

**PARLAMENTUL
REPUBLICII MOLDOVA**



**ПАРЛАМЕНТ
РЕСПУБЛИКИ МОЛДОВА**

**AVIATION CODE of
the Republic of Moldova**

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CONTENT

Chapter I GENERAL PROVISIONS	4
Article 1. Scope	4
Article 2. Objectives	5
Article 3. Sovereignty over the airspace	6
Article 4. National airspace	6
Article 5. Definitions	7
Chapter II PUBLIC ADMINISTRATION IN THE FIELD OF CIVIL AVIATION.....	13
Article 6. Mission, main functions and tasks of the specialized central body in the field of civil aviation.....	13
Article 7. Mission, main functions and tasks of the administrative authority for implementation of policies in the field of civil aviation	14
Article 8. Work organization of the administrative authority for implementation of policies in the field of civil aviation	17
Chapter III OVERSIGHT ACTIVITY OF THE FLIGHT SAFETY	18
Article 9. Main provisions referring to continuing oversight	18
Article 10. Continuing oversight activity	20
Article 11. Continuing oversight programme	20
Article 12. Non-compliances with applicable requirements	21
Article 13. Aeronautical inspectors	23

Article 14. Suspension of certificates.....	24
Article 15. Revocation of certificates.....	25
Article 16. Ramp inspections of foreign aircraft. Grounding	25
Article 17. Transference of continuing oversight responsibilities	26
Article 18. Exemptions and derogations	26
Chapter IV ESSENTIAL AIRWORTHINESS REQUIREMENTS	26
Article 19. Registration of aircraft	26
Article 20. Airworthiness	28
Chapter V ENVIRONMENT PROTECTION	30
Article 21. Environment protection.....	30
Chapter VI AERONAUTICAL PERSONNEL.....	31
Article 22. Aeronautical personnel.....	31
Article 23. Aircrew	32
Article 24 Commander of the aircraft	32
Article 25. Non-aircrew personnel	33
Chapter VII FLIGHT OPERATIONS	34
Article 26. Civil air operations	34
Article 27. Commercial air transport operations.....	34
Article 28. Scheduled flights	35
Article 29. Non-scheduled flights	35
Article 30. Authorization of commercial air transport operations	35
Article 31. Non-commercial operations (general aviation).....	37
Article 32. Specialized commercial operations (aerial work).....	38
Article 33. Other flights.....	38
Article 34. Specific regulations	38
Chapter VIII AERODROMES, AIRPORTS AND HELIPORTS	39
Article 35. Certification and operation of aerodromes/airports/ heliports	39
Article 36. Use of airport infrastructure	40
Article 37. Aerodrome/airport/heliport operator	41
Article 38. Construction and reconstruction of aerodromes/airports/heliports and of special objects.....	42

Article 39. Location of buildings, installations and equipment in areas under aeronautical servitudes	42
Chapter IX AIR TRAFFIC MANAGEMENT AND AIR NAVIGATION SERVICES	43
Article 40. Air traffic management and air navigation services	43
Chapter X MANAGEMENT OF FLIGHT SAFETY AND AVIATION SECURITY	44
Article 41. State safety programme	44
Article 42. Safety management system	45
Article 43. Aviation security	45
Article 44. Aeronautical facilities	45
Article 45. Search and rescue of civil aircraft.....	46
Article 46. General provisions regarding technical investigation of accidents and incidents.....	46
Article 47. Liability	46
Chapter XI FINAL AND TRANSITORY PROVISIONS.....	47
Article 48. Entry into force.....	47
Article 49. Government responsibilities.....	47
Article 50. Abrogated acts.....	47
Annex no.1 ESSENTIAL AIRWORTHINESS REQUIREMENTS	47
Annex no.2 CATEGORIES OF AIRCRAFT THAT DO NOT FALL UNDER ART.1 (2).....	51
Annex no.3 ESSENTIAL REQUIREMENTS FOR AIR OPERATIONS	52
Annex no.4 ESSENTIAL REQUIREMENTS FOR PILOT LICENSING.....	58
Annex no.5 ESSENTIAL REQUIREMENTS FOR AIR TRAFFIC MANAGEMENT/ AIR NAVIGATION SERVICES AND AIR TRAFFIC CONTROLLERS	62
Annex no.6 ESSENTIAL REQUIREMENTS FOR AERODROMES	68

The Parliament approves the present Code.

The Code transposes Regulation (EC) no.216/2008 of the European Parliament and of the Council of 20th of February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, published in the Official Journal of the European Union L 79 of 19 March 2008.

Chapter I GENERAL PROVISIONS

Article 1. Scope

(1) The provisions of the Code shall apply to civil aviation activities including connected aeronautical activities, as well as to natural and legal persons carrying out these activities in the airspace and on the territory of the Republic of Moldova, as follows:

- a) the design, production, maintenance and operation of aeronautical products, parts and appliances, as well as personnel and organizations involved in the design, production and maintenance of such products, parts and appliances;
- b) personnel and organizations involved in the operation of aircraft;
- c) the design, maintenance and operation of aerodromes/airports/heliports, as well as personnel and organizations involved therein, safeguarding of surroundings of the aerodromes, without prejudice to legislation on environment and land-use planning,
- d) the design, production and maintenance of aerodrome/airport/heliport equipment, as well as personnel and organizations involved therein;
- e) the design, production and maintenance of systems and constituents for air traffic management (ATM) and air navigation services (ANS), as well as personnel and organizations involved therein;
- f) air traffic management and air navigation services, as well as personnel and organizations involved therein;
- g) ground handling services, necessary for arrival and departure of the aircraft on/from the aerodrome/airport/heliport, air transport services, as well as personnel and organizations involved therein;
- h) services provided in the security restricted area of the airports, as well as personnel and organizations involved therein;
- i) training and medical examination of the aeronautical personnel, as well as personnel and organizations involved therein;
- j) activities that do not fall under the category of civil aeronautical activities and connected aeronautical activities, having as effect reaching the airspace by different materials that can pose a threat to flight safety of the aircraft or otherwise can endanger flight safety and aviation security;

(2) The Code shall apply to aircraft, including any installed products, parts and appliances, which are:

- a) designed or manufactured by an organization for which the administrative authority for implementation of policies in the field of civil aviation ensures safety oversight;

b) registered in the Republic of Moldova, unless the regulatory safety oversight has been delegated to a third country and these are not used by an operator from the Republic of Moldova;

c) registered in a third country and used by an operator for which the administrative authority for implementation of policies in the field of civil aviation ensures oversight of operations;

d) registered in a third country, or registered in the Republic of Moldova which has delegated the regulatory safety oversight to a third country, and used by a third-country operator into, within or outside of the Republic of Moldova;

e) leased in accordance with the conditions established in the civil aviation regulations approved by the specialized central body in the field of civil aviation.

(3) The Code shall not affect the rights of third countries, as specified in international treaties, in particular in the Convention on international civil aviation, signed in Chicago on 7 December 1944, ratified by the Parliament Decision no. 97-XIII of 12 May 1994 (further on - *Chicago Convention*).

(4) The Code shall not apply to:

a) products, parts, appliances, personnel and organizations when engaged in military, customs, police services or other activities and similar services;

b) aerodromes or parts thereof, as well as equipment, personnel and organizations, when controlled and operated by the forces of the national defense system;

c) air traffic management and air navigation services including systems and constituents, as well as personnel and organizations when provided or offered by the forces of the national defense system.

(5) If an international treaty to which the Republic of Moldova is a party lays down provisions other than those contained in the Code, the provisions of the international treaty shall apply.

Article 2. Objectives

(1) The objective of the Code is to establish and maintain a high uniform level of civil aviation safety in the Republic of Moldova.

(2) In the fields covered by the Code, are envisaged the following objectives:

a) to ensure a high uniform level of environment protection;

b) to facilitate the free movement of goods, persons and services, as well as to ensure free access to the market services in the field of civil aviation;

c) to fulfill the obligations under the Chicago Convention, other international treaties in the field, to which the Republic of Moldova is a party, by ensuring that these provisions are duly taken into account in the Code and in its implementing rules;

d) to establish appropriate cooperation with third countries and international organizations.

(3) The means of achieving the objectives set out in paragraph (1) and paragraph (2) shall be:

a) preparation, adoption and implementation of all necessary acts;

b) recognition, without additional requirements, of certificates, licenses, approvals or of other documents granted to products, personnel or organizations by the European Aviation Safety Agency (EASA), other aviation authorities of the European Union member states or other international organizations in the field of civil aviation, in accordance with the international treaties;

c) assurance of functional independence of the administrative authority for implementation of policies in the field of civil aviation.

Article 3. Sovereignty over the airspace

Implementation of the Code shall be done without prejudice to complete and exclusive sovereignty over the airspace of the Republic of Moldova, as well as specific regulations on defense, public order and national security.

Article 4. National airspace

(1) National airspace represents the airspace above the limits of the Republic of Moldova sovereign territory, up to the lower limit of the extra-atmosphere space.

(2) Within the national airspace shall be performed:

a) general air traffic;

b) operational air traffic;

c) civil or military activities connected to the use of airspace.

(3) The national airspace covers:

a) the air traffic space representing the portion of the national airspace where are permitted aeronautical activities, as well as lands intended to be used for take-offs and landings, regardless of their ownership and nature of the flight activity;

b) reserved areas representing portions of the national airspace intended to be used for certain military aeronautical activities, reserved to activities of the flying schools, aeronautical sports, aircraft testing and homologation, of utilitarian nature and other similar activities, as well as to other activities established by specific regulations;

c) regulated areas constituted of dangerous areas, restricted areas or prohibited areas, as well as conditional air ways and areas of common activity in the state border zone.

(4) Classification of the national airspace from the point of view of air traffic services assurance is done in accordance with the standards of the international organizations in the field of civil aviation, to which the Republic of Moldova is a contracting party.

(5) During peacetime, the administrative authority for implementation of policies in the field of civil aviation together with the specialized central body in the field of defense organize the national airspace and establish the principles and the rules of its use for civil aeronautical activities or military activities, as necessary.

(6) Requirements and the procedure for flights authorization within the national airspace shall be approved by the Government.

(7) The administrative authority for implementation of policies in the field of civil aviation or the specialized central body in the field of defense can temporarily restrict or forbid general air traffic operations within a portion or within the entire national airspace, for reasons that can threaten the defense capacity, public order and national security, in accordance with their functions.

(8) The national airspace can be integrated from the point of view of air navigation services provision in one or more functional airspace blocks, as established by treaties concluded between the Republic of Moldova and other states, based on specific applicable regulations.

(9) Order of action against the aircraft using in an unauthorized way the airspace of the Republic of Moldova is established by the Law no.143/2012 on airspace control.

(10) State aircraft operating in a part of the airspace under civil air traffic services control must be operated as general air traffic. The Government shall approve regulations for state aircraft that assure flight safety of the civil aircraft.

(11) Any activity not pertaining to category of civil aeronautical activities, having its effect reaching the airspace by different material objects that can pose a threat to flight safety of the aircraft, can be carried out only with prior coordination with the administrative authority for implementation of policies in the field of civil aviation.

(12) It is forbidden launching in the air of the material objects in the areas under aeronautical servitudes or use of lighting devices directed towards the aircraft, air crew cabin at any phase of the flight, as well as other similar actions that can pose a threat to flight safety.

Article 5. Definitions

(1) For the purpose of the Code, the following definitions shall be defined:

accident – an occurrence associated with the operation of an aircraft, taking place between the time when any person boards the aircraft with the intention of flight until such time when all boarded persons have disembarked, and during which:

- a) a person is seriously or fatally injured as a result of:
 - being in the aircraft;
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft;
 - direct exposure to the jet blast,
except when the injuries are from natural causes, self-inflicted or inflicted by other person, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;
- b) the aircraft sustains damages or structural failure, which:
 - adversely affects the structural strength, the performance or flight characteristics of the aircraft; and
 - would require major repair or replacement of the affected component; except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories, or when damage is limited to

propellers, wing tips, tires, brakes, fairings, small dents or puncture holes in the aircraft skin;

c) the aircraft is missing or is inaccessible;

civil aviation activities – all the activities related to design, construction, certification, repair, maintenance and operation of civil aircraft, aerodromes and other components of civil aeronautics infrastructure, related to air navigation services, to civil aeronautical personnel appropriate training, as well as to the connected civil aeronautical activities;

connected civil aviation activities – the entirety of services that contribute directly to ensuring the evolvement of civil aeronautical activities;

aerodrome – any defined area (including any buildings, installations and equipment) on land or water or on a fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

aircraft – a machine that can derive support in the atmosphere from the reactions of the air, other than those against the earth's surface;

state aircraft – aircraft used in military, customs or police services;

airport – facilities complex consisting of the aerodrome, air terminal and other facilities designated for arrival and departure of the aircraft, air transport services;

international airport – any airport on the territory of the Republic of Moldova designated as an entry and departure airport for international air traffic, where are provided state boundary facilities, customs, public health formalities, phytosanitary and veterinary facilities, as well as other similar procedures;

aeronautical agent – any natural or legal person authorized to carry out civil aeronautical activities;

administrative authority for implementation of policies in the field of civil aviation – Civil Aviation Authority of the Republic of Moldova;

air operator authorization - the document certifying that an air operator can carry out specialized commercial operations (aerial work);

airspace block - an airspace of defined dimensions, in space and time, within which air navigation services are provided;

functional airspace block - an airspace block based on operational requirements and established regardless of state boundaries, where the provision of air navigation services and related functions are performance-driven and optimized with a view to introducing, in each functional airspace block, enhanced cooperation among air navigation service providers or, where appropriate, an integrated provider

noise mapping - presentation of data on an existing or predicted noise situation in terms of a noise indicator, indicating breaches of any relevant limit value in force, the number of people affected in a certain area, or the number of dwellings exposed to certain values of a noise indicator in a certain area;

technical requirements – technical normative act containing provisions, requirements or standards specific to a certain field or to its distinct element,

approved by the administrative authority for implementation of policies in the field of civil aviation;

certification – any form of recognition that a product, part or appliance, organization or person complies with the applicable requirements including the provisions of the Code and its implementing rules, as well as the issuance of the relevant certificate attesting such compliance;

certificate – any approval, authorization or other document issued as the result of certification;

airworthiness certificate – a document confirming that, following an inspection, revision, repair, change or installation, the aircraft or its component parts meet the applicable airworthiness rules;

air operator certificate – document authorizing an air operator to carry out commercial air transport operations;

control – entirety of control actions regarding observance of the applicable normative acts provisions by the aeronautical agent, carried out by empowered representatives of the administrative authority for in the field of civil aviation by visiting the aeronautical agent or by inviting the aeronautical agent to the administrative authority for implementation of policies in the field of civil aviation.

coordinator – natural or legal person responsible for allocation and monitoring of slots on a coordinated airport, in accordance with the conditions and order of slots allocation, approved by the Government;

airworthiness directive – mandatory, written requirement issued or validated by the administrative authority for implementation of policies in the field of civil aviation in respect of air operators of a certain model/type of aircraft by which they are informed on existence of certain conditions that interfere with the continuing airworthiness of the aircraft, engine, systems, parts or other aeronautical equipment that need to be removed, unless the aircraft loses its airworthiness;

aeronautical safety directive – normative act issued by the administrative authority for implementation of policies in the field of civil aviation in respect of aeronautical agents aiming at prevention and/or immediate removal of an unacceptable, imminent and direct risk for flight safety, or aiming at transposition of applicable safety rules;

operational directive – normative act issued by the administrative authority for implementation of policies in the field of civil aviation in respect of aeronautical agents, through which is assured implementation of the civil aviation regulations, operational standards or implementation of rules related to flight operations or other operational activity and/or through which is interdicted, limited certain flight operations or are subject to certain conditions imposed in the interest of flight safety;

aerodrome equipment – any equipment, apparatus, appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome;

expertise – examination and analysis of the documents performed by the administrative authority for implementation of policies in the field of civil aviation with the purpose to ascertain conformity with the applicable conditions of form and content;

heliport – an aerodrome or a defined area on a structure, used either wholly or partially for the arrival, departure or surface movement of the helicopters;

incident – an occurrence, other than an accident, associated with the operation of an aircraft, which affects or could affect its safe operation;

aeronautical information – information referring to flight safety, air navigation, other issues of technical, administrative or legal character;

aeronautical inspector – a natural person, holder of a corresponding qualification confirmed by appropriate documents, empowered by the administrative authority for implementation of policies in the field of civil aviation to perform aeronautical inspections;

aeronautical inspection – control actions of natural and legal persons carrying out activities in the field of civil aviation, aircraft or their components in order to determine their compliance with national and international requirements and standards in the field;

ad-hoc inspection - inspection that is not included in the annual inspection plan and is carried out to check compliance with the requirements set by the legislation;

ramp inspection - inspection of aircraft, of flight and cabin crew qualifications and of flight documentation in order to verify the compliance with the applicable requirements;

air traffic management (ATM) – the aggregation of the airborne and ground-based functions (air traffic services, airspace management and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations;

air traffic management/air navigation services – functions of the air traffic management, air navigation services as defined in the normative acts, and services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety critical air navigation;

maximum take-off mass of the aircraft (MTOM) – the weight of the aircraft specified in the airworthiness certificate of the aircraft or in the other document containing this information;

guidance material – non-binding document drafted by the administrative authority for implementation of policies in the field of civil aviation, which helps to illustrate a certain requirement or specification and is used to assist in interpretation of the Code, its implementing rules and acceptable means of compliance;

cargo – any material goods transported on the board of the aircraft, except the mail, on-board supplies and accompanied baggage, or of the mishandled baggage;

acceptable means of compliance – recommendations issued by the administrative authority for implementation of policies in the field of civil

aviation, with the purpose to illustrate the essence of complying with the legal or normative provisions, civil aviation regulations, certification specifications. Once implemented by the aeronautical agents, the administrative authority for implementation of policies in the field of civil aviation gives the presumption of conformity;

commercial operation – any operation of an aircraft for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;

operator – any natural or legal person engaged in or offering to engage in operation of one or more aircraft or one or more aerodromes;

specialized central body in the field of civil aviation – Ministry of economy and infrastructure of the Republic of Moldova;

aeronautical personnel – aircrew and non-aircrew personnel;

parts and appliances – any instrument, equipment, mechanism, part, apparatus, appurtenance, software or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight; it shall include parts of an airframe, engine or propeller, or equipment used to maneuver the aircraft from the ground;

flight plan – specific information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

acoustical planning – controlling future noise by planned measures, such as land-use planning, systems engineering for traffic, traffic planning, abatement by sound-insulation measures and noise control of sources;

apron – a defined area intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fueling, parking or maintenance;

aeronautical inspectorial prescription – a disposition of individual character, issued by the aeronautical inspector following an aeronautical inspection, stating non-observance of applicable requirements and standards by a natural or legal person subject to aeronautical inspection, as well as terms for settlement of these violations;

privileges – rights or empowers given to the certificate holder;

product – an aircraft, engine or propeller;

civil aviation regulations – normative technical act, approved by the specialized central body in the field of civil aviation with the purpose to implement the national normative framework and international regulations, containing specific rules, standards, requirements and procedures that is binding for natural and legal persons carrying out activities in the field of civil aviation;

aviation security – ensemble of measures, material and human resources, provided to protect civil aviation against unlawful interference acts;

ground handling services – services necessary for an aircraft arrival and departure at/from an aerodrome/airport/heliport and/or for provision of air transport services;

air navigation services (ANS) – air traffic services, communication, navigation and surveillance services, meteorological services for air navigation and aeronautical information services;

air traffic services (ATS) – flight information services, alerting services, air traffic advisory services and ATC services (area, approach and aerodrome control services);

air service - any scheduled or non-scheduled air service, provided with the aircraft for the purpose of public transportation of the passengers, mail or cargo;

air traffic control (ATC) – service provided for the purpose of:

a) prevention of collisions:

