

# LAW FOR THE CIVIL AVIATION

*Prom. SG. 94/1 Dec 1972, amend. SG. 30/13 Apr 1990, amend. SG. 16/21 Feb 1997, amend. SG. 85/24 Jul 1998, amend. SG. 12/11 Feb 2000, amend. SG. 34/6 Apr 2001, amend. SG. 111/28 Dec 2001, amend. SG. 52/18 Jun 2004, amend. SG. 70/10 Aug 2004, amend. SG. 88/4 Nov 2005, amend. SG. 102/20 Dec 2005, amend. SG. 30/11 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 37/5 May 2006, amend. SG. 105/22 Dec 2006, amend. SG. 108/29 Dec 2006, amend. SG. 10/30 Jan 2007, amend. SG. 41/22 May 2007*

## Chapter one. GENERAL PROVISIONS

Art. 1. (amend. SG 85/98) This law shall provide the public relations, connected with the civil aviation in the Republic of Bulgaria and with ensuring its safety and security.

Art. 2. (amend. and suppl. SG 85/98) (1) The Republic of Bulgaria shall have full end exclusive and irrevocable sovereignty over the airspace over its territory, including the internal and the territorial waters.

(2) (amend. SG 85/98) The Council of Ministers shall determine the zones in the airspace, where aviation can be restricted.

Art. 2a. (new – SG 85/98; amend. and suppl. - SG 37/06) (1) (amend. SG 34/01, amend. SG 88/05, amend., SG 102/05) The organisation and the control for use of the civil airspace, as well as the management and the control of aviation in the serviced airspace of the Republic of Bulgaria shall be implemented by an order, determined by the Minister of Transport.

(2) (amend. SG 34/01, amend. SG 88/05; amend. - SG 37/06) The Minister of Transport in coordination with the Minister of Defence shall determine the order for introduction and the rules for work of the unified system for civil and military management of the airspace.

(3) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport and the Minister of Defence shall determine the order for use of the airspace at transfer to military control and control of the airspace at increasing levels of extraordinary conditions.

Art. 3. (amend. SG 85/98) (1) Civil aviation shall be each aviation, implemented with civil aircrafts and designated for:

1. transport of passengers, luggage, loads and post by the air;
2. servicing of the agriculture, the forestry and other sectors of economy;
3. geologic, geographic and other scientific investigations;
4. rendering of urgent medical aid;

5. culture – educational needs, photography and advertising;
  6. fight with fires and other disasters;
  7. training, sport etc.
- (2) The civil aircrafts shall be all the aircrafts except the state ones.

Art. 4. (amend. SG 85/98) On board of aircrafts, registered in the Republic of Bulgaria shall be applied the Bulgarian laws, except in the cases, when in a ratified, promulgated and entered into force international agreement other has been provided.

Art. 5. (amend. SG 85/98) (1) The aircrafts which implement civil aviation shall be registered under this law.

(2) The aircrafts entered into the register of the civil aircrafts of the Republic of Bulgaria shall fly with national and registration identification signs of the Republic of Bulgaria.

(3) The civil aircrafts for sanitary means shall have also the sign of the Red Cross.

(4) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05) The Minister of Transport shall issue an ordinance for the order of determining and affixing the registration signs.

Art. 6. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The Bulgarian aviation operators shall implement aviation services in the country and abroad on the basis of a commercial contract and if there is no such contract – under conditions and by order determined with an ordinance by the Minister of Transport.

(2) (amend. SG 34/01, amend. SG 88/05) The foreign aviation operators shall be able to implement aviation services in the country by force of an international agreement in which the Republic of Bulgaria is a party and if there is no such contract – under conditions and by order determined with an ordinance by the Minister of Transport.

Art. 7. (amend. SG 85/98) (1) (prev. text of art. 7 – amend., SG 52/04) The transport of passengers, luggage, loads and post with regular international lines shall be implemented by Bulgarian and foreign air carriers by the force of international contracts, of which the Republic of Bulgaria is a party.

(2) (new, SG 52/04) The appointment of a Bulgarian air carrier shall be carried out by virtue of bilateral or multi-lateral international contracts.

(3) (new, SG 52/04, amend. SG 88/05) Not allowed shall be a monopolistic status on the market of air carriers on a line of regular air destinations, unless stipulated otherwise by an international agreement which the Republic of Bulgaria is party to. Where an international contract contains restrictions for the number of Bulgarian air carriers, for the frequencies of operation of the line or for the offered capacity the choice shall be made by the Minister of Transport on the grounds of a competition or through assignment when only one candidate appears for participation in the competition for a line. The conditions and the order of holding a competition for access to the market of air carriers shall be determined by an ordinance of the Minister of Transport.

Art. 8. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall manage and control the civil aviation and the civil aircrafts and facilities on the territory of the Republic of Bulgaria.

(2) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall implement his powers of para 1 with the Civil aviation administration. The Civil aviation administration shall be a corporate body at budget maintenance at the Ministry of Transport with headquarters in Sofia.

(3) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine with a regulation the structure, the activity and the functions of the Civil aviation administration.

Art. 9. (revoked – SG 30/90).

Art. 10. (amend. SG 85/98) (1) (amend., SG 52/04) The aircrafts can be ceded for using under leasing on the basis of a written contract in the country or abroad with or without a crew.

(2) (amend., SG 52/04) The Bulgarian lessor or lessee may conclude a contract for leasing of an aircraft with or without a crew (respectively wt or dry leasing) upon advance written approval of the head of Chief Directorate "Civil aviation administration" or of an official authorized by him.

(3) (amend., SG 52/04) When a Bulgarian aviation operator is a party to a contract for leasing of an aircraft for a period longer than 30 days the leasing contract shall be entered in the register for civil aircrafts in the Republic of Bulgaria.

(4) (new, SG 52/04) Where a Bulgarian aviation operator concedes to a foreign aviation operator an aircraft under a dry leasing contract and writing off of the aircraft is not planned from the register of the civil aircrafts of the Republic of Bulgaria the approval under para 2 shall be given on condition that:

1. the country of the aviation operator has ratified, by the respective order, the Protocol for amendment of the Convention for International Civil Aviation signed in Montreal on October 6, 1980 regarding art. 83 bis;

2. the air aviation