enacted under this Act (Article 75);
  - 28) the construction, maintenance and use of the aerodrome, that is, airfield are not carried out in accordance with the requirements prescribed by the Director General of the Agency (paragraph (1) Article 79));
  - 29) it fails to use terrain/landing strip in compliance with the requirements prescribed by the Director General of the Agency (paragraph (3) Article 79));

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- 30) it fails to remove an object or natural obstacle constructed not in compliance with this Act and regulations enacted under this Act (Article 90);
  - 31) it fails to provide fire-fighting and rescue and medical protection at the aerodrome and airfield and to organize fire-fighting and rescue service and emergency medical service and ground-handling services at the airport or to comply with the requirements and procedure in respect of provision of aerodrome services and ground-handling services prescribed by the Director General of the Agency (paragraph (1) Article 91));
  - 32) it operates with an unregistered or unrecorded aircraft (paragraph (1) Article 101));
  - 33) it fails to submit to the Agency the certificates of the aircraft deregistered from the Registry of Aircraft or Records of Aircraft of the Republic of North Macedonia (paragraph (3) Article 106));
  - 34) an aircraft does not bear the nationality and registration marks and other distinctive marks or is marked not in compliance with the procedure and location prescribed by the Director General of the Agency or, if other marks and inscription of the aircraft impede the visibility of the nationality and registration marks and other distinctive marks (Article 108);
  - 35) uses an aircraft, aircraft products, parts and equipment not meeting the requirements for safe air traffic operation and airworthiness provided for by this Act and regulations enacted under this Act (paragraph (1) Article 110 and paragraph (3) Article 115));
  - 36) it fails, while using an aircraft, to inspect and check the aircraft products, parts and equipment and to maintain the aircraft in airworthy condition to ensure safe air traffic operation in accordance with the provisions of this Act and regulations enacted under this Act (paragraphs (1) and (2) Article 114));
  - 37) it fails to take measures in respect of the protection against aircraft noise or if the noise and gas emissions resulting from take-off, flying and landing of an aircraft are not lower than the prescribed maximum allowed noise level, that is, maximum level of gas emission prescribed by the Director General of the Agency (Article 117);
  - 38) it fails to ensure training proficiency and assessment of competence of the aviation personnel in accordance with the requirements prescribed by the Director General of the Agency (paragraph (2) Article 118));
  - 39) it fails to assess medical fitness required for duties of an aviation personnel in compliance with the requirements or to carry out aviation medical examinations in accordance with the requirements, method and procedure prescribed by Director General of the Agency (paragraph (2) Article 119));
  - 40) it performs the duties under its responsibility as aviation personnel without the relevant certificate or in a unconscientious and non-qualitative and improper manner not in compliance with this Act and regulations enacted under this Act (paragraph (1) Article 124));
  - 41) it fails to comply with the provisions for organization of flight duty and flight time of the crew members and cabin crew members of an aircraft in a way not to exceed the prescribed limitations in respect of the time spent on flight duty, flight and numbers of take-offs and landings, rest time minima of the crew members or fails to comply with the provisions for organization of working time of the crew members (paragraphs (1) and (2) Article 125));
  - 42) it uses in an inappropriate way the safety information, statements of persons taken by the investigators, communication among the persons involved in the aircraft operations, their personal and medical data, pictures, transcripts, recordings (CVR and other recordings), opinions from the information analysis and other data collected in the safety investigation of accidents, serious incidents or incidents (paragraphs (2) and (3) of Article 129));

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- 43) it fails to comply with the obligations, method, organization and principles for investigation, that is, prevention and report of accidents, serious incidents, incidents and other occurrences prescribed by the Government of the Republic of North Republic (Article 139);
  - 44) the operator/owner of an aircraft, pilot-in-command and the operator of an aerodrome at the request of the Crises Management Centre fail to take part in the search and rescue procedure i.e. to make available the facilities necessary for search and rescue or take measures for transport of survivors or comply with the procedure and organization of search and rescue of an aircraft prescribed by the Government of the Republic of North Republic (paragraphs (5) and (6) Article 141));
  - 45) it fails to initiate the search and rescue procedure by means of alerting or fails to notify without any delay the Crises Management Centre and the Investigation Committee (paragraphs (1) and (2) Article 142)) and
  - 46) it fails to provide to an inspector conditions to conduct oversight and to allow, without any delay access to its objects, aircraft, documentation, certificates, material or, at the request of the inspector to provide exact data, information and material necessary for the oversight, as well as the possibility to make interviews with the responsible persons whose work is subject to oversight and the possible witnesses (Article 146).
- (2) A fine in amount of 250 up to 500 euros in denar equivalents shall be imposed for a misdemeanor referred to in paragraph (1) of this Article to the responsible person of the legal entity.
  - (3) A fine in amount of 150 up to 250 euros in denar equivalents shall be imposed for a misdemeanor referred to in paragraph (1) of this Article to a physical person.
  - (4) In addition to the fine referred to in paragraph (1) of this Article, the legal entity may also be subject to a misdemeanor sanction, a ban on the exercise of certain activity for a period of up to one year, from the date the decision becomes final.
  - (5) In addition to the fine referred to in paragraph (2) of this Article, the responsible person of the legal entity may also be subject to a misdemeanor sanction, a ban on the exercise of profession, activity or duty for a period of up to one year, from the date the decision becomes final.