- between aircraft; and

- in the maneuvering area between aircraft and obstructions; and

b) expediting and maintaining an orderly flow of air traffic;

aeronautical servitude – conditions, restrictions imposed by national and/or international civil aviation regulations in the benefit of flight safety;

safety management system – a systematic approach to managing safety, including the necessary organizational structures, accountably, responsibilities, policies and procedures;

slot – fixed time of arrival or departure available or allocated for the movement of an aircraft on a specific date at a coordinated airport;

national airspace – airspace above the territory of the Republic of Moldova;

certification specification – technical standards approved by the administrative authority for implementation of policies in the field of civil aviation with the purpose of implementation of the Code and of other subordinated technical documents used by the aeronautical agent during the certification process;

continuing oversight – entirety of actions performed by the administrative authority for implementation of policies in the field of civil aviation following granting of the certificate consisting in continuous and systematic analysis of the information obtained during expertise, controls or aeronautical inspections in order to verify that the conditions under which the certificate has been granted continue to be fulfilled by the aeronautical agent at any time during its period of validity, as well as taking of any safeguard measure;

field for take-off/landing of the light and very light aircraft – any surface of land (water) or surface of a structure chosen by the operator under its own responsibility for take-off and/or landing in accordance with visual flight rules and in accordance with flight and technical characteristics of the aircraft specified in annex no.2 and of the aircraft with a maximum take-off mass less than or equal to 2000 kg which are not classified as complex motorized aircraft;

air traffic – all aircraft in flight and aircraft operating on the maneuvering area of an aerodrome;

general air traffic – all the movements of civil aircraft, as well as movements of all state aircraft carried out in accordance with the procedures of the International Civil Aviation Organization;

airspace users – operators of aircraft operated under general air traffic;

prohibited area – an airspace of defined dimensions within which the flight of the aircraft is prohibited;

restricted area – an airspace of defined dimensions within which the flight of the aircraft is restricted in accordance with certain specific conditions;

areas under aeronautical servitudes – areas surrounding certified aerodromes and the air navigation services equipment subject to aeronautical servitudes.

Chapter II PUBLIC ADMINISTRATION IN THE FIELD OF CIVIL AVIATION

Article 6. Mission, main functions and tasks of the specialized central body in the field of civil aviation

(1) The mission of the specialized central body in the field of civil aviation consists in drafting and promotion of the Government policy in the field of civil aviation.

(2) The main functions of the specialized central body in the field of civil aviation are development, implementation, monitoring, assessment and reporting on achievements related to carrying out of the Government policy for the sustainable development of the civil aviation industry in terms of flight safety, aviation security and quality of the provided services.

(3) In order to achieve its main tasks, the specialized central body in the field of civil aviation has the following primary functions:

a) prepares and proposes for Government approval policy documents containing development vectors of the civil aviation, as well as drafts of legal and normative acts for their implementation;

b) presents for Government approval, at the proposal of the administrative authority for implementation of policies in the field of civil aviation the safety policy and the State Safety Programme, issues specific regulations on reporting and technical investigation of civil aviation events, as well as provision of search and rescue activities of civil aircraft, in case of aeronautical accidents and incidents occurred on the territory of the Republic of Moldova;

c) prepares and proposes for Government approval drafts of legal and normative acts, as well as issues implementing rules, in the field of air transport facilitation, consumers' protection, environment protection and access to the market services in the field of civil aviation;

d) promotes for Government approval drafts of international treaties in the field of civil aviation, in accordance with the Law no.595/1999 on international treaties of the Republic of Moldova;

e) represents the Republic of Moldova in relations with international organizations in the field of civil aviation and in relation with similar foreign authorities on issues related to drafting and promotion of the policy in the field of civil aviation and/or in the field related to provision of search and rescue operations and technical investigation of civil aviation accidents and incidents;

f) approves measures necessary to assure provision of search and rescue operations and technical investigation of civil aviation accidents and incidents

occurred on the territory of the Republic of Moldova and participates in investigation of civil aviation accidents and incidents occurred on the territory of other states in which are involved civil aircraft registered in the Republic of Moldova;

g) presents for the Government approval the methodology and the level for calculation of the airport charges and charges for air navigation;

h) approves measures necessary for protection of consumers in the field of civil aviation;

i) presents for the Government approval the regulation on organization, functioning and maximum number of employees of the administrative authority for implementation of policies in the field of civil aviation.

(4) The specialized central body in the field of civil aviation may delegate some of its functions or tasks to subordinated administrative authorities, as well as to specialized technical bodies.

(5) The specialized central body in the field of civil aviation shall have a specialized subdivision to achieve the competences established by the Code, staffed with corresponding qualified personnel.

Article 7. Mission, main functions and tasks of the administrative authority for implementation of policies in the field of civil aviation

(1) The mission of the administrative authority for implementation of policies in the field of civil aviation consists in implementation of policies in the field of civil aviation and oversight of the natural and legal persons regarding compliance with the normative framework in this field in order to assure flight safety and aeronautical security.

(2) The main functions of the administrative authority for implementation of policies in the field of civil aviation are:

a) implementation of the state policy in the field of civil aviation;

b) assurance of obligations execution and implementation of the rights of the Republic of Moldova resulting from provisions of the international treaties in the field and monitoring of their execution, especially of the requirements, standards and recommendations of the International Civil Aviation Organization;

c) assurance of implementation of the normative framework by certification, continuing oversight and control activity in the field;

(3) In order to execute its mission and main functions, the administrative authority for implementation of policies in the field of civil aviation exercises the following main tasks:

1) normative legal regulation:

a) proposes to specialized central body in the field of civil aviation for promotion and/or approval drafts of legal and normative acts in the field of civil aviation;

b) approves within its competences technical requirements and certification standards, other normative acts of technical character complying with regulations, standards, recommended practices and procedures issued by the International Civil

Aviation Organization and other international organizations in the field of civil aviation to which the Republic of Moldova is a party;

c) issues, within its competences, certification specifications, aeronautical safety directives, operational directives and airworthiness directives;

d) issues administrative documents, acceptable means of compliance and guidance materials, implementation of which gives the presumption of conformity, decisions on acceptance or revocation of nominated accountable persons of the aeronautical agents, binding for natural and legal persons carrying out activity in the field of civil aviation;

2) organization and oversight of airspace use:

a) establishes prohibited, restricted, dangerous and reserved areas and other organizational aspects of the national airspace;

b) approves the air routes and rules of the air within the national airspace;

c) establishes, jointly with the specialized central body in the field of defense the procedure related to coordination of civilian and military flights within the national airspace;

d) issues operating permits for international non-scheduled flights, operation authorizations for international scheduled flights, assures oversight of scheduled and non-scheduled flights;

e) assures oversight regarding observance by the civil aircraft and aerial vehicles of the rules of air;

3) assurance of civil aviation register in the field of civil aviation:

a) maintains the Aviation Register of the Republic of Moldova;

b) maintains the Register of civil aerodromes/airports/heliports and lands for take-off/landing of light and very light aerial vehicles;

4) representation and international cooperation:

a) represents the Republic of Moldova at international organizations in the field of civil aviation, including International Civil Aviation Organization, European Aviation Safety Agency, European Civil Aviation Conference and Eurocontrol, as well in relation with other similar authorities from other states, except the fields that are under the responsibility of the specialized central body in the field of civil aviation;

b) maintains cooperation relations with specialized international organizations and similar authorities from other states;

c) prepares and proposes to the specialized central body in the field of civil aviation for promotion drafts of international treaties, as well as proposals for adherence of the Republic of Moldova to international treaties in the field of civil aviation;

d) concludes cooperation agreements, agreements on exchange of experience and specialized information with specialized international organizations and similar authorities from other states in accordance with the provisions of Law no.595/199 on international treaties of the Republic of Moldova;

e) concludes agreements related to transfer of competences with aeronautical authorities from other states, based on article 83bis of the Chicago Convention;

f) designates air companies according to the bilateral agreements under conditions established by the Government;

5) certification, continuing oversight and control:

a) assures oversight of flight safety of civil aircraft and aviation security by air operators, aerodromes/airports/heliports operators, air navigation services providers, other natural and legal persons carrying out activity in the field of civil aviation;

b) assures oversight over implementation of flight safety management systems by aeronautical agents;

c) assures certification and oversight over performance of civil aeronautical activities and connected civil aeronautical activities;

d) assures oversight over observance of the airworthiness standards by air operators and organizations providing maintenance and repairing works of the aircraft/components and of the aeronautical equipment;

e) checks, issues, validates, suspends and revokes airworthiness certificates;

f) certifies, assures continuing oversight and designates entities responsible for air traffic services, aeronautical information, flight procedures design, aeronautical telecommunication, aeronautical meteorology, aviation security, as well as medical institutions carrying out medical examination of the aeronautical personnel;

g) issues, renews, validates, accepts, modifies, suspends and revokes aeronautical personnel licenses/certificates;

h) certifies and assures oversight over aerodromes/airports/heliports operation and other ground handling services;

i) issues, validates, accepts, recognizes, suspends and revokes certification documents for products, appliances and technical means used in civil aviation;

j) authorizes and assures oversight over transportation of dangerous goods on the board of the aircraft;

k) assures management of telecommunication frequencies assigned to civil aviation, authorizes installation and operation of radio transmitters within the frequency bands allocated for civil aviation, assures oversight over their use and maintains the national data base for radio transmitters in the field of civil aviation;

l) authorizes installation of the radio communication equipment on the board of civil aircraft registered in the Republic of Moldova and assures oversight over their use;

m) assures oversight over observance of special facilitation regulations related to facilitation of international air transport;

n) assures oversight over civil aircraft operation;

o) assures metrological oversight in the civil aviation;

p) assures oversight over observance of the requirements in the field of aviation security by the economic agents that carry out activity in the security area with limited access of the airports;

q) determines and examines contraventions in the field of civil aviation, as well as imposes contravention penalties in accordance with the provisions of the Contravention code;

6) carrying out of other activities related to civil aviation:

a) assures provision of aeronautical information activities;

b) approves training programmes of the aeronautical personnel;

c) assures collection of statistical data from natural and legal persons which carry out activities in the field of civil aviation, other data necessary to analyze the activity in the field, as well as presents these data to international organizations in the field, in accordance with the standards of form and content prescribed therein;

d) checks correctness formation of the charges for airport services and air navigation services;

e) assents construction and reconstruction of civil aerodromes/airports /heliports and of special objects;

f) assents location of buildings, facilities and equipment in the areas under aeronautic servitudes;

g) exercises functions and tasks related to assurance of aeronautical security established in the aeronautical security legal framework;

(4) In case the administrative authority for implementation of policies in the field of civil aviation has no necessary capabilities for specific certifications, it can, with the consent of the applicant, contract a qualified international entity to perform these certifications. This provision shall not limit the rights of the resident applicants to contract directly any certification services from international qualified entities.

Article 8. Work organization of the administrative authority for implementation of policies in the field of civil aviation

(1) The administrative authority for implementation of policies in the field of civil aviation is a certification, oversight and control authority in the field of civil aviation, having the status of a public legal entity, subordinated to the specialized central body in the field of civil aviation.

(2) The administrative authority for implementation of policies in the field of civil aviation exercises its functions and tasks in accordance with the Regulation approved by the Government.

(3) The director and deputy directors of the administrative authority for implementation of policies in the field of civil aviation are appointed, released or dismissed from state functions according to the provisions of the law, by the minister.

(4) Within the administrative authority for implementation of policies in the field of civil aviation work public servants, in accordance with Law no.158/2008 on state functions and the status of public servants and other categories of personnel, the activity of whom is regulated by labour legal framework.

(6) The budget of the administrative authority for implementation of policies in the field of civil aviation is prepared, approved and managed in

accordance with the principles, rules and procedures established by Law no.181/2014 on public finances and budgetary-fiscal responsibility.

(7) Payments for oversight of certification requirements of air navigation services, payments for oversight of certification requirements of aerodromes, depending on the attributed code, and payments for oversight of certification requirements of air operators carrying out their activity beyond the territory of the Republic of Moldova represent the collected income of administrative authority for implementation of policies in the field of civil aviation, and are used for financing its activity.

(9) The amount of payments for the oversight of certification requirements of air navigation services is established by the Government at the level up to 1 Euro per tone /MTOM aircraft at take-off/landing. The amount of payments for the oversight of the aerodrome certification requirements is established by the Government at the level of: up to 0.5 Euro per passenger at departure and arrival – for aerodrome code 2; up to 2 Euro per passenger at departure and arrival – for aerodrome code 3 and for aerodrome code 4. The amount of payments for oversight of air operator's certification requirements carrying out their activity beyond the territory of the Republic of Moldova is established by the Government at the level of up to 1 Euro tone/MTOM aircraft at take-off.

(10) The payments for oversight of certification conditions are transferred by the certified aeronautical agents to the state budget before 25th day of each next month, according to the procedure established by the Ministry of Finance.

(11) An incomplete or delayed transfer of payments to the state budget for the oversight of certification requirements shall incur a penalty in the amount established by the Government. Non-payment of the amounts for the oversight of certification requirements, outstanding at the end of the period of 60 calendar days, serves as the basis for suspension of certificates issued by the administrative authority for implementation of policies in the field of civil aviation, until payment of the debt.

(12) Exemption from the provisions of this article shall constitute financial means paid by the applicant exclusively in the amount and for the purpose of payment of the regulatory honorariums of the international contracted entities or in favor of whom was delegated the certification task.

Chapter III OVERSIGHT ACTIVITY OF THE FLIGHT SAFETY

Article 9. Main provisions referring to continuing oversight

(1) For the purpose of flight safety, the following categories of aeronautical agents shall be subject to certification and continuing oversight:

- a) air operators, according to the civil air operations they are carrying out;
- b) aeronautical agents having as object of activity the design, manufacture and maintenance of aircraft, their engines, propellers, component parts and associated equipment, as well as those having as object of activity specialized processes, including type trials, specialized tests and aeronautical products distribution;

c) civil aeronautical agents carrying out design, construction, assembly, repair for infrastructure elements and equipment directly contributing to flight safety;

d) aeronautical agents whose object of activity is to provide air navigation services and airport activities;

e) aeronautical agents providing training to aeronautical personnel;

f) other categories of aeronautical agents according to the specific applicable regulations;

(2) By issuing a certificate, the administrative authority for implementation of policies in the field of civil aviation confirms applicant's compliance with established requirements and conditions and specifies the privileges of the applicant. The certificate is rendered valid as long as the aeronautical personnel demonstrates, within the continuing oversight, conformity with the requirements and conditions that stood at the basis of certification.

(3) In order to achieve the provisions established under paragraph (2), the administrative authority for implementation of policies in the field of civil aviation shall verify:

a) conformity with the requirements applicable to products, parts and appliances, as well as personnel and organizations that are subject to certification before issuing a certificate;

b) continuing compliance with requirements applicable to products, parts and appliances, as well as personnel and organizations that were certified by it;

c) carrying out of corrective measures which have been approved as a result of analysis of the relevant information it has received, related to a safety issue implying products, parts and appliances, as well as personnel and organizations that are subject to the Code and of its implementing rules, as well as their implementation in the approved manner and periods of time.

(4) The verification referred to in paragraph (3) is done within the continuing oversight process, through aeronautical inspections, expertise and controls of the products, parts and appliances, as well as personnel and organizations and activities subject to certification procedures, in accordance with the provisions of the Code and its implementing rules.

(5) Natural and legal persons carrying out activities in the field of civil aviation on the territory of the Republic of Moldova or abroad, on the basis of the certificates issued by the administrative authority for implementation of policies in the field of civil aviation must present to the administrative authority for implementation of policies in the field of civil aviation the information and documents confirming continuing observance of the certification conditions while carrying out their activity and shall assure access of the persons empowered by the administrative authority for implementation of policies in the field of civil aviation to the information, documents, products, parts and appliances subject to conditions of certification, to places and areas that are under their jurisdiction or control.

(6) Technical conditions/requirements referring to issuance, validation, continued validity, limitation, suspension or revocation of the certificates and

performance of continuing oversight shall be established in civil aviation regulations.

(7) Certificates referred to in the Code are not subject to tacit approval.

Article 10. Continuing oversight activity

(1) Within the continuing oversight shall be taken into account the results of prior oversight activities and the safety related priorities.

(2) The administrative authority for implementation of policies in the field of civil aviation shall collect and process any information deemed useful for continuing oversight.

Article 11. Continuing oversight programme

(1) The administrative authority for implementation of policies in the field of civil aviation shall establish and maintain a continuing oversight programme covering all the activities subject to its certification.

(2) For aeronautical agents certified by the administrative authority for implementation of policies in the field of civil aviation, the oversight programme shall be developed taking into account the specific nature of the aeronautical agent, the complexity of its activities, the results of prior certification and/or oversight activities, based on the assessment of associated risks.

(3) The oversight programme shall include within each oversight planning cycle:

a) meetings convened between the accountable managers and the administrative authority for implementation of policies in the field of civil aviation to ensure both parties remain informed of important issues;

b) assessment of the economic financial capacity, audits and inspections, including ramp inspections and unannounced inspections as appropriate;

c) records of the dates when audits, inspections and meetings are due and when such audits, inspections and meetings have been carried out.

(4) For aeronautical agents certified by the administrative authority for implementation of policies in the field of civil aviation shall be apply an oversight planning cycle not exceeding 12 months, which may be reduced if there is evidence that the safety performance of the aeronautical agent has decreased and it may be extended as follow:

1) up to maximum 24 months, if the administrative authority for implementation of policies in the field of civil aviation has established that, during the previous 12 months:

a) the aeronautical agent has demonstrated an effective identification of aviation safety hazards and management of associated risks;

b) the aeronautical agent has continuously demonstrated that it has full control over all changes;

c) no level 1 findings have been issued, in accordance with article 12 paragraph (1) point 1);

d) all corrective actions have been implemented within the time period accepted or extended by the administrative authority for implementation of policies in the field of civil aviation.

2) up to 36 months if, besides the conditions mentioned under point 1), the aeronautical agent has established and the administrative authority for implementation of policies in the field of civil aviation has approved an effective continuous reporting system to the administrative authority for implementation of policies in the field of civil aviation on the safety performance and regulatory compliance of the aeronautical agent.

(5) For carrying out the tasks related to economic oversight, every aeronautical agent shall present to the administrative authority for implementation of policies in the field of civil aviation every three months, before the 30th day of the following month, the economic financial information in order to offer a real state of facts of the accounting elements (assets, liabilities, own capital, expenditures, revenues, financial results) of the entity according to the requirements of form and content approved by the specialized central body in the field of civil aviation, at the proposal of the administrative authority for implementation of policies in the field of civil aviation.

Article 12. Non-compliances with applicable requirements

(1) The administrative authority for implementation of policies in the field of civil aviation shall have a system to analyze findings for their safety significance, as follows:

1) a level 1 finding shall be issued when any significant non-compliance is detected with the applicable requirements of the Code and its implementing rules, with the aeronautical agent's procedures and manuals or with the terms of the certificate, which lowers safety or seriously hazards flight safety. Level 1 findings shall include but is not limited to:

a) failure to give the aeronautical inspectors access to the aeronautical agent's facilities during normal operating hours and after two written requests;

b) obtaining or/and maintaining the validity of the aeronautical agent certificate by falsification of submitted documentary evidence;

c) evidence of malpractice or fraudulent use of the aeronautical agent certificate;

d) unsatisfactory activity of the accountable persons of the aeronautical agents, in accordance with the provisions of the applicable normative acts;

e) carrying out of changes that need prior approval but without obtaining it from the administrative authority for implementation of policies in the field of civil;

2) a level 2 finding, shall be issued when any significant non-compliance is detected with the applicable requirements of the Code and its implementing rules, with the aeronautical agent's procedures and manuals or with the terms of the certificate, which could lower safety or could reduce hazard flight safety.

(2) Classification of the non-conformities detected during ramp inspections of the aircraft operated by the air operators from other states is established by the

administrative authority for the implementation of policies in the field of civil aviation.

(3) When a finding is detected during oversight or by any other means, the administrative authority for implementation of policies in the field of civil aviation shall communicate the finding to the aeronautical agent in writing and requests corrective action to address it. In case of foreign aircraft, as provided by normative acts, the administrative authority for implementation of policies in the field of civil aviation shall inform the state of registry.

(4) In the case of level 1 finding the administrative authority for implementation of policies in the field of civil aviation shall take immediate and appropriate actions to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate or the specific approval or to limit or suspend it in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken by the aeronautical agent.

(5) In the case of level 2 findings, the administrative authority for implementation of policies in the field of civil aviation shall:

a) grant the aeronautical agent a period for presentation to the administrative authority for implementation of policies in the field of civil aviation a corrective action implementation appropriate to the nature of the finding that in any case initially shall not be more than three months, the period starting from the moment the corrective action plan is approved. At the end of this period, and subject to the nature of the finding, the administrative authority for implementation of policies in the field of civil aviation can extend the three-month period subject to a satisfactory corrective action plan agreed by the administrative authority for implementation of policies in the field of civil aviation; and

b) assess the corrective action and implementation plan proposed by the aeronautical agent and, if the assessment concludes that they are sufficient to address the non-compliance(s), accepts them.

(6) Where the aeronautical agent fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the administrative authority for implementation of policies in the field of civil aviation, the finding shall be raised to a level 1 finding and action taken as laid down in paragraph (4).

(7) If, during continuing oversight or by any other means, evidence is found by the administrative authority for implementation of policies in the field of civil aviation that shows a non-compliance with the applicable requirements by a person holding a certificate issued in accordance with the Code and its implementing rules, the administrative authority for implementation of policies in the field of civil aviation shall act as follows:

1) states a finding, registers and communicates it to the person holding the certificate and carries out an investigation:

2) if the finding is confirmed, it shall:

a) suspend totally or revoke partially the certificate when a safety issue has been identified; and

b) take any further enforcement measures necessary to prevent the continuation of the non-compliance.

3) when applicable, informs the person or the organization that issued the certificate, inclusively the medical certificate.

(8) If, during continuing oversight or by any other means, evidence is found showing a non-compliance with the applicable requirements by a person subject to the requirements laid down in the Code and its implementing rules and not holding a certificate issued in accordance with the Code and its implementing rules, the administrative authority for implementation of policies in the field of civil aviation shall take any enforcement measures necessary to prevent the continuation of that non-compliance.

(9) The administrative authority for implementation of policies in the field of civil aviation shall record all findings it has raised or that have been communicated to it and, where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.

Article 13. Aeronautical inspectors

(1) Aeronautical inspectors are independent while carrying out their inspectorial activities (audit, expertise, control) from any natural and legal person, including when issuing inspectorial prescriptions.

(2) While carrying out their duties, the aeronautical inspectors, have the right to:

a) unlimited, unconditioned and without any additional formalities access to the territory and to the facilities belonging to or under the control of the aeronautical agents situated on the territory of the Republic of Moldova or abroad, as well as to the board of the inflight aircraft (inclusively on the flight deck, with the permission of the pilot in command) registered in the Republic of Moldova and/or operated by the air operators from the Republic of Moldova;

b) apply measures stipulated in the Code, other normative acts, as well as in civil aviation regulations with the purpose to assure proper safety level, including in the case of an imminent hazard to flight safety that cannot be immediately eliminated;

c) immediately suspend the specified operation of the aeronautical agent / of the inspected aeronautical personnel which poses a threat to aeronautical security, until proper remediation of the detected deficiencies;

d) stop aircraft operation in case there are identified infringements that can pose threat to human life and health or can cause material damages.

(3) Inspectorial prescriptions are executory for natural and legal persons in the field of civil aviation. Non-execution of aeronautical inspectorial prescription in case of level 2 finding, within the established period of time, shall become level 1 finding and serves as basis for suspension or revocation of the certificate by the administrative authority for implementation of policies in the field of civil aviation.

(4) In case the aeronautical agent, objects, facilities subject to inspection or certification by the administrative authority for implementation of policies in the

field of civil aviation are located on the territory of a certified aerodrome/airport/heliport, the aerodrome operator must assure access to them of the aeronautical inspectors, without any additional formalities.

(5) With the purpose to maintain qualification of its aeronautical inspectors, the administrative authority for implementation of policies in the field of civil aviation shall request the aeronautical agents to admit them to perform their functional duties determined by the certificate of the aeronautical personnel the inspector holds, without remuneration from the side of the aeronautical agents.

(6) Aeronautical inspectors contracted ad-hoc by the administrative authority for implementation of policies in the field of civil aviation shall not carry out aeronautical inspections of the aeronautical agents with whom they have an employment relationship, other than those stipulated in paragraph (5).

Article 14. Suspension of certificates

(1) Suspension of the certificate has as effect suspension (interruption) of some kind of activities, certain works, and other actions necessary to civil aeronautical activities.

(2) The administrative authority for implementation of policies in the field of civil aviation shall suspend the certificate if as a result of investigation, control, oversight inspections over the activity of the person holding a certificate were identified the following:

a) are not observed provisions of the applicable normative framework and the personnel/aeronautical agent doesn't eliminate the identified findings, in accordance with article 12;

b) are not observed the essential requirements on the basis of which the certificate was granted;

c) are not eliminated deficiencies identified during the performed inspections and during continuing oversight;

d) non-payment of the oversight payments for at least 2 consecutive months.

(3) Besides cases referred to in paragraph (2), the administrative authority for implementation of policies in the field of civil aviation shall suspend the certificate at the request of the holder of the certificate.

(4) The decision and the causes of suspension referred to in paragraph (2) shall be communicated in written form to the holder of the certificate, following that within 3 working days the administrative authority for implementation of policies in the field of civil aviation shall address to the court. If the established period of time is not observed, suspension shall be terminated. The decision of the administrative authority for implementation of policies in the field of civil aviation on suspension of the activity in the field of civil aviation shall apply until the court adopts a final and irrevocable decision.

(5) The maximum term for suspension of the certificate is 6 months.

(6) The decision on suspension of the certificate, in cases referred to in paragraph (2) shall cease after the administrative authority for implementation of policies in the field of civil aviation states elimination of the non-compliance for

which the suspension was applied or in case the suspension term has expired, as stipulated in paragraph (3) of this article.

Article 15. Revocation of certificates

(1) The administrative authority for implementation of policies in the field of civil aviation shall revoke the certificate in the following cases:

- a) when identified unauthentic data in the presented documents;
- b) the holder of the certificate was excluded from the state register of legal persons or from state register of individual entrepreneurs;
- c) is confirmed non-observance for the second consecutive time of the inspectorial prescriptions on elimination of infringements related to the requirements on the basis of which the certificate was granted;
- d) are not paid oversight payments for more than 6 months;
- e) are not eliminated, within the established term and which shall not exceed 6 months, the circumstances that caused suspension of the certificate.;
- f) is detected performance of activities entitled by the certificate, during its suspension.

(2) The holder of the certificate must, within 5 working days from the date the decision revoke the certificate was adopted, present the original of the certificate to the administrative authority for implementation of policies in the field of civil aviation.

Article 16. Ramp inspections of foreign aircraft. Grounding

(1) Ramp inspections of foreign aircraft shall be performed in a standardized manner.

(2) If, following a ramp inspection, appears that the aircraft is intending or is likely to be flown without completion by the air operator of the appropriate corrective action, the administrative authority for implementation of policies in the field of civil aviation shall notify the pilot in command/commander or the air operator that the aircraft is not permitted to start the flight until new indications are given and the aircraft shall be grounded.

(3) In case the aircraft is grounded, the administrative authority for implementation of policies in the field of civil aviation shall inform the air operator in written of the non-compliance requesting evidence that corrective actions were taken and immediately informs the competent authority of the state of the operator and of the state of registry. Jointly with these authorities shall be prescribed the necessary conditions under which the aircraft can be allowed to take-off.

(4) If the non-compliance affects the validity of the airworthiness certificate of the aircraft, grounding of the aircraft shall be lifted only by the administrative authority for implementation of policies in the field of civil aviation when the operator shows evidence that:

- a) it complies with applicable requirements;
- b) it has a permit to fly or an equivalent document issued by the competent authority of the state of registry or of the state of the operator after it was found

that the aircraft and appropriate associated restrictions compensating for departure from the essential requirements permit the aircraft to perform a safe flight;

c) has obtained permission from third countries which will be overflowed, if applicable.

(5) Detailed provisions referring to ramp inspections and aircraft grounding shall be approved by the administrative authority for implementation of policies in the field of civil aviation in subordinated technical documents.

Article 17. Transference of continuing oversight responsibilities

(1) In case an aircraft is registered in another state and is operated by an air operator from the Republic of Moldova, the administrative authority for implementation of policies in the field of civil aviation can conclude, in accordance with art.83 bis of the Chicago Convention and its tasks under the Code, a bilateral agreement with aeronautical authorities from that state, according to which are taken over, partly or entirely, the functions and duties of the state of registry of the aircraft.

(2) In case of an aircraft registered in the Aviation Register of the Republic of Moldova and operated by an air operator from another state, the administrative authority for implementation of policies in the field of civil aviation can conclude, in accordance with the art.83 bis of the Chicago Convention and its tasks under the Code, a bilateral agreement with aeronautical authorities from that state, according to which are transferred, partly or entirely, the functions and duties of the Republic of Moldova.

(3) Agreements on transference of responsibilities concluded between the contracting states of the Chicago Convention, based on article 83bis of the Convention are recognized by the Republic of Moldova.

Article 18. Exemptions and derogations

(1) The administrative authority for implementation of policies in the field of civil aviation can grant, in accordance with the provisions of the national and international normative framework, exemptions and derogations from the provisions of the civil aviation regulations or of the standard, only in case when these do not come into conflict with the applicable legal framework and only in case when these do not adversely affect flight safety, aeronautical security or the public interest.

(2) Granting of exemptions and derogations is provided on the basis of associated risks assessment. The procedure for granting of exemptions and derogations is approved by the administrative authority for implementation of policies in the field of civil aviation.

Chapter IV ESSENTIAL AIRWORTHINESS REQUIREMENTS

Article 19. Registration of aircraft

(1) The Aviation Register of the Republic of Moldova is an administrative document in which are registered civil aircraft being owned or possessed or used,

in accordance with contractual arrangements provided by applicable civil legislation, by natural and legal persons from the Republic of Moldova.

(2) A civil aircraft can be registered in the Aviation Register only if:

- a) it is not registered in another state;
- b) has a valid type certificate issued, accepted or rendered valid by the administrative authority for implementation of policies in the field of civil aviation;
- c) has a valid export airworthiness certificate or another equivalent document.

(3) The certificate of registration issued by the administrative authority for implementation of policies in the field of civil aviation shall contain the identification data of the civil aircraft, nationality mark and registration mark, identification data of the holder and/or owner of the aircraft. Inscription of the nationality and registration mark on a civil aircraft is done in accordance with technical requirements approved by the administrative authority for implementation of policies in the field of civil aviation.

(4) By registration of the aircraft in the Aviation Register of the Republic of Moldova, it acquires the nationality of the Republic of Moldova.

(5) The certificate of registration is a mandatory document on the board of the aircraft.

(6) As an exception from the provisions of paragraph (5), in case of unmanned aircraft, the certificate of registration shall be kept permanently by the person assuring distance control of the aircraft.

(7) Registration of a civil aircraft in the Aviation Register of the Republic of Moldova and the certificate of registration shall not constitute the proof of a legal holding or of ownership of the civil aircraft in any lawsuit in which the holding or ownership of the respective aircraft is in litigation.

(8) Ownership or transfer of property documents, establishment of a pledge or of other legal rights related to a civil aircraft are regulated by the national legislation and are included in the Aviation Register of the Republic of Moldova.

(9) An aircraft is excluded from the Aviation Register of the Republic of Moldova in the following cases:

- a) the aircraft is transferred to military, customs or police authorities of the Republic of Moldova;
- b) the aircraft was damaged and cannot be restored;
- c) the aircraft is declared as being missing;
- d) the aircraft is taken out of service or scrapped;
- e) the air operator (holder of the certificate of registration), with the consent of the aircraft owner presented a deregistration request of the aircraft;
- f) the owner of the aircraft, with notification of the air operator, has presented a deregistration request of the aircraft;
- g) is adopted a deregistration decision of a commission established within the administrative authority for implementation of policies in the field of civil aviation;
- h) lack of the airworthiness certificate for a period of time longer than 3 consecutive months, except the case when the aircraft is being under repair

and is at the manufacturer or other organization authorized appropriately, if the period of time shall not exceed 2 consecutive years.