#### **Article 161**

- (1) A fine in amount of 150 up to 250 euros in denar equivalents shall be imposed for a misdemeanor to a physical person if:
  - 1) it fails to comply with the requirements prescribed by the National Civil Aviation Security Programme, National Civil Aviation Security Training Programme and other programmes and plans (paragraph (6) Article 30));
  - 2) jumps with parachute from an aircraft while flying across the flight path or terminal control zone and aerodrome zone or above an airport or fails to comply with the special requirements, methods and rules for parachuting prescribed by the Director General of the Agency (paragraphs (1) and (2) Article 38));
  - 3) a foreign aircraft operates within the Macedonian airspace without a permission (paragraph (1) Article 41));
  - 4) without a special permission takes-off and lands at aerodromes, terrains/landing strips, that is, airfield not open for international air traffic operation (paragraph (2) Article 43));
  - 5) upon the exit from the Macedonian airspace, and during coming back lands in the territory of the Republic of North Macedonia at an aerodrome not open for international air traffic operation without special permission (paragraph (5) Article 43));

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- 6) a foreign aircraft carries on board an active loaded firearm, rockets, bombs or photographic equipment not provided for by an international agreement ratified by the Republic of North Macedonia (Article 44);
  - 7) it fails to remove object or natural obstacle constructed not in accordance with this Act and regulations enacted under this Act (Article 90);
  - 8) it fails to comply with the requirements in respect of design and production of aircraft, aircraft products, parts and equipment and of parachutes prescribed by the Director General of the Agency (Article 112);
  - 9) it assessed medical fitness of aviation personnel not in compliance with the prescribed requirements, as well as carries out aviation medical examinations contrary to the requirements, method and procedure for aviation medical examination prescribed by the Director General of the Agency (paragraph (2) Article 119));
  - 10) it performs the duties under its responsibility as aviation personnel without the relevant certificate or in an unconscientious and non-qualitative and improper manner contrary to this Act and regulations enacted under this Act (paragraph (1) Article 124));
  - 11) while executing his/her duties as aviation personnel is under the influence of alcohol, narcotics or other psychotropic substances or is suffering from fatigue or from the effects of an illness or is in such psychological condition unfit to perform the duties (paragraphs (2) and (3) Article 124));
  - 12) it fails to comply with the provisions for organization of flight duty and flight time of the crew members and cabin crew members of an aircraft in a way not to exceed the prescribed limitations in respect of the time spent on flight duty, flight and numbers of take-offs and landings, rest time minima of the crew members or fails to comply with the provisions for organization of working time of the crew members (paragraphs (1) and (2) Article 125));
  - 13) 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, student-air traffic controller and flight data prescribed by the Director General of the Agency (paragraph (2) Article 126));
  - 14) the safety information, statements of persons taken by investigators, the communication between persons who were involved in aircraft operations, their personal or medical information, pictures, transcripts, recordings (CVR and other recordings), opinions from analysis of information and other data collected when performing safety investigation of accidents, serious incidents and incidents are used in an inappropriately way (paragraph (2) and (3) Article 129));
- (2) In addition to the fine referred to in paragraph (1) of this Article, a misdemeanor sanction a ban on the exercise of profession, activity or duty of aviation personal shall be imposed.
  - (3) The prohibition referred to in paragraph (2) of this Article shall be imposed for a period of up to one year, from the date the decision becomes final.

#### **Article 162**

- (1) A misdemeanor procedure in respect of the misdemeanors provided for by this Act shall be initiated before a competent court.
- (2) In respect of the misdemeanors referred to in Articles 159, 160 and 161 of this Act, the inspector, prior the submission the request for initiating a misdemeanor procedure before a competent court, shall conduct a procedure for reconciliation by issuing a misdemeanor payment warrant in accordance with the Law on Misdemeanors.
- (3) Form and content of the misdemeanor payment warrant shall be prescribed by the Director General of the Agency.

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- (4) The determination of the amount of the fine prescribed in accordance with this Act shall be in accordance with the Law on Misdemeanors.
  - (5) An offender who could by leaving abroad avoid the payment of the fine shall be obliged to pay without any delay the fine imposed in the misdemeanor payment warrant.
  - (6) If the offender fails to pay the fine within the period referred to in paragraph (5) of this Article, the aviation inspector shall submit a request for initiation of a misdemeanor procedure before the competent court and seize temporarily the passport, identity card or other relevant certificate in the field of aviation until an evidence is provided that the fine has been paid, but not longer than eight days from the date of seizing of the certificates.