(10) In case of a request to register a new type of aircraft in the Aviation Register of the Republic of Moldova, the expenditures related to training of the personnel of the administrative authority for implementation of policies in the field of civil aviation shall be incurred by the applicant. On a consecutive registration of an aircraft of the same type in the Aviation Register of the Republic of Moldova, the subsequent applicant shall compensate solitarily the expenditures for training of the personnel of the administrative authority for implementation of policies in the field of civil aviation.

(11) Detailed provisions referring to registration, deregistration and maintenance of the Aviation Register of the Republic of Moldova shall be included in normative acts approved by the Government, in civil aviation regulations approved by the specialized central body in the field of civil aviation and in subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

Article 20. Airworthiness

(1) Aircraft referred to in article 1 paragraph (2) (a), (b) and (c) shall comply with essential airworthiness requirements set out in annex no.1 of the Code. As exceptions from this paragraph are considered the aircraft from annex no.2 of the Code which comply with airworthiness requirements established in civil aviation regulations.

(2) Compliance of aircraft referred to in article 1 paragraph (2) (b), and of products, parts and appliances mounted thereon shall be established in accordance with the following:

a) products shall have a type-certificate or other equivalent document issued or validated by the administrative authority for implementation of policies in the field of civil aviation. The type-certificate and certification of changes to that type-certificate, including supplemental type-certificates, shall be issued when the applicant has shown that the product complies with a type-certification basis, established to ensure compliance with the essential requirements referred to in paragraph (1), and when it has no feature or characteristic making it unsafe for operation. The type-certificate shall cover the product, including all parts and appliances fitted thereon;

b) measures provided in paragraph (5) can define a certification requirement of the parts and appliances. Certificates for the parts and appliances are issued when the applicant has demonstrated that parts and appliances are shown to comply with detailed airworthiness specifications established to ensure compliance with the essential requirements referred to in paragraph (1);

c) an aircraft is operated only if it has a valid airworthiness certificate, issued by the administrative authority for implementation of policies in the field of civil aviation. The certificate is issued when the applicant demonstrates that the aircraft conforms to the type design approved in its type-certificate and that relevant documentation, inspections and tests demonstrate that the aircraft is in condition

for safe operation. This certificate of airworthiness shall remain valid as long as it is not suspended, revoked and as long as the aircraft is maintained in accordance with the essential requirements set out in annex no.1 of the Code, as well as measures referred to in paragraph (5);

d) organizations responsible for the maintenance of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their privileges. Unless otherwise accepted these capabilities and means shall be recognized through the issuance of an organization approval by the administrative authority for implementation of policies in the field of civil aviation. The privileges granted to the approved organization and the scope of the approval shall be specified in the terms of approval;

e) organizations responsible for the design and manufacture of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their privileges. Unless otherwise accepted, these capabilities and means shall be recognized through the issuance of an organization approval. The privileges granted to the approved organization and the scope of the approval shall be specified in the terms of approval;

additionally:

f) personnel responsible for the release of a product, part or appliance after maintenance shall be required to hold an appropriate maintenance personnel certificate issued, recognized or validated by the administrative authority for implementation of policies in the field of civil aviation;

g) the capability of maintenance training organizations to discharge the responsibilities associated with their privileges in relation to the issuance of the certificates referred to in point (f) shall be recognized by the issuance of an approval by the administrative authority for implementation of policies in the field of civil aviation.

(3) Aircraft referred to in article 1 paragraph (2) (a) and products, parts and appliances mounted thereon shall comply with provisions from paragraph 2(a), (b) and (e) of this article.

(4) By way of derogation from paragraphs (1) and (2):

a) a permit to fly may be issued when it is shown that the aircraft is capable of performing safely a basic flight. The permit to fly shall be issued with appropriate limitations, in particular to protect third parties' safety;

b) a restricted certificate of airworthiness may be issued to aircraft for which a type certificate has not been issued according to paragraph 2(a). In this case, the aircraft shall be shown to comply with specific airworthiness specifications and deviations from the essential requirements referred to in paragraph (1) shall nevertheless ensure adequate safety with regard to the purpose. Aircraft eligible for these restricted certificates, as well as limitations for use of these aircraft shall be defined according to the measures referred to in paragraph (5);

c) when the number of aircraft of the same type eligible for a restricted certificate of airworthiness so justifies, a restricted type certificate may be issued and an appropriate type certification basis shall be established.

(5) For proper implementation of the provisions from this article, the Government shall approve normative acts, the specialized central body in the field of civil aviation shall approve civil aviation regulations and the administrative authority for implementation of policies in the field of civil aviation shall approve certification specifications and other necessary subordinated technical documents.

(6) When adopting normative acts prescribed in paragraph (5), the Government, the specialized central body in the field of civil aviation and the administrative authority for implementation of policies in the field of civil aviation shall assure that these:

a) reflect the state of the art and the best practices in the field of airworthiness, applied at the international level;

b) take into account worldwide aircraft experience in service, and scientific and technical progress;

c) allow for immediate reaction to established causes of accidents and serious incidents;

d) do not impose on aircraft referred to in article 1 paragraph (2) (c) requirements which would be incompatible with the obligations of member states of the International Civil Aviation Organization.

Chapter V ENVIRONMENT PROTECTION

Article 21. Environment protection

(1) In the terms of the Code, protection of the environment comprises all the activities aiming to reduce the impact of civil aviation on the environment, due to civil aircraft noise, aviation engine emissions, substances used in civil aeronautical activities and residues resulted out of these activities.

(2) The specialized central body in the field of civil aviation defines jointly with the specialized central body in the field of environment protection policies and specific regulations in the field of environment protection.

(3) For the purpose of environment protection, the specialized central body in the field of civil aviation can restrict operation of civil aircraft on the airports of the Republic of Moldova or in the national airspace, in accordance with the rules and procedures approved by the Government.

(4) The specialized central body in the field of civil aviation jointly with the specialized central body in the field of environment protection prescribes environment protection measures which as a result of carrying out specific activities, have a significant impact over the environment.

(5) The specialized central body in the field of civil aviation assures the procedure for assessment of the impact of the planned activities in the field of civil aviation and connected fields over the environment, in accordance with the Law no.86/2014 on environmental impact assessment.

(6) The specialized central body in the field of civil aviation, at the request of the airport operator can adopt temporary measures and derogations that would allow operation of civil aircraft which have a significant impact over the environment.

(7) Provisions referred to in paragraph (3) shall not apply to the following categories of civil aircraft:

- a) state aircraft;
- b) aircraft of the Republic of Moldova operated in official, presidential or governmental missions as well as foreign aircraft performing similar missions, on a reciprocity basis;
- c) aircraft operating for the United Nations Organization, for the Red Cross and Red Crescent;
- d) civil aircraft performing search and rescue missions or carrying personnel or materials for such missions;
- e) aircraft performing humanitarian and urgent relief missions;
- f) aircraft forced to land due to technical reasons, due to adverse meteorological conditions or force majeure situations;
- g) aircraft landing based on the disposition of the specialized central body in the field of civil aviation and/or specialized central body in the field of defense.

(8) In case it is needed to reduce harmful effects on human health and to preserve environmental noise quality, the operators of the aerodromes shall carry out noise mapping of the area where is located the aerodrome, based on the requirements approved by the Government, normative acts approved by the specialized central body in the field of civil aviation together with the specialized central body in the field of environment protection. In order to cover the costs incurred by the aerodromes operators for assurance of mitigation or preventive measures of the increased level of environmental noise is applied the charge for airport environmental noise, in accordance with the methodology on calculation basis and approval of the charges for airport services and air navigation services, approved by the Government.

(9) On the basis of the obtained results related to noise mapping, the aerodromes operators shall design noise maps and action plans to reduce the noise and shall take necessary measures for acoustic planning.

(10) Noise maps, as well as action plans shall be approved by the specialized central body in the field of civil aviation in order to reduce the noise and shall be made available to the public, including by means of available information technologies.

Chapter VI AERONAUTICAL PERSONNEL

Article 22. Aeronautical personnel

(1) The aeronautical personnel include natural persons with satisfactory health condition, having special training confirmed by a certificate and comprises aircrew and non-aircrew personnel.

(2) The aeronautical personnel shall hold valid certificates issued by the administrative authority for implementation of policies in the field of civil aviation and where applicable, valid medical certificates, issued by aeromedical examiners or aeromedical centers.

(3) Essential requirements referring to certification of the aeronautical personnel, as well as of the personnel and organizations involved in training,

examination, checking and their medical assessment, including the flight training devices are contained in annex no.4 of the Code. Requirements referring to the personnel operating aircrafts included in annex no.2 of the Code shall be approved by the administrative authority for implementation of policies in the field of civil aviation.

(4) Certification requirements and procedure of aeronautical personnel shall be established by the specialized central body in the field of civil aviation in civil aviation regulations and by the administrative authority for implementation of policies in the field of civil aviation in subordinated technical documents.

Article 23. Aircrew

(1) The aircrew includes the flight crew (pilots, flight engineers) and the cabin crew.

(2) The aircrew of the civil aircraft consists of properly certified personnel which performs onboard activities in accordance with the specific applicable regulations.

(3) Members of the aircrew of the civil aircraft must hold, during the entire period of the flight mission, their individual certification documents prescribed in specific applicable regulations.

(4) The aircrew is subordinated to the commander of the civil aircraft.

Article 24 Commander of the aircraft

(1) Civil aircraft commander is nominated by the air operator for each single flight, except the case when specific regulations stipulate otherwise.

(2) The function of a civil aircraft commander is performed by a pilot in command, duly certified for the respective category, class or type of aircraft holding a proper valid licence.

(3) The person meeting the conditions referred to in (6) performs the function of an aircraft commander from the moment of beginning of the flight mission up to the moment when it has been completed.

(4) The commander of a civil aircraft that tows other aircraft is their commander until their disconnection.

(5) By way of derogation from the provisions of paragraphs (2) and (3), the air operator can also appoint a commander of a civil aircraft and a person other than the pilot in commander.

(6) The commander of a civil aircraft is responsible for each flight preparation and safe operation, as well as of the crew behavior and discipline on board and on the ground, observing provisions of the Code, civil aviation regulations approved by the specialized central body in the field of civil aviation and subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

(7) The commander of the civil aircraft shall refuse taking off if he ascertains irregularities when carrying on his tasks, in accordance with specific applicable regulations.

(8) During his flight mission, the commander of a civil aircraft can delegate duties, but he cannot delegate his responsibilities.

(9) In case the commander of a civil aircraft is hindered, by any reason, in flight or on ground, to perform his function, in the absence of any prior designation of a replacing person, the function of a civil aircraft commander shall be performed by one of the other members of the flight crew, according to the order established by specific applicable regulations.

(10) The commander of an in-flight civil aircraft has jurisdiction over the entire aeronautical personnel on board of the aircraft.

(11) The orders of the commander of a civil aircraft given during the flight, related to assurance of flight safety, are mandatory for all the persons on the board of the aircraft.

(12) The commander of a civil aircraft can disembark any crew member and any passenger during a stopover, for flight safety reasons and with the purpose to keep order on the board of the civil aircraft.

(13) In case of danger, the commander of a civil aircraft shall take all needed measures to save the passengers, the crew, cargo and the aircraft.

(14) In case of an accident, the commander of a civil aircraft shall keep all his prerogatives, up to the moment when the competent authority releases him of his duties connected to the aircraft operation.

(15) Duties and responsibilities for execution of the flight mission are shared between the commander and the pilot in command of the civil aircraft, as follows:

a) the pilot in command is responsible, from the beginning up to the end of the flight of the civil aircraft, for the technical conduct and of the aircraft safety and can take any measures in order to ensure flight safety;

b) the commander of the aircraft is responsible, according to the provisions of the Code, for discharging of the flight mission in good conditions, other than those related to the technical conduct and to the safe operation of the aircraft.

Article 25. Non-aircrew personnel

(1) The aeronautical non-aircrew personnel includes:

a) air traffic controllers;

b) technical qualified personnel directly involved in design, certification, inspection, manufacturing, inspection, maintenance, repair and operation of the aeronautic equipment;

c) flight operation dispatchers;

d) aerodrome personnel carrying out activities with impact over flight safety;

e) personnel providing or exercising other air navigation services, other than the personnel referred to in a);

f) technical engineering personnel which assures maintenance and repairing of air navigation ground equipment and of those necessary to air traffic management, control and aeronautical information, meteorological information of the flights, as well as aeronautical telecommunication.

(2) The non-aircrew personnel shall comply, as appropriate, with essential requirements from annex no.5 of the Code and shall hold valid certificates issued by the administrative authority for implementation of policies in the field of civil aviation and, as appropriate, valid medical certificates in accordance with the provisions of civil aviation regulations.

Chapter VII FLIGHT OPERATIONS

Article 26. Civil air operations

(1) Any flight of a civil aircraft shall be performed in such a way as to assure aircraft safety, safety of the passengers and aircrew, other aircraft, as well as security of the persons and goods on the ground.

(2) Take-off and landing of the civil aircraft shall be performed on certified and/or registered aerodromes/heliports, as well as other land or water surfaces, in accordance with the conditions established by the Government.

(3) Civil air operations are classified as follows:

- a) commercial air transport operations;
- b) non-commercial operations (general aviation);
- c) specialized commercial operations (aerial work).

(4) Liability of the air operators and of the aircraft operators performing civil air operations against damages caused to passengers, baggage, cargo, mail and to third parties, as well as minimal assurance requirements for covering the appropriate liability shall be established in a special law.

(5) Air operations specified under paragraph (3) shall comply to essential requirements from annex no.3. and if appropriate, to essential requirements from annex no.5 of the Code.

Article 27. Commercial air transport operations

(1) Commercial air transport operations comprises the transport of passengers, baggage, cargo and/or mail, performed by air operators on a commercial basis, by scheduled or non-scheduled flights.

(2) An air operator can perform commercial air transport only on the basis of the air operator certificate and of an air operation authorization issued by the administrative authority for implementation of policies in the field of civil aviation.

(3) Commercial air transport operations shall comply with essential requirements established in annex no.3 and, if appropriate, in annex no.5 of the Code.

(4) Operators performing commercial air transport operations shall demonstrate their capability and necessary means to discharge the responsibilities associated with their privileges. These capabilities and means are recognized by the administrative authority for implementation of policies in the field of civil aviation by issuing an air operator certificate. The certificate specifies the privileges granted to the air operator and the sphere of operations.

(5) Commercial air transport operations shall be performed on the basis of an air transport contract concluded between the air carrier and the beneficiary of the transport.

(6) Through the air transport contract, the air operator undertakes to transport the passengers, baggage, cargo and/or mail, and the beneficiary shall pay the price for transportation. The civil legislation applies to the air transport contract as to the part not regulated by the international treaties to which the Republic of Moldova is a party and other special normative acts.

Article 28. Scheduled flights

Commercial air transport operations performed by scheduled flights are the air transport operations carried out according to published schedules and on pre-established routes, connecting two or several airports, their commercial capacity being available for the paying public.

Article 29. Non-scheduled flights

(1) Commercial air transport operations, other than those referred to in article 28, are performed by non-scheduled flights.

(2) Commercial air transport operations performed by non-scheduled flights, also include flights performed on a commercial basis, with one or more passengers aboard, not involving passengers transport between two or more aerodromes.

Article 30. Authorization of commercial air transport operations

(1) Air operators of the Republic of Moldova can perform commercial air transport operations on domestic and international routes, scheduled or non-scheduled flights, only if holding a valid air operator certificate issued by the administrative authority for implementation of policies in the field of civil aviation.

(2) International air transport of passengers, baggage, cargo and mail are subject to international treaties and agreements in the field of air transports, to which the Republic of Moldova is a party.

(3) Air operators of the Republic of Moldova, with the condition to observe the provisions referred to in article 27, the effective control over which is exercised by the Republic of Moldova and/or its citizens, or in special cases established by international treaties to which the Republic of Moldova is a party, the air operators of other states have the right to perform international air services between the territory of the Republic of Moldova and other states without any limits referring to capacity, frequency, destinations, aircraft, if the international treaties to which the Republic of Moldova is a party, shall not prescribe otherwise.

(4) Air operators of the Republic of Moldova having their office in the Republic of Moldova and/or their effective control over which is exercised by the Republic of Moldova and/or its citizens, have the right to perform scheduled international air services between the territory of the Republic of Moldova and other states that are not a party of the international treaties and conventions in the

field of air services, on the basis of the authorization for operation of the air route issued by the administrative authority for implementation of policies in the field of civil aviation, with the condition that it satisfies the following minimum requirements:

a) the head office is located in the Republic of Moldova;

b) in case of air routes with limited traffic rights, is designated by the specialized central body in the field of civil aviation, in accordance with the international treaties to which the Republic of Moldova is a party.

(5) In case the air operator of the Republic of Moldova requests designation on an air route with limited traffic rights, distribution of air traffic rights between the air operators is done on the basis of a contest, in accordance with the conditions established by the Government.

(6) The air operator of the Republic of Moldova which operates a scheduled air route, can operate flights on the same air route, with leased aircraft in „wet lease” system, with the condition to obtain a prior approval of the administrative authority for implementation of policies in the field of civil aviation, based on a Regulation approved by the Government.

(7) A foreign air operator, other than that referred to in paragraph (2) can operate scheduled air services to and from the territory of the Republic of Moldova on the basis of an operation authorization for scheduled flights, issued by the administrative authority for implementation of policies in the field of civil aviation, in accordance with the international treaty to which the Republic of Moldova is a party or in the public interest, in accordance with the conditions approved by the Government.

(8) The operation authorization for scheduled flights can be suspended or revoked by the administrative authority for implementation of policies in the field of civil aviation if the air operator shall not observe the requirements on the basis of which it was issued, in accordance with the conditions of the Code.

(9) Foreign air operators performing air transport operations, others than those referred to in paragraph (2), have the right to operated non-scheduled international air services (are freely admitted on the territory of the Republic of Moldova with the purpose to embark or disembark) between the Republic of Moldova and states that are not a party of the international treaties and conventions in the field of air services, without imposing regulations, in accordance with the conditions approved by the specialized central body in the field of civil aviation.

(10) Foreign air operators performing air transport operations, others than those referred to in paragraph (2), perform non-scheduled international air services between the Republic of Moldova and states that are not a party of the international treaties and conventions in the field of air services on the basis of a flight authorization issued by the administrative authority for implementation of policies in the field of civil aviation, in accordance with the conditions approved by the specialized central body in the field of civil aviation.

(11) Requirements/conditions regarding issuance of the authorization for commercial air transport operations are established by the Government.

Article 31. Non-commercial operations (general aviation)

(1) Non-commercial operations (general aviation) comprise:

- a) air transport in own interest and non-commercial specialized operations;
- b) flights in own interest;
- c) private flights;
- d) school flights;
- e) competition flights, flying display, introductory flights, aerobatic flights, parachute dropping, sailplane towing or aerobatic flights.

(2) Operators involved in non-commercial operation of complex motorized aircraft shall demonstrate their capability and necessary means to discharge the responsibilities associated with operation of these aircraft.

(3) Air transport in own interest and non-commercial specialized operations represent non-commercial operations performed by a legal person, the transport beneficiary, with own or leased aircraft, without receiving any pay or its value in goods, or services in exchange, as a subsidiary to another economic activity carried out by the respective person.

(4) Flights in own interest represent non-commercial operations, other than transports in own interest and non-commercial specialized operations, performed by natural or legal persons, with own or leased civil aircraft, without pay, for and to support their own needed activities, without obtaining economic benefits. Flights in own interest shall include those performed exclusively with the purpose of sport.

(5) Private flights represent non-commercial operations performed exclusively for non-commercial purpose, by holders of civil aircraft, natural persons.

(6) School flights represent civil air operations organized by natural or legal persons to train the aircrew.

(7) Competition flights, flying display, introductory flights, parachute dropping, sailplane towing or aerobatic flights represent non-commercial operations performed by civil aircraft holders, natural or legal persons, exclusively for non-commercial purpose.

(8) Flights referred to in paragraph (6) and (7) performed for the commercial purpose shall be authorized in accordance with the provisions of article 32 paragraph (2).

(9) Natural and legal persons, including foreigners, who intend to perform non-commercial operations (general aviation) on the territory of the Republic of Moldova, shall present to the administrative authority for implementation of policies in the field of civil aviation a declaration before commencing the operations.

(10) Special provisions regarding non-commercial operations (general aviation) shall be established in civil aviation regulations approved by the specialized central body in the field of civil aviation and subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

Article 32. Specialized commercial operations (aerial work)

(1) Specialized commercial operations (aerial work) represent air operations, other than commercial air transport, according to which the aircraft is operated for specialized activities of agriculture, forestry, construction, photography, surveying, observation and patrol, aerial advertisement, etc.

(2) Air operators intending to perform specialized commercial operations shall obtain an air operator authorization issued by the administrative authority for implementation of policies in the field of civil aviation.

(3) Special provisions regarding specialized commercial operations, as well as the order and conditions to obtain authorization for these operations shall be established in civil aviation regulations approved by the specialized central body in the field of civil aviation and subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

Article 33. Other flights

(1) Flights of aircraft included in annex no.2 of the Code can be performed without prior permission of the administrative authority for implementation of policies in the field of civil aviation, only in special reserved areas.

(2) Detailed provisions regarding flights of aircraft included in annex no.2 of the Code shall be established in normative acts of the Government, in civil aviation regulations approved by the specialized central body in the field of civil aviation and subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

Article 34. Specific regulations

(1) In order to assure proper implementation of the provisions of this chapter, the Government shall approve normative acts, the specialized central body in the field of civil aviation shall approve civil aviation regulations and the administrative authority for implementation of policies in the field of civil aviation shall approve technical requirements and other necessary subordinated technical documents.

(2) When adopting the normative acts referred to in paragraph (1), the Government, the specialized central body in the field of civil aviation and the administrative authority for implementation of policies in the field of civil aviation shall assure that these:

a) reflect the state of the art and the best practices in the field of air operations, at the international level;

b) define types of operations and take into account the related requirements and compliance demonstrations proportionate to the complexity of operations and the risk involved;

c) take into account worldwide aircraft experience in service, and scientific and technical progress;

d) are based on a risk assessment and shall be proportional to the scale and scope of the operation;

e) allow for immediate reaction to established causes of accidents and serious incidents;

f) do not impose on aircraft referred to in article 1 paragraph (2) (c) requirements which would be incompatible with the obligations of the member states of the International Civil Aviation Organization.

g) take into account safety aspects related to air traffic management and air navigation services.

Chapter VIII AERODROMES, AIRPORTS AND HELIPORTS

Article 35. Certification and operation of aerodromes/airports/heliports

(1) Civil aerodromes/airports/heliports can be either publicly owned or privately owned, either opened or closed to the public use, as well as opened or closed to international air traffic.

(2) Aerodromes/airports/heliports, including their facilities, located on the territory of the Republic of Moldova, opened to the public and involved in commercial air transport operations and specialized commercial operations can be operated only if registered and certified by the administrative authority for implementation of policies in the field of civil aviation, if not otherwise directly referred to in the legislation and shall meet the essential requirements from annex no.6 of the Code.

(3) Aerodromes/airport/heliports from which are operated international flights shall be mandatorily certified in accordance with the essential requirements established in annex no.6 of the Code.

(4) The status of international airport is granted by the Government, at the proposal of the specialized central body in the field of civil aviation.

(5) The administrative authority for implementation of policies in the field of civil aviation registers all civil aerodromes/airports/heliports referred to in paragraph (2) and lands for take-off/landing of the light and very light aircraft situated on the territory of the Republic of Moldova and maintains the Register of civil aerodromes/airports/helicopters and lands for take-off/landing of the light and very light aircraft. Shall not be certified but registered, lands operated for non-commercial purposes, for take-off/landing of the light and very light aircraft intended to be used during the day time according to the visual flight rules.

(6) In order to protect the aerodromes against activities and occurrences from their surrounding that can pose unacceptable risks to aircraft using the aerodrome, the administrative authority for implementation of policies in the field of civil aviation shall approve technical requirements and other necessary subordinated technical documents.

(7) The administrative authority for implementation of policies in the field of civil aviation shall suspend or revoke the certificate of the aerodrome if it finds that the aerodrome does not comply with the certification requirements.

(8) All aircraft performing international flights to and from the territory of the Republic of Moldova shall take-off and land on an international airport where are assured border control, customs, health and other control services. The aircraft can take-off and land from other surfaces than an international airport in emergency case or if authorized by competent authorities.

(9) Conditions to use civil aerodromes/airports/heliports by state aircraft and conditions in which civil aircraft can use military aerodromes shall be established by the Government.

(10) Certification requirements and procedure of the aerodromes/airports/heliports shall be established in normative acts approved by the Government, in civil aviation regulations approved by the specialized central body in the field of civil aviation and subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

Article 36. Use of airport infrastructure

(1) Charges for airport services are approved by the specialized central body in the field of civil aviation based on the methodology approved by the Government. Aerodrome/airport/heliport users must pay to the aerodrome/airport/heliport operator the aerodrome/airport/heliport user charges. The aerodrome/airport/heliport operator or its representative has the right to delay departure of any aircraft until the air operator pays or presents an appropriate payment guarantee, acceptable to the aerodrome/airport/heliport operator of the airport charges and other outstanding payments for provided services.

(2) Exemptions from airport charges referred to in paragraph (1) and the order of compensation of the costs related to the provision of airport services to exempted flights of the aircraft are established by the Government.

(3) In case an airport is congested and faces capacity problems, the specialized central body in the field of civil aviation shall assure that slot allocation is performed based on observance of the transparency, neutrality and nondiscriminatory principals. Requirements/conditions and slot allocation procedure are approved by the Government.

(4) In order to assure a competitive environment, the airport operator must assure a nondiscriminatory way to treat the airport users, in accordance with international good practices and with legislation referring to competition.

(5) The administrative authority for implementation of policies in the field of civil aviation certifies all activities related to handling services.

(6) The specialized central body in the field of civil aviation shall undertake the necessary actions to assure:

- a) free access to the ground handling market services, for the provisions of such services to third parties, if they hold a certificate issued by the administrative authority for implementation of policies in the field of civil aviation;
- b) right to its own ground handling service of the air operator.

(7) If, for an airport, certain constraints specific to the available airspace or capacity, which arise due to the agglomeration and use of the airspace, make it impossible to open the market and/or implement the handling, the specialized central body in the field of civil aviation can introduce some limitations under the provisions/norms established by the Government.

(8) Activities other than those provided for in the Code and the subordinated normative acts may be carried out in security areas with limited access of the airports provided that the requirements in the field of aviation security and air transport of dangerous goods are respected. Initiation of entrepreneurial activities in the security areas with limited access of airports is possible with the prior notification of the administrative authority for implementation of policies in the field of civil aviation.

Article 37. Aerodrome/airport/heliport operator

(1) Aerodromes referred to in article 35 paragraph (2) shall be managed by aerodromes/airports/heliports operators certified in accordance with the essential requirements from annex no.6 and civil aviation regulations.

(2) Requirements/conditions and procedure for issuance, suspension and revocation of the certificate of aerodrome/airport/heliport operator shall be established in civil aviation regulations approved by the specialized central body in the field of civil aviation and in subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

(3) The administrative authority for implementation of policies in the field of civil aviation shall suspend or revoke the certificate of aerodrome/airport/heliport operator if it detects that it doesn't meet the essential requirements established in annex no.6 and in civil aviation regulations.

(4) The aerodrome/airport/heliport operator shall assure that its nominated personnel meets the requirements established by the Government and subordinated normative acts in order to be accepted by the administrative authority for implementation of policies in the field of civil aviation.

(5) The aerodrome/airport/heliport operator shall monitor the activities and events that can pose unacceptable risks to aviation safety in the aerodrome/airport surrounding and within their limits of competence, shall adopt appropriate mitigation measures.

(6) The aerodrome/airport/heliport operator must assure conditions prescribed in applicable regulations referring to safe landing and take-off of the aircraft, aeronautical security, services needed for aircraft on the ground, firefighting, rescue and ambulance services, and those referring to customs, border, phytosanitary, veterinary services, as appropriate, and of other control services.

(7) The operator of an international airport shall provide necessary space and special designated areas, adequate facilities and organizational measures necessary for performance by the competent authorities of the state border controls.

Article 38. Construction and reconstruction of aerodromes/airports/heliports and of special objects

(1) Construction or reconstruction of aerodromes/airports/heliports and of special objects is performed with the assent of the administrative authority for implementation of policies in the field of civil aviation.

(2) Construction or reconstruction documents of aerodromes/airports/heliports and of special objects shall be examined and assented by the administrative authority for implementation of policies in the field of civil aviation under the aspects related to assurance of flight safety, aviation security and population security, environment protection, as well as infrastructure needs (roads and other land communications, telecommunications, etc.) serving the airport and ensuring its safe operation in efficient and safe conditions.

(3) The term for examination of the documents for issuance of a construction or reconstruction assent of an aerodrome/airport/heliport shall not exceed 90 calendar days from the moment the applicant has presented all the documents.

(4) The construction or reconstruction assent of the aerodrome/airport/heliport or other special objects is no longer valid in case if within a period of 2 years from the date it was issued, the applicant hasn't started the works yet.

(5) Requirements and the procedure for issuance of a construction or reconstruction assent of the aerodrome/airport/heliport and of special objects shall be approved by the specialized central body in the field of civil aviation in the civil aviation regulations and by the administrative authority for implementation of policies in the field of civil aviation in subordinated technical documents.

Article 39. Location of buildings, installations and equipment in areas under aeronautical servitudes

(1) In areas under aeronautical servitudes shall be forbidden to locate new buildings, installations, objects, engineering or communication systems, or to perform any activity related to them without prior assent issued by the administrative authority for implementation of policies in the field of civil aviation.

(2) The limits and the specific characteristics of the areas under aeronautical servitudes are established in accordance with provisions of the civil aviation regulations.

(3) The requirements and the procedure for issuance of the assent on location of buildings, installations and equipment in the areas under aeronautical servitudes are prescribed by the specialized central body in the field of civil aviation in civil aviation regulations and by the administrative authority for implementation of policies in the field of civil aviation in subordinated technical documents.

(4) The term for examination and issuance of the assent shall not exceed 30 calendar days from the moment the applicant has presented all the documents.

(5) Air navigation service providers shall monitor location of the buildings, installations and equipment on the whole territory of the Republic of Moldova, except the areas under the responsibility of the aerodromes/airports/heliports operators.

(6) The owners of the buildings, installations and of other objects posing threat to safe operation of civil aircraft shall place on them, at their own costs, markings and signals, according to civil aviation regulations approved by the specialized central body in the field of civil aviation in civil aviation regulations and subordinated technical documents approved by the administrative authority for implementation of policies in the field of civil aviation.

(7) Without the prior assent issued free of charge by the administrative authority for implementation of policies in the field of civil aviation, it is prohibited:

a) location of new building, installations, equipment, engineering systems and communications systems or carrying out of works in these areas within the perimeter of 15 km from the aerodrome reference point, as well as the location of new buildings, installations, equipment the height of which is 45 m or more above the ground level, regardless of their planned location;

b) the location of the wind turbines, regardless of their planned location;

(8) It is forbidden to place objects of human activity and land use, which pose a danger to the safe and efficient operation of aerodromes/airports at less than 15 km distance from the aerodrome reference point, including those that:

a) use dangerous, confusing and misleading lights;

b) cause blindness due to high intensity or high reflective light sources;

c) could encourage the concentration of wild animals and birds in the vicinity of the aerodrome;

d) represent sources of invisible radiation or the presence of movable or fixed objects that may adversely affect the performance of the aeronautical communication, navigation and surveillance systems.

(9) Companies, entities and organizations, as well as natural persons who have infringed the construction/reconstruction rules/standards or have admitted other prohibited actions in the aerodrome/airport areas, are obliged, at the request of the aerodrome/airport operator or of the persons authorized by them, to stop the construction or other activity in the area adjacent to the aerodrome/airport and remove within the established term and on its own account all the infringements.

Chapter IX AIR TRAFFIC MANAGEMENT AND AIR NAVIGATION SERVICES

Article 40. Air traffic management and air navigation services

(1) Air navigation services within the national airspace shall be assured by providers certified and designated by the administrative authority for implementation of policies in the field of civil aviation.

(2) The entity empowered with air traffic management functions in the national airspace is designated by the administrative authority for implementation of policies in the field of civil aviation.

(3) Implementation of the air traffic management functions and provision of air navigation services shall be assured in accordance with the essential requirements from annex no.5.

(4) Certification requirements and procedure of the air navigation services providers shall be established by the specialized central body in the field of civil aviation in civil aviation regulations and by the administrative authority for implementation of policies in the field of civil aviation in subordinated technical documents.

(5) The level of charges for air navigation services shall be approved by the specialized central body in the field of civil aviation in accordance with the Methodology approved by the Government and shall assure complete recovery of costs related to provision of these services. The aircraft overflying the national airspace must pay the charges for air navigation services. The air navigation services provider has the right to interdict departure of any aircraft until the air operator pays the charge for the air navigation services and the outstanding payments for provided services.

(6) Exemptions form charges referred to in paragraph (5) and the order for compensation of costs related to provision of air navigation services for exempted aircraft flights shall be established by the Government.

Chapter X MANAGEMENT OF FLIGHT SAFETY AND AVIATION SECURITY

Article 41. State safety programme

(1) The state safety programme represents a management system in the field of civil aviation safety regulation and management at the state level. The program establishes the regulatory framework for drafting and approval of safety strategies and policies, as well as establishment, approval and monitoring of an acceptable level of safety at the state level, adopting a proactive strategy for continuing improvement of the safety performance in civil aviation.

(2) The state safety programme in the field of civil aviation shall be prepared by the administrative authority for implementation of policies in the field of civil aviation, promoted by the specialized central body in the field of civil aviation and approved by the Government.

(3) State safety programme shall include the following components:

- a) state safety policy and objectives;
- b) state safety risk management;
- c) state safety assurance;
- d) state safety promotion.

(4) The administrative authority for implementation of policies in the field of civil aviation shall undertake necessary measures to implement the State safety programme through approval of appropriate technical and normative acts.

(5) In order to inform the public on the general level of safety, the specialized central body in the field of civil aviation shall publish every year a flight safety analysis. This analysis shall be explicit and exhaustive as much as possible, specifying existence of any increased safety risk. The analysis shall not disclose the sources of information.

Article 42. Safety management system

(1) For safety management of all provided services, identifying hazards and safety risks related to out activities, the aeronautical agents must establish, implement and maintain a safety management system at the level of their organization, depending on the volume, nature and complexity of the activities certified by the administrative authority for implementation of policies in the field of civil aviation.

(2) The safety management system shall include at least:

a) a process to identify current and potential safety hazards, as well as assessment of the related risks;

b) a process to determine and implement mitigation actions with the purpose to maintain an acceptable level of safety;

c) a process of continuous monitoring and regular assessment of the safety management activities efficiency;

d) an appropriate collection, analysis, protection and dissemination process of the information referring to flight safety.

(3) The aeronautical agents and their nominated accountable managers shall be responsible for flight safety assurance and observance of the provisions of the applicable normative acts referring to their obligations and requirements.

Article 43. Aviation security

Civil aviation protection measures against acts of unlawful interference are established in the Law no.92/2007 on aviation security.

Article 44. Aeronautical facilities

(1) Aeronautical facilities shall be implemented in accordance with the procedures, standards and recommended practices issued by international organizations in the field of civil aviation, at which the Republic of Moldova is a party.

(2) The aeronautical agents and involved public administration authorities must assure conditions for implementation and functioning of the aeronautical facilities system.

(3) Aeronautical facilitations connected to air transport shall not affect in any way the measures necessary to maintain aviation security, state border control and avoid import or export of prohibited goods.

(4) In order to facilitate and increase air transport and avoid unjustified aircraft delays, aircrews, passengers and cargo, the administrative authority for implementation of policies in the field of civil aviation shall propose to the specialized central body in the field of civil aviation for Government approval the

National programme on facilitation of the air transport containing special provisions on facilitation of border, customs, health controls and of other formalities.

Article 45. Search and rescue of civil aircraft

(1) Search and rescue operations in the national airspace, as well as on territory of the Republic of Moldova, for civil aircraft in danger and survivors of an aviation accident are carried out in accordance with the procedure established by the Government.

(2) The specialized central body in the field of civil aviation is the state authority responsible for regulation and organization of search and rescue operations.

(3) Search and rescue assistance is provided to all civil aircraft and survivors of an aviation accident.

(4) In case of search and rescue operations, assistance must be provided by all public authorities, as well as by the natural and legal persons committed for it, priority being given to save human lives, as well as to prevent increased damages and to preserve the essential evidences for an appropriate accident investigation.

Article 46. General provisions regarding technical investigation of accidents and incidents

(1) The specialized central body in the field of civil aviation is the state authority responsible for regulation and organization of the activities concerning the technical investigation of civil aviation incidents and accidents, as well as organization of voluntary and mandatory reporting system of the aviation occurrences.

(2) Performance of the activities concerning technical investigation of civil aviation incidents and accidents shall be assured in accordance with the Law on investigation of accidents and incident in transport.

(3) The specialized central body in the field of civil aviation shall issue specific regulations on technical investigation of civil aviation incidents and accidents, reporting, gathering, processing and record keeping of information related to civil aviation occurrences, in accordance with the international civil aviation organizations requirements and recommendations.

Article 47. Liability

(1) Violation of the provisions of the Code and its implementing rules shall have as an effect a disciplinary, civil, contravention or criminal liability of the guilty natural and legal persons.

(2) Occurrence of penalties referred to in paragraph (1) shall not relieve of the obligation to settle the identified infringements. These shall be settled within one month from the moment these were detected, except the case when the administrative authority for implementation of policies in the field of civil aviation has not established another term, with its mandatory notification about their settlement.

(3) Liability for the acts of unlawful interference against civil aviation shall be established in accordance with the legislation in force.

(4) Liabilities for damage caused in case of air transport within the national airspace shall be established in accordance with the international treaties to which the Republic of Moldova is a party, as well as the legislation in force.

(5) Natural and legal persons the activity of whom is connected to use of the national airspace, design, manufacture, repair and operation of the aeronautic equipment and of the aerodromes/airports/heliports, air navigation services provision, assurance of flight safety and aeronautical security, performance of other activities in the field of civil aviation on the territory of the Republic of Moldova, as well as activities connected to their management and oversight, shall be liable for violation of provisions of the Code, in accordance with the legislation in force.

Chapter XI FINAL AND TRANSITORY PROVISIONS

Article 48. Entry into force

The Code shall enter into force within a period of 12 months since its publication in the Official Journal of the Republic of Moldova.

Article 49. Government responsibilities

Before the Code enters into force, the Government shall:

- present to the Parliament proposals on harmonization of the legislation in force, in accordance with the Code;
- bring in line its normative acts, in accordance with the Code;
- assure amendment or abrogation by specialized central bodies and by departments of their normative acts which contravene to the Code;
- approve the normative acts, in accordance with the Code;
- assure approval of necessary normative acts by subordinated accountable authorities, in accordance with the Code.

Article 50. Abrogated acts

On the date of entry into force of the Code, shall be abrogated the Civil aviation law no.1237/1997 (republished in the Official Journal of the Republic of Moldova, 2010, no.98-99, art. 292), with subsequent amendments.

President of the Parliament

Annex no.1 ESSENTIAL AIRWORTHINESS REQUIREMENTS

I. Product integrity

Product integrity must be assured for all anticipated flight conditions for the operational life of the aircraft. Compliance with all requirements must be shown by assessment or analysis, supported, where necessary, by tests.

1. Structures and materials: the integrity of the structure must be ensured throughout, and sufficiently beyond, the operational envelope for the aircraft,

including its propulsion system, and maintained for the operational life of the aircraft.

1) All parts of the aircraft, the failure of which could reduce the structural integrity, must comply with the following conditions without detrimental deformation or failure. This includes all items of significant mass and their means of restraint.

a) All combinations of load reasonably expected to occur within, and sufficiently beyond, the weights, centre of gravity range, operational envelope and life of the aircraft must be considered. This includes loads due to gusts, manoeuvres, pressurization, movable surfaces, control and propulsion systems both in flight and on the ground.

b) Consideration must be given to the loads and likely failures induced by emergency landings either on land or water.

c) Dynamic effects must be covered in the structural response to these loads.

2) The aircraft must be free from any aeroelastic instability and excessive vibration.

3) The manufacturing processes and materials used in the construction of the aircraft must result in known and reproducible structural properties. Any changes in material performance related to the operational environment must be accounted for.

4) The effects of cyclic loading, environmental degradation, accidental and discrete source damage must not reduce the structural integrity below an acceptable residual strength level. All necessary instructions for ensuring continued airworthiness in this regard must be promulgated.

2. Propulsion: the integrity of the propulsion system (i.e. engine and, where appropriate, propeller) must be demonstrated throughout, and sufficiently beyond, the operational envelope of the propulsion system and must be maintained for the operational life of the propulsion system.

1) The propulsion system must produce, within its stated limits, the thrust or power demanded of it at all required flight conditions, taking into account environmental effects and conditions.

2) The fabrication process and materials used in the construction of the propulsion system must result in known and reproducible structural behaviour. Any changes in material performance related to the operational environment must be accounted for.

3) The effects of cyclic loading, environmental and operational degradation and likely subsequent part failures must not reduce the integrity of the propulsion system below acceptable levels. All necessary instructions for ensuring continued airworthiness in this regard must be promulgated.

4) All necessary instructions, information and requirements for the safe and correct interface between the propulsion system and the aircraft must be promulgated.

3. Systems and equipment

1) The aircraft must not have design features or details that experience has shown to be hazardous.

2) The aircraft, including those systems, equipment and appliances required for type-certification, or by operating rules, must function as intended under any foreseeable operating conditions, throughout, and sufficiently beyond, the operational envelope of the aircraft, taking due account of the system, equipment or appliance operating environment. Other systems, equipment and appliance not required for type-certification, or by operating rules, whether functioning properly or improperly, must not reduce safety and must not adversely affect the proper functioning of any other system, equipment or appliance. Systems, equipment and appliances must be operable without needing exceptional skill or strength.

3) The aircraft systems, equipment and associated appliances, considered separately and in relation to each other, must be designed such that any catastrophic failure condition does not result from a single failure not shown to be extremely improbable and an inverse relationship must exist between the probability of a failure condition and the severity of its effect on the aircraft and its occupants. With respect to the single failure criterion above, it is accepted that due allowance must be made for the size and broad configuration of the aircraft and that this may prevent this single failure criterion from being met for some parts and some systems on helicopters and small aeroplanes.

4) Information needed for the safe conduct of the flight and information concerning unsafe conditions must be provided to the crew, or maintenance personnel, as appropriate, in a clear, consistent and unambiguous manner. Systems, equipment and controls, including signs and announcements must be designed and located to minimise errors which could contribute to the creation of hazards.

5) Design precautions must be taken to minimise the hazards to the aircraft and occupants from reasonably probable threats, both inside and external to the aircraft, including protecting against the possibility of a significant failure in, or disruption of, any aircraft appliance.

4. Continuing airworthiness

1) Instructions for continuing airworthiness must be established to ensure that the aircraft type certification airworthiness standard is maintained throughout the operational life of the aircraft.

2) Means must be provided to allow inspection, adjustment, lubrication, removal or replacement of parts and appliances as necessary for continuing airworthiness.

3) The instructions for continuing airworthiness must be in the form of a manual, or manuals, as appropriate for the quantity of data to be provided. The manuals must cover maintenance and repair instructions, servicing information, trouble-shooting and inspection procedures, in a format that provides for a practical arrangement.

4) The instructions for continuing airworthiness must contain airworthiness limitations that set forth each mandatory replacement time, inspection interval and related inspection procedure.

II. Airworthiness aspects of product operation

5. The following must be shown to have been addressed to ensure a satisfactory level of safety for those onboard or on the ground during the operation of the product:

1) The kinds of operation for which the aircraft is approved must be established and limitations and information necessary for safe operation, including environmental limitations and performance, must be established;

2) The aircraft must be safely controllable and manoeuvrable under all anticipated operating conditions including following the failure of one or, if appropriate, more propulsion systems. Due account must be taken of pilot strength, flight deck environment, pilot workload and other human-factor considerations and of the phase of flight and its duration;

3) It must be possible to make a smooth transition from one flight phase to another without requiring exceptional piloting skill, alertness, strength or workload under any probable operating condition;

4) The aircraft must have such stability as to ensure that the demands made on the pilot are not excessive taking into account the phase of flight and its duration;

5) Procedures for normal operations, failure and emergency conditions must be established;

6) Warnings, or other deterrents intended to prevent exceedance of the normal flight envelope, must be provided, as appropriate to type;

7) The characteristics of the aircraft and its systems must allow a safe return from extremes of the flight envelope that may be encountered.

6. The operating limitations and other information necessary for safe operation must be made available to the crew members.

7. Product operations must be protected from hazards resulting from adverse external and internal conditions, including environmental conditions.

1) In particular, no unsafe condition must occur from exposure to phenomena such as, but not limited to, adverse weather, lightning, bird strike, high frequency radiated fields, ozone, etc., reasonably expected to occur during product operation.

2) Cabin compartments must provide passengers with suitable transport conditions and adequate protection from any expected hazard arising in flight operations or resulting in emergency situations, including fire, smoke, toxic gases and rapid decompression hazards. Provisions must be made to give occupants every reasonable chance of avoiding serious injury and quickly evacuating the aircraft and to protect them from the effect of the deceleration forces in the event of an emergency landing on land or water. Clear and unambiguous signs or announcements must be provided, as necessary, to instruct occupants in appropriate safe behaviour and the location and correct use of safety equipment. Required safety equipment must be readily accessible.

3) Crew compartments must be arranged in order to facilitate flight operations, including means providing situational awareness, and management of any expected situation and emergencies. The environment of crew compartments

must not jeopardise the crew's ability to perform their tasks and its design must be such as to avoid interference during operation and misuse of the controls.

III. Organizations (including natural persons undertaking design, manufacture or maintenance)

8. Organization approvals must be issued when the following conditions are met:

1) the organization must have all the means necessary for the scope of work. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

2) the organization must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system;

3) the organization must establish arrangements with other relevant organizations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness;

4) the organization must establish an occurrence reporting and/or handling system, which must be used by the management system under 2) and the arrangements under 3) in order to contribute to the aim of continuous improvement of the safety of products

9. In the case of maintenance training organizations, the conditions under point 8, 3) and 4) do not apply.

Annex no.2 CATEGORIES OF AIRCRAFT THAT DO NOT FALL UNDER ART.1 (2)

1. Historic aircraft meeting the criteria below:

1) non-complex aircraft whose:

(a) initial design was established before 1 January 1955, and

(b) production has been stopped before 1 January 1975;

2) aircraft having a clear historical relevance, related to:

(a) a participation in a noteworthy historical event, or

(b) a major step in the development of aviation, or

(c) a major role played into the armed forces.

2. Aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers.

3. Aircraft of which at least 51 % is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective.

4. Aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the European Aviation Safety Agency.

5. Aeroplanes, helicopters and powered parachutes having no more than two seats, a maximum take-off mass (MTOM), of no more than:

1) 300 kg for a land plane/helicopter, single-seater; or

2) 450 kg for a land plane/helicopter, two-seater; or

3) 330 kg for an amphibian or floatplane/helicopter single-seater; or

4) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;

5) 472,5 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system;

6) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system; and, for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS).

6. Single and two-seater gyroplanes with a maximum take-off mass not exceeding 560 kg.

7. Gliders with a maximum empty mass, of no more than 80 kg when single-seater or 100 kg when two-seater, including those which are foot launched.

8. Replicas of aircraft meeting the criteria of point 1 or point 4 above, for which the structural design is similar to the original aircraft.

9. Unmanned aircraft with an operating mass of no more than 150 kg.

10. Any other aircraft which has a maximum empty mass, including fuel, of no more than 70 kg.

Annex no.3 ESSENTIAL REQUIREMENTS FOR AIR OPERATIONS

I. General

1. A flight must not be performed if the crew members and, as appropriate, all other operations personnel involved in its preparation and execution are not familiar with applicable laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes planned to be used and the air navigation facilities relating thereto.

2. A flight must be performed in such a way that the operating procedures specified in the Flight Manual or, where required the Operations Manual, for the preparation and execution of the flight are followed. To facilitate this, a checklist system must be available for use, as applicable, by crew members in all phases of operation of the aircraft under normal, abnormal and emergency conditions and situations. Procedures must be established for any reasonably foreseeable emergency situation.

3. Before every flight, the roles and duties of each crew member must be defined. The pilot in command must be responsible for the operation and safety of the aircraft and for the safety of all crew members, passengers and cargo on board.

4. Articles or substances, which are capable of posing a significant risk to health, safety, property or the environment, such as dangerous goods, weapons and

ammunition, must not be carried on any aircraft, unless specific safety procedures and instructions are applied to mitigate the related risks.

5. All necessary data, documents, records and information to record the respect of the conditions specified in point 14 must be retained for each flight and kept available for a minimum period of time compatible with the type of operation.

II. Flight preparation

6. A flight must not be commenced unless it has been ascertained by every reasonable means available that all the following conditions are complied with:

1) Adequate facilities directly required for the flight and for the safe operation of the aircraft, including communication facilities and navigation aids, are available for the execution of the flight, taking into account available Aeronautical Information Services documentation;

2) The crew must be familiar with and passengers informed of the location and use of relevant emergency equipment. Sufficient related information regarding emergency procedures and use of cabin safety equipment must be made available to crew and passengers using specified information;

3) The pilot in command must be satisfied that:

a) the aircraft is airworthy as specified in chapter VI:

b) if required, the aircraft is duly registered and that appropriate certificates with respect thereto are aboard the aircraft;

c) instruments and equipment as specified in chapter V required for the execution of that flight are installed in the aircraft and are operative, unless waived by the applicable Minimum Equipment List (MEL) or equivalent document;

d) the mass of the aircraft and centre of gravity location are such that the flight can be conducted within limits prescribed in the airworthiness documentation;

e) all cabin baggage, hold luggage and cargo is properly loaded and secured; and

f) the aircraft operating limitations as specified in chapter IV will not be exceeded at any time during the flight.

4) Information regarding meteorological conditions for departure, destination and, where applicable, alternate aerodromes, as well as en-route conditions, must be available to the flight crew. Special attention must be given to potentially hazardous atmospheric conditions.

5) In case of flight into known or expected icing conditions, the aircraft must be certified, equipped and/or treated to operate safely in such conditions.

6) For a flight based on visual flight rules, meteorological conditions along the route to be flown must be such as to render compliance with these flight rules possible. For a flight based on instrument flight rules a destination and where applicable alternate aerodrome(s) where the aircraft can land must be selected, taking into account in particular the forecasted meteorological conditions, the availability of air navigation services, the availability of ground facilities and the instrument flight procedures approved by the state in which the destination and/or alternate aerodrome is located.

7) The amount of fuel and oil on board must be sufficient to ensure that the intended flight can be completed safely, taking into account the meteorological conditions, any element affecting the performance of the aircraft and any delays that are expected in flight. In addition, a fuel reserve must be carried to provide for contingencies. Procedures for in-flight fuel management must be established when relevant.

III. Flight operations

7. With regard to flight operations, all the following conditions must be complied with:

1) where relevant for the type of aircraft, during take-off and landing, and whenever deemed necessary by the pilot in command in the interest of safety, each crew member must be seated at their crew station and must use the provided restraint systems, taking into account the type of aircraft;

2) where relevant for the type of aircraft, all flight crew members required to be on flight deck duty must be and remain at their station, with their seatbelts fastened except en-route for physiological or operational needs;

3) where relevant for the type of aircraft and the type of operation, before take-off and landing, during taxiing and whenever deemed necessary in the interest of safety, the pilot in command must ensure that each passenger is properly seated and secured;

4) a flight must be performed in such a way that appropriate separation from other aircraft is maintained and that adequate obstacle clearance is ensured, during all phases of the flight. Such separation must at least be those required by the applicable rules of the air;

5) a flight must not be continued unless known conditions continue to be at least equivalent to those in section II of this annex. Furthermore, for a flight based on instrument flight rules, an approach toward an aerodrome must not be continued below certain specified heights or beyond a certain position, if prescribed visibility criteria are not met;

6) in an emergency, the pilot in command must ensure that all passengers are instructed in such emergency action as may be appropriate to the circumstances;

7) a pilot in command must take all necessary measures so as to minimise the consequences on the flight of disruptive passenger behaviour;

8) an aircraft must not be taxied on the movement area of an aerodrome, or its rotor must not be turned under power, unless the person at the controls is appropriately competent;

9) the applicable in-flight fuel management procedures must be used, when relevant.