## **CHAPTER TWELVE TRANSITIONAL AND FINAL PROVISIONS**

### **Article 163**

- (1) Any proceeding initiated prior to the entry into force of this Act shall be completed in accordance with the regulations that were effective until the date of entry into force of this Act.
- (2) Certificates issued prior to the entry into force of this Act shall be replaced, extended and/or renewed under the requirements and procedures prescribed in accordance with regulations enacted under this Act.
- (3) Regulations provided for by this Act shall be enacted within 2 years from the date of entry into force of this Act.
- (4) The existing regulations shall apply until the date of entry into force of the regulations provided for by this Act.
- (5) If the provisions of this Act and regulations enacted under this Act differ from the international agreements ratified by the Republic of North Macedonia, the provisions of the international agreements shall prevail.

### **Article 164**

- (1) Provisions establishing the powers, obligations and responsibilities of the Crises Management Centre shall start to apply within 2 years from the date of entry into force of this Act.
- (2) Provisions referred to in indent 5 paragraph (1) and paragraph (3) Article 12 of the Aviation Act ("Official Gazette of the Republic of Macedonia", No. 14/2006, 24/2007, 103/2008, 67/10, 24/12, 80/12, 155/12, 42/14, 97/15, 152/15, 27/16, 31/16 and 64/18 and ("Official Gazette of the Republic of North Macedonia", No. 220/19) shall continue to apply until the day of starting the collection of the charge referred to in indent 5 paragraph (1) Article 21 of this Act.
- (3) The provisions referred to in indent 5 paragraph (1) and paragraphs (4), (5), (6), (7) and (8) Article 21 of this Act shall apply on the date of the commencement of the payment of the charge referred to in indent 5 paragraph (1) Article 21 of this Act, but not later than two years from the date of the entry into force of this Act.
- (4) An aerodrome flight information service referred to in Article 67 of this Act shall start to be provided within three years at the latest from the date of entry into force of this Act.
- (5) Provisions referred to in 82-a, 82-b, 82-c, 82-d, 82-e, 82-f, 82-g, 82-h, 82-i, 82-j, 82-k, 82-l, 82-m, 82-n and 82-o of the Aviation Act ("Official Gazette of the Republic of Macedonia", No. 14/2006, 24/2007, 103/2008, 67/10, 24/12, 80/12, 155/12, 42/14, 97/15, 152/15, 27/16, 31/16 and 64/18 and "Official Gazette of the Republic of North Macedonia", No. 220/19) shall continue to apply until the adoption of the regulation referred to in Article 92 of this Act.

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- (6) Provisions referred to in Article 83 of the Aviation Act ("Official Gazette of the Republic of Macedonia", No. 14/2006, 24/2007, 103/2008, 67/10, 24/12, 80/12, 155/12, 42/14, 97/15, 152/15, 27/16, 31/16 and 64/18 and "Official Gazette of the Republic of North Macedonia", No. 220/19) shall continue to apply until the adoption of the regulation referred to in paragraph (6) Article 30 of this Act.
  - (7) Provisions referred to in Articles 95 and 100 of the Aviation Act ("Official Gazette of the Republic of Macedonia", No. 14/2006, 24/2007, 103/2008, 67/10, 24/12, 80/12, 155/12, 42/14, 97/15, 152/15, 27/16, 31/16 and 64/18 and "Official Gazette of the Republic of North Macedonia", No. 220/19) shall continue to apply until the adoption of the regulation referred to in Articles 105 and 106 of this Act.
  - (8) The provision referred to in paragraph (1) Article 106 in respect of Certificate of De-registration of an aircraft shall apply from 1 March 2024.
  - (9) Air traffic control assistants shall process the flight data of an aircraft in accordance with this Act until adoption the regulation referred to in paragraph (2) Article 118, after which they will acquire the status of persons responsible for processing aircraft flight data (FD).
  - (10) Air navigation services provider shall harmonize its operation in compliance with the provisions of this Act by 1 January 2025 at the latest.

#### **Article 165**

- (1) The members of the Management Board of the Agency nominated until the date of entry into force of this Act shall continue to exercise the function until the expiry of their mandate.
- (2) The Director General of the Agency elected to the date of entry into force of this Act shall continue to exercise his function until the expiry of the mandate for which he was elected.

#### **Article 166**

Upon entry into force of this Act, the effect of the Aviation Act ("Official Gazette of the Republic of Macedonia", No. 14/2006, 24/2007, 103/2008, 67/10, 24/12, 80/12, 155/12, 42/14, 97/15, 152/15, 27/16, 31/16 and 64/18 and "Official Gazette of the Republic of North Macedonia", No. 220/19) shall terminate.

#### **Article 167**

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