IV. Aircraft performance and operating limitations

8. An aircraft must be operated in accordance with its airworthiness documentation and all related operating procedures and limitations as expressed in its approved flight manual or equivalent documentation, as the case may be. The flight manual or equivalent documentation must be available to the crew and kept up to date for each aircraft.

9. The aircraft must be operated in accordance with the applicable environmental documentation.

10. A flight must not be commenced or continued unless the aircraft's scheduled performance, considering all factors which significantly affect its performance level, allows all phases of flight to be executed within the applicable distances/areas and obstacle clearances at the planned operating mass. Performance factors which significantly affect take-off, en-route and approach/landing are, particularly:

- 1) operating procedures;
- 2) pressure altitude of the aerodrome;
- 3) temperature;
- 4) wind;
- 5) size, slope and condition of the take-off/landing area; and
- 6) the condition of the airframe, the power plant or the systems, taking into account possible deterioration.

11. Such factors must be taken into account directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data, as appropriate to the type of operation.

V. Instruments, data and equipment

12. An aircraft must be equipped with all navigation, communication and other equipment necessary for the intended flight, taking account of air traffic regulations and rules of the air applicable during any phase of the flight.

13. When relevant, an aircraft must be equipped with all necessary safety, medical, evacuation and survival equipment, taking account of the risks associated to the areas of operation, the routes to be flown, the flight altitude and the duration of the flight.

14. All data necessary for the execution of the flight by the crew must be updated and available on board the aircraft taking account of applicable air traffic regulations, rules of the air, flight altitudes and areas of operation.

VI. Continuing airworthiness

15. The aircraft must not be operated unless:

- 1) the aircraft is in an airworthy condition;
- 2) the operational and emergency equipment necessary for the intended flight is serviceable;
- 3) the airworthiness document of the aircraft is valid; and
- 4) the maintenance of the aircraft is performed in accordance with its maintenance programme.

16. Before each flight or consistent series of consecutive flights, the aircraft must be inspected, through a pre-flight check, to determine whether it is fit for the intended flight.

17. The maintenance programme must contain in particular, maintenance tasks and intervals, especially those that have been specified as mandatory in the instructions for continuing airworthiness.

18. The aircraft must not be operated unless it is released to service by qualified persons or organizations, after maintenance. The signed release to service must contain in particular, the basic details of the maintenance carried out.

19. All records demonstrating the airworthiness of the aircraft must be kept until the information contained has been superseded by new information equivalent in scope and detail but not less than 24 months in the case of detailed maintenance records. When the aircraft is leased, all records demonstrating the airworthiness of the aircraft must be kept at least for the length of the lease.

20. All modifications and repairs must comply with the essential requirements for airworthiness. The substantiating data supporting compliance with the airworthiness requirements must be retained.

VII. Crew members

21. The number and composition of the crew must be determined taking into account:

- 1) the certification limitations of the aircraft, including if applicable, the relevant emergency evacuation demonstration;
- 2) the aircraft configuration; and
- 3) the type and duration of operations.

22. Cabin crew members must:

- 1) be trained and checked on a regular basis to attain and maintain an adequate level of competency in order to perform their assigned safety duties; and
- 2) be periodically assessed for medical fitness to safely exercise their assigned safety duties. Compliance must be shown by appropriate assessment based on aero-medical best practice.

23. The pilot in command must have the authority to give all commands and take any appropriate actions for the purpose of securing the operation and the safety of the aircraft and of persons and/or property carried therein.

24. In an emergency situation, which endangers the operation or the safety of the aircraft and/or persons on board, the pilot in command must take any action he/she considers necessary in the interest of safety. When such action involves a violation of local regulations or procedures, the pilot in command must be responsible for notifying the appropriate local authority without delay.

25. Emergency abnormal situations must not be simulated when passengers or cargo are being carried.

26. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, inter alia, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

27. A crew member must not perform allocated duties on board an aircraft when under the influence of psychoactive substances or alcohol or when unfit due to injury, fatigue, medication, sickness or other similar causes.

VIII. Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft

28. The operation for commercial purposes and the operation of complex motor-powered aircraft must not be undertaken unless the following conditions are met:

1) the operator must have directly or indirectly through contracts the means necessary for the scale and scope of the operations. These means comprise but are not limited to the following: aircraft, facilities, management structure, personnel, equipment, documentation of tasks, responsibilities and procedures, access to relevant data and record keeping;

2) the operator must use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the crew members and other relevant personnel;

3) the operator must establish a MEL or equivalent document, taking account of the following:

(a) the document must provide for the operation of the aircraft, under specified conditions, with particular instruments, items of equipment or functions inoperative at the commencement of the flight;

(b) the document must be prepared for each individual aircraft, taking account of the operator's relevant operational and maintenance conditions; and

(c) the MEL must be based on the Master Minimum Equipment List (MMEL), if available, and must not be less restrictive than the MMEL;

4) the operator must implement and maintain a management system to ensure compliance with these essential requirements for operations and aim for continuous improvement of this system; and

5) the operator must establish and maintain an accident prevention and safety programme, including an occurrence reporting programme, which must be used by the management system in order to contribute to the aim of continuous improvement of the safety of operations.

29. The operation for commercial purposes and the operation of complex motor-powered aircraft must only be undertaken in accordance with an operator's operations manual. Such manual must contain all necessary instructions, information and procedures for all aircraft operated and for operations personnel to perform their duties. Limitations applicable to flight time, flight duty periods and rest periods for crew members must be specified. The operations manual and its revisions must be compliant with the approved flight manual and be amended as necessary.

30. The operator must establish procedures, as appropriate, so as to minimise the consequences to safe flight operations of disruptive passenger behaviour.

31. The operator must develop and maintain security programmes adapted to the aircraft and the type of operation including particularly:

1) security of the flight crew compartment;

2) aircraft search procedure checklist;

3) training programmes;

4) protection of electronic and computer systems to prevent intentional system interference and corruption; and

5) reporting acts of unlawful interference.

When security measures may adversely affect the safety of operations, the risks must be assessed and appropriate procedures developed to mitigate safety risks, this may necessitate the use of specialist equipment.

32. The operator must designate one pilot amongst the flight crew as the pilot in command.

33. The prevention of fatigue must be managed through a rostering system. For a flight, or series of flights, such a rostering system needs to address flight time, flight-duty periods, duty and adapted rest periods. Limitations established within the rostering system must take into account all relevant factors contributing to fatigue such as, in particular, number of sectors flown, time-zone crossing, sleep deprivation, disruption of circadian cycles, night hours, positioning, cumulative duty time for given periods of time, sharing of allocated tasks between crew members, and also the provision of augmented crews.

34. The tasks specified in points 15, 18 and 19 of this annex must be controlled by an organization responsible for the continuing airworthiness management that must meet, in addition to those requirements from annex no.1, point 8, the following conditions:

1) the organization must be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organization for these products, parts and appliances; and

2) the organization must establish an organization manual providing, for use and guidance of personnel concerned, a description of all continuing airworthiness procedures of the organization including when applicable a description of administrative arrangements between the organization and the approved maintenance organization.

Annex no.4 ESSENTIAL REQUIREMENTS FOR PILOT LICENSING

I. Training

1. General

A person undertaking training to fly an aircraft must be sufficiently mature educationally, physically and mentally to acquire, retain and demonstrate the relevant theoretical knowledge and practical skill.

2. Theoretical knowledge

A pilot must acquire and maintain a level of knowledge appropriate to the functions exercised on the aircraft and proportionate to the risks associated to the type of activity. Such knowledge must include at least the following:

air law;

aircraft general knowledge;

technical matters related to the category of the aircraft;

flight performance and planning;

human performance and limitations;

meteorology;
navigation;
operational procedures, including resource management;
principles of flight;
communications; and
non-technical skills, including the recognition and management of threats and errors.

3. Demonstration and maintenance of theoretical knowledge

1) The acquisition and retention of theoretical knowledge must be demonstrated by continuous assessment during training, and where appropriate, by examinations.

2) An appropriate level of competence in theoretical knowledge must be maintained. Compliance must be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks must be proportionate to the level of risk associated with the activity.

4. Practical skills

A pilot must acquire and maintain the practical skills as appropriate to exercise his/her functions on the aircraft. Such skills must be proportionate to the risks associated to the type of activity and must cover, if appropriate to the functions exercised on the aircraft, the following:

pre-flight and in-flight activities, including aircraft performance, mass and balance determination, aircraft inspection and servicing, fuel planning, weather appreciation, route planning, airspace restrictions and runway availability;

aerodrome and traffic-pattern operations;

collision avoidance precautions and procedures;

control of the aircraft by external visual reference;

flight manoeuvres, including in critical situations, and associated 'upset' manoeuvres, as technically achievable;

normal and cross-wind take-offs and landings;

flight by reference solely to instruments, as appropriate to the type of activity;

operational procedures, including team skills and resource management, as appropriate to the type of operation, whether single or multi-crew;

navigation and implementation of rules of the air and related procedures, using as appropriate, visual reference or navigation aids;

abnormal and emergency operations, including simulated aircraft equipment malfunctions;

compliance with air traffic services and communications procedures;

aircraft type or class specific aspects;

additional practical skill training that may be required to mitigate risks associated with specific activities; and

non-technical skills, including the recognition and management of threats and errors, using an adequate assessment methodology in conjunction with the technical skills assessment.

5. Demonstration and maintenance of practical skill

1) A pilot must demonstrate the ability to perform the procedures and manoeuvres with a degree of competence appropriate to the functions exercised on the aircraft, by:

- operating the aircraft within its limitations;
- completing all manoeuvres with smoothness and accuracy;
- exercising good judgement and airmanship;
- applying aeronautical knowledge;

maintaining control of the aircraft at all times in a manner such that the successful outcome of a procedure or manoeuvre is assured; and

non-technical skills, including the recognition and management of threats and errors, using an adequate assessment methodology in conjunction with the technical skills assessment.

2) An appropriate level of competence in practical skill must be maintained. Compliance must be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks must be proportionate to the level of risk associated with the activity.

6. Language proficiency

1) A pilot must have demonstrated language proficiency to a degree appropriate to the functions exercised on the aircraft. Such demonstrated proficiency shall include:

- the ability to understand weather information documents;
- the use of aeronautical en-route, departure and approach charts and associated aeronautical information documents; and
- the ability to communicate with other flight crew and air navigation services during all phases of flight, including flight preparation.

7. Flight simulation training devices

When a flight simulation training device (FSTD) is used for training, or for demonstration that practical skill is acquired or maintained, this FSTD must be qualified to a given level of performance in those areas, which are relevant to completing the related task. In particular, the replication of configuration, handling qualities, aircraft performance, and systems behaviour must adequately represent the aircraft.

8. Training course

- 1) Training must be executed through a training course.
- 2) A training course must meet the following conditions:
 - a syllabus must be developed for each type of course; and
 - the training course must comprise a breakdown of theoretical knowledge and practical flight instruction (including synthetic training), if applicable.

9. Instructors

1) Theoretical instruction

Theoretical instruction must be given by appropriately qualified instructors. They must:

- have appropriate knowledge in the field where instruction is to be given;
- and
- be capable of using appropriate instructional techniques.

2) Flight and flight simulation instruction

Flight and flight simulation instruction must be given by appropriately qualified instructors, who have the following qualifications:

meet the theoretical knowledge and the experience requirements appropriate for the instruction being given;

be capable of using appropriate instructional techniques;

have practiced instructional techniques in those flight manoeuvres and procedures in which it is intended to provide flight instruction;

have demonstrated the ability to instruct in those areas in which flight instruction is to be given, including pre-flight, post-flight and ground instruction; and

receive regular refresher training to ensure that the instructional standards are maintained up to date.

Flight instructors must also be entitled to act as pilot in command on the aircraft for which instruction is being given, except for training on new aircraft types.

10. Examiners

1) Persons responsible for assessing the skill of pilots must:

meet the requirements for flight or flight simulation instructors;

be capable of assessing pilot performance and conducting flight tests and checks.

II. Experience requirements

11. A person acting as flight crew member, instructor or examiner must acquire and maintain sufficient experience for the functions being exercised, unless the implementing rules provide for competence to be demonstrated in accordance with point 5.

III. Training organizations

12. Training organization requirements

A training organization providing pilot training must meet the following requirements:

have all the means necessary for the scope of responsibilities associated with their activity. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

implement and maintain a management system relating to safety and the standard of training, and aim for continuous improvement of this system; and

establish arrangements with other relevant organizations, as necessary, to ensure continuing compliance with the above requirements.

IV. Medical fitness

13. Medical criteria

1) All pilots must periodically demonstrate medical fitness to satisfactorily execute their functions, taking into account the type of activity. Compliance must be shown by appropriate assessment based on aero-medical best practice, taking into account the type of activity and the possible mental and physical degradation due to age.

Medical fitness, comprising physical and mental fitness, means not suffering from any disease or disability, which makes the pilot unable:

to execute the tasks necessary to operate an aircraft; or

to perform assigned duties at any time; or

to perceive correctly his/her environment.

2) Where medical fitness cannot be fully demonstrated, mitigation measures that provide equivalent flight safety may be implemented.

14. Aero-medical examiners

An aero-medical examiner must:

be qualified and licensed in the practice of medicine;

have received training in aviation medicine and regular refresher training in aviation medicine to ensure that assessment standards are maintained;

have acquired practical knowledge and experience of the conditions in which pilots carry out their duties.

15. Aeromedical centers

Aero-medical centers must meet the following conditions:

have all the means necessary for the scope of responsibilities associated with their privileges. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

implement and maintain a management system relating to safety and the standard of medical assessment, and aim for continuous improvement of this system;

establish arrangements with other relevant organizations, as necessary, to ensure continuing compliance with these requirements.

Annex no.5 ESSENTIAL REQUIREMENTS FOR AIR TRAFFIC MANAGEMENT/ AIR NAVIGATION SERVICES AND AIR TRAFFIC CONTROLLERS

I. Use of air space

1. All aircraft, excluding those engaged in the activities referred to in article 1, paragraph (4) (a), in all phases of flight or on the movement area of an aerodrome, shall be operated in accordance with common general operating rules and any applicable procedure specified for use of that airspace.

2. All aircraft, excluding those engaged in the activities referred to in article 1, paragraph (4) (a), shall be equipped with the required constituents and operated accordingly. Constituents used in the air traffic management/air navigation services system shall also comply with the requirements in chapter III.

II. Services

3. Aeronautical information and data for airspace users for the purpose of air navigation

1) The data used as a source for aeronautical information shall be of sufficient quality, complete, current and provided in a timely manner.

2) Aeronautical information shall be accurate, complete, current, unambiguous and be of adequate integrity in a suitable format for users.

3) The dissemination of such aeronautical information to airspace users shall be timely and use sufficiently reliable and expeditious means of communication protected from interference and corruption.

4. Meteorological information

1) The data used as a source for aeronautical meteorological information shall be of sufficient quality, complete and current.

2) To the extent possible, aeronautical meteorological information shall be precise, complete, current, be of adequate integrity and unambiguous in order to meet the needs of airspace users.

3) The dissemination of such aeronautical meteorological information to airspace users shall be timely and use sufficiently reliable and expeditious means of communication protected from interference and corruption.

5. Air traffic services

1) The data used as a source for the provision of air traffic services shall be correct, complete and current.

2) Air traffic services shall be sufficiently precise, complete, current, and unambiguous to meet the safety needs of users.

3) Automated tools providing information or advice to users shall be properly designed, manufactured and maintained to ensure that they are fit for their intended purpose.

4) Air traffic control services and related processes shall provide for adequate separation between aircraft and, where appropriate, assist in protection from obstacles and other airborne hazards and shall ensure prompt and timely coordination with all relevant users and adjacent volumes of airspace.

5) Communication between air traffic services and aircraft and between relevant air traffic services units shall be timely, clear, correct and unambiguous, protected from interference and commonly understood and, if applicable, acknowledged by all actors involved.

6) Means shall be in place to detect possible emergencies and, when appropriate, to initiate effective search and rescue action. Such means shall, as a minimum, comprise appropriate alerting mechanisms, coordination measures and procedures, means and personnel to cover the area of responsibility efficiently.

6. Communication services

Communication services shall achieve and maintain sufficient performance with regard to their availability, integrity, continuity and timeliness. They shall be expeditious and protected from corruption.

7. Navigation service

Navigation services shall achieve and maintain a sufficient level of performance with regard to guidance, positioning and, when provided, timing information. The performance criteria include accuracy, integrity, availability and continuity of the service.

8. Surveillance service

Surveillance services shall determine the respective position of aircraft in the air and of other aircraft and ground vehicles on the aerodrome surface, with sufficient performance with regard to their accuracy, integrity, continuity and probability of detection.

9. Air traffic flow management

The tactical management of air traffic flows at Community level shall use and provide sufficiently precise and current information of the volume and nature of the planned air traffic affecting service provision and shall coordinate and negotiate re-routing or delaying traffic flows in order to reduce the risk of overloading situations occurring in the air or at the aerodromes.

10. Airspace management

The designation of specific volumes of airspace for a certain use shall be monitored, coordinated and promulgated in a timely manner in order to reduce the risk of loss of separation between aircraft in all circumstances.

11. Airspace design

Airspace structures and flight procedures shall be properly designed, surveyed and validated before they can be deployed and used by aircraft.

III. Systems and components

12. General

ATM/ANS systems and constituents providing related information to and from the aircraft and on the ground shall be properly designed, manufactured, installed, maintained and operated to ensure that they are fit for their intended purpose.

13. System and constituent integrity, performance and reliability

The integrity and safety-related performance of systems and constituents whether on aircraft, on the ground or in space, shall be fit for their intended purpose. They shall meet the required level of operational performance for all their foreseeable operating conditions and for their whole operational life.

14. Design of systems and constituents

1) Systems and constituents shall be designed to meet applicable safety requirements.

2) Systems and constituents, considered collectively, separately and in relation to each other, shall be designed in such a way that an inverse relationship exists between the probability that any failure can result in a total system failure and the severity of its effect on the safety of services.

3) Systems and constituents, considered individually and in combination with each other, shall be designed taking into account limitations related to human capabilities and performance.

4) Systems and constituents shall be designed in a manner that protects them from unintended harmful interactions with external elements.

5) Information needed for manufacturing installation, operation and maintenance of the systems and constituents as well as information concerning unsafe conditions shall be provided to personnel in a clear, consistent and unambiguous manner.

15. Continuing level of service

Safety levels of systems and constituents shall be maintained during service and any modifications to service.

IV. Qualification of air traffic controllers

16. General

A person undertaking training as an air traffic controller or as a student air traffic controller, shall be sufficiently mature educationally, physically and mentally to acquire, retain and demonstrate the relevant theoretical knowledge and practical skill.

17. Theoretical knowledge

1) An air traffic controller shall acquire and maintain a level of knowledge appropriate to the functions exercised and proportionate to the risks associated with the type of service.

2) Acquisition and retention of theoretical knowledge shall be demonstrated by continuous assessment during training, or by appropriate examinations.

3) An appropriate level of theoretical knowledge shall be maintained. Compliance shall be demonstrated by regular assessments or examinations. The frequency of examinations shall be proportionate to the level of risk associated with the type of service.

18. Practical skills

1) An air traffic controller shall acquire and maintain the practical skills appropriate to exercise his/her functions. Such skills shall be proportionate to the risks associated with the type of service and shall cover at least, if appropriate to the functions exercised, the following items:

- a) operational procedures;
- b) task specific aspects;
- c) abnormal and emergency situations; and
- d) human factors.

2) An air traffic controller shall demonstrate the ability to perform the associated procedures and tasks with a level of competence appropriate to the functions exercised.

3) A satisfactory level of competence in practical skill shall be maintained. Compliance shall be verified by regular assessments. The frequency of these assessments shall be proportionate to the complexity and the level of risk associated with the type of service and the tasks performed.

19. Language proficiency

1) An air traffic controller shall demonstrate proficiency to speak and understand English to the extent he/she is able to communicate effectively in voice-only (telephone/radiotelephone) and in face-to-face situations on concrete and work-related topics, including in emergency situations.

2) Whenever necessary in a defined volume of airspace for ATS service provision purposes, an air traffic controller shall also have proficiency to speak and understand the national language(s) to the extent described above.

20. Synthetic training devices (STD)

When an STD is used for practical training on situational awareness and human factors or to demonstrate that skills are acquired or maintained, it shall have

a level of performance that allows adequate simulation of the working environment and operational situations appropriate to the training provided.

21. Training course

1) Training shall be given by a training course, which may comprise theoretical and practical instruction, including training on an STD, if applicable.

2) A course shall be defined and approved for each type of training.

22. Instructors

1) Theoretical instruction shall be given by appropriately qualified instructors. They shall:

a) have appropriate knowledge in the field where instruction is to be given;

and

b) have demonstrated the ability to use appropriate instructional techniques.

2) Instruction on practical skills shall be given by appropriately qualified instructors, who have the following qualifications:

a) meet the theoretical knowledge and the experience requirements appropriate to the instruction being given;

b) have demonstrated the ability to instruct and to use appropriate instructional techniques;

c) have practised instructional techniques in those procedures in which it is intended to provide instruction; and

d) receive regular refresher training to ensure that the instructional competences are maintained.

3) Instructors on practical skills shall also be or have been entitled to act as an air traffic controller.

23. Assessors

1) Persons responsible for assessing the skill of air traffic controllers shall:

a) have demonstrated the ability to assess the performance of, and conduct tests and checks on air traffic controllers; and

b) receive regular refresher training to ensure that the assessment standards are maintained up to date.

2) Assessors on practical skills shall also be or have been entitled to act as an air traffic controller in those areas in which assessment is to be made.

24. Medical fitness of an air traffic controller

1) Medical criteria

a) All air traffic controllers shall periodically demonstrate medical fitness to satisfactorily execute their functions. Compliance shall be shown by appropriate assessment taking into account the possible mental and physical degradation due to age.

b) Demonstration of medical fitness, comprising physical and mental fitness, shall include the demonstrated absence of any disease or disability, which makes the person providing an air traffic control (ATC) service unable:

- to execute properly the tasks necessary to provide an ATC service;
- to perform assigned duties at any time, or
- to perceive correctly his/her environment.

2) Where medical fitness cannot be fully demonstrated, mitigation measures that provide equivalent safety may be implemented.

V. Service providers and training organizations

25. Service provision shall not be undertaken unless the following conditions are met:

1) the service provider shall have directly or indirectly through contracts the means necessary for the scale and scope of the service. These means shall comprise but are not limited to the following: systems, facilities, including power supply, management structure, personnel, equipment and its maintenance, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

2) the service provider shall develop and keep up-to-date management and operations manuals relating to the provision of its services and operate in accordance with those manuals. Such manuals shall contain all necessary instructions, information and procedures for the operations, the management system and for operations personnel to perform their duties;

3) the service provider shall implement and maintain a risk-based management system to ensure compliance with the essential requirements in this annex and aim for continuous proactive improvement of this system;

4) the service provider shall use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the personnel;

5) the service provider shall establish formal interfaces with all the other contributors to the service provision to ensure compliance with these essential requirements;

6) the service provider shall establish and implement a contingency plan covering emergency and abnormal situations that may occur in relation to its services;

7) the service provider shall establish and maintain an accident and incident prevention and safety programme including an occurrence reporting and analysis programme, which shall be used by the management system in order to contribute to the aim of continuous improvement of safety; and

8) the service provider shall make arrangements to verify that the safety performance requirements of any system and constituent they operate are met at any time.

26. ATC service provision shall not be undertaken unless the following conditions are met:

1) the prevention of fatigue of personnel providing an ATC service shall be managed through a rostering system. Such a rostering system needs to address duty periods, duty time and adapted rest periods. Limitations established within the rostering system shall take into account relevant factors contributing to fatigue such as, in particular, sleep deprivation, disruption of circadian cycles, night hours, cumulative duty time for given periods of time and also the sharing of allocated tasks between personnel;

2) the prevention of stress of personnel providing an ATC service shall be managed through education and prevention programmes;

3) the ATC service provider shall have in place procedures to verify that the cognitive judgement of personnel providing ATC services is not impaired or their medical fitness insufficient;

4) the ATC service provider shall take into account operational and technical constraints as well as human factor principles in its planning and operations.

27. Communication, navigation and/or surveillance service provision shall not be undertaken unless the following condition is met:

The service provider shall keep relevant airspace users and ATS units informed on a timely basis of the operational status (and changes thereof) of their services provided for ATS purposes.

28. Training organizations

A training organization providing training for personnel providing an ATC service shall meet the following requirements:

1) have all the means necessary for the scope of responsibilities associated with their activity. These means comprise, but are not limited to, the following: facilities, personnel, equipment, methodology, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

2) implement and maintain a management system relating to safety and the standard of training, and aim for continuous improvement of this system; and

3) establish arrangements with other relevant organizations, as necessary, to ensure continuing compliance with these essential requirements.

Annex no.6 ESSENTIAL REQUIREMENTS FOR AERODROMES

A. Physical characteristics, infrastructure and equipment

I. Movement area

1. Aerodromes shall have a designated area for the landing and take-off of aircraft, which satisfies the following conditions:

1) the landing and take-off area shall have dimensions and characteristics suitable for the aircraft intended to use the facility;

2) the landing and take-off area, where applicable, shall have a bearing strength sufficient to support repetitive operations of the intended aircraft. Those areas not intended for repetitive operations only need to be capable of supporting the aircraft;

3) the landing and take-off area shall be designed to drain water and to prevent standing water becoming an unacceptable risk to aircraft operations;

4) the slope and slope changes of the landing and take-off area shall not create an unacceptable risk to aircraft operations;

5) the surface characteristics of the landing and take-off area shall be adequate for use by the intended aircraft; and

6) the landing and take-off area shall be free from objects which might create an unacceptable risk to aircraft operations.

2. Where there are several designated landing and take-off areas, they shall be such that they do not create an unacceptable risk to aircraft operations.

3. The designated landing and take-off area shall be surrounded by defined areas. These areas are intended to protect aircraft flying over them during take-off or landing operations or to mitigate the consequences of undershooting, running off the side or overrunning the take-off and landing area, and shall satisfy the following conditions:

1) these areas shall have dimensions appropriate to the aircraft operations anticipated;

2) the slope and slope changes of these areas shall not create an unacceptable risk to aircraft operations;

3) these areas shall be free from objects which might create an unacceptable risk to aircraft operations. This should not preclude frangible equipment to be located in those areas, if required to assist aircraft operations; and

4) each of these areas shall have a bearing strength sufficient to serve its purpose.

4. Those areas of an aerodrome, with their associated immediate surroundings, that are to be used for taxiing or parking aircraft, shall be designed to permit safe operation of the aircraft expected to use the particular facility under all the conditions planned for, and shall satisfy the following conditions:

1) these areas shall have a bearing strength sufficient to support repetitive operations of the intended aircraft, except for areas which are expected for only occasional use which only need to be capable of supporting the aircraft;

2) these areas shall be designed to drain water and to prevent standing water becoming an unacceptable risk to aircraft operations;

3) the slope and slope changes of these areas shall not create an unacceptable risk to aircraft operations;

4) the surface characteristics of these areas shall be adequate for use by the intended aircraft; and

5) these areas shall be free from objects which might create an unacceptable risk to aircraft. This should not preclude parking equipment required for that area in specifically identified positions or zones.

5. Other infrastructure intended for use by aircraft shall be so designed that use of that infrastructure does not create an unacceptable risk to aircraft using it.

6. Constructions, buildings, equipment or storage areas shall be located and designed so as not to create an unacceptable risk for aircraft operations.

7. Suitable means shall be provided to prevent unauthorised persons, unauthorised vehicles or animals large enough to create an unacceptable risk to aircraft operations from entering the movement area, without prejudice to national and international animal protection provisions.

II. Obstacle clearances

8. To protect aircraft proceeding to an aerodrome for landing, or for their departure from an aerodrome, arrival and departure routes or areas shall be

established. Such routes or areas shall provide aircraft with the required clearance from obstacles located in the area surrounding the aerodrome taking due account of the local physical characteristics.

9. Such obstacle clearance shall be appropriate to the phase of flight and type of operation being conducted. It shall also take into account the equipment being used for determining the position of the aircraft.

III. Visual and non-visual aids and aerodrome equipment

10. Aids shall be fit for purpose, recognisable and provide unambiguous information to users under all intended operational conditions.

11. Aerodrome equipment shall function as intended under the foreseen operating conditions. Under operating conditions or in case of failure, aerodrome equipment shall not cause an unacceptable risk to aviation safety.

12. The aids and their electrical power supply system shall be so designed that failures do not result in inappropriate, misleading or insufficient information being given to users or in interruption of an essential service.

13. Suitable means of protection shall be provided to avoid damage or disturbance to such aids.

14. Sources of radiation or the presence of moving or fixed objects shall not interfere with or adversely affect the performance of aeronautical communications, navigation and surveillance systems.

15. Information on operation and use of aerodrome equipment shall be made available to relevant staff, including clear indications of the conditions which may create unacceptable risks to aviation safety.

IV. Aerodrome data

16. Data relevant to the aerodrome and the available services shall be established and kept up to date.

17. The data shall be accurate, readable, complete and unambiguous. Appropriate integrity levels shall be maintained.

18. The data shall be made available to the users and the relevant ANS providers in a timely manner, using a sufficiently secure and expeditious method of communication.

B. Operations and management

V. Aerodrome operator

The aerodrome operator is responsible for operation of the aerodrome. The responsibilities of the aerodrome operator are as follows:

19. The aerodrome operator shall have, directly or under contracts, all the means necessary to ensure safe operation of aircraft at the aerodrome. These means shall include, but are not limited to, facilities, personnel, equipment and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;

20. The aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks

associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner;

21. The aerodrome operator shall establish and implement an appropriate aerodrome wildlife risk management programme;

22. The aerodrome operator shall ensure that movements of vehicles and persons in the movement area and other operational areas are coordinated with movements of aircraft in order to avoid collisions and damage to aircraft;

23. The aerodrome operator shall ensure that procedures to mitigate risks related to aerodrome operations in winter operation, adverse weather conditions, reduced visibility or at night, if applicable, are established and implemented;

24. The aerodrome operator shall establish arrangements with other relevant organizations to ensure continuing compliance with these essential requirements for aerodromes. These organizations include, but are not limited to, aircraft operators, air navigation service providers, ground handling service providers and other organizations whose activities or products may have an effect on aircraft safety;

25. The aerodrome operator, either by itself or by means of contracts with third parties, shall ensure that procedures exist to provide aircraft with fuel which is uncontaminated and of the correct specification;

26. Manuals for maintenance of aerodrome equipment shall be available, applied in practice and cover maintenance and repair instructions, servicing information, troubleshooting and inspection procedures;

27. The aerodrome operator shall establish and implement an aerodrome emergency plan, covering emergency scenarios that may occur at the aerodrome or in its surroundings. This plan shall be coordinated, as appropriate, with the local community emergency plan;

28. The aerodrome operator shall ensure that adequate aerodrome rescue and firefighting services are provided. Such services shall respond to an incident or accident with due urgency and shall include at least equipment, extinguishing agents and a sufficient number of personnel;

29. The aerodrome operator shall use only trained and qualified personnel for aerodrome operations and maintenance and shall implement and maintain training and check programmes to ensure the continuing competence of all relevant personnel;

30. The aerodrome operator shall ensure that any person permitted unescorted access to the movement area or other operational areas is adequately trained and qualified for such access;

31. The rescue and firefighting personnel shall be properly trained and qualified to operate in the aerodrome environment. The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of this personnel; and

32. All rescue and firefighting personnel potentially required to act in aviation emergencies shall periodically demonstrate their medical fitness to execute their functions satisfactorily, taking into account the type of activity. In this context, medical fitness, comprising both physical and mental fitness, means

not suffering from any disease or disability which could make this personnel unable:

- 1) to execute the tasks necessary to operate in aviation emergencies;
- 2) to perform their assigned duties at any time; or
- 3) to perceive their environment correctly.

VI. Management systems

33. The aerodrome operator shall implement and maintain a management system to ensure compliance with these essential requirements for aerodromes and to aim for continuous and proactive improvement of safety. The management system shall include organizational structures, accountability, responsibilities, policies and procedures.

34. The management system shall include an accident and incident prevention programme, including an occurrence-reporting and analysis scheme. The analysis shall involve the parties listed in point 24 above, as appropriate.

35. The aerodrome operator shall develop an aerodrome manual and operate in accordance with that manual. Such manuals shall contain all necessary instructions, information and procedures for the aerodrome, the management system and for operations personnel to perform their duties.

C. Aerodrome surroundings

36. The airspace around aerodrome movement areas shall be safeguarded from obstacles so as to permit the intended aircraft operations at the aerodromes without creating an unacceptable risk caused by the development of obstacles around the aerodrome. Obstacle monitoring surfaces shall therefore be developed, implemented and continuously monitored to identify any infringing penetration.

37. Any infringement of these surfaces will require an assessment to identify whether or not the object creates an unacceptable risk. Any object posing an unacceptable risk shall be removed or appropriate mitigating action shall be taken to protect aircraft using the aerodrome.

38. Any remaining such obstacles shall be published and, depending on the need, shall be marked and, where necessary, made visible by means of lights.

39. Hazards related to human activities and land use, such as, but not limited to, items on the following list, shall be monitored. The risk caused by them shall be assessed and mitigated as appropriate:

- 1) any development or change in land use in the aerodrome area;
- 2) the possibility of obstacle-induced turbulence;
- 3) the use of hazardous, confusing and misleading lights;
- 4) the dazzling caused by large and highly reflective surfaces;
- 5) the creation of areas that might encourage wildlife activity in the surroundings of the aerodrome movement area;
- 5) sources of non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems.

40. A local community emergency plan shall be established for aviation emergency situations occurring in the aerodrome local area.

D. Others

41. Except for aircraft emergency situations, when diverting to an alternate aerodrome, or under other conditions specified in each case, an aerodrome or parts thereof shall not be used by aircraft for which the aerodrome design and operating procedures are not normally intended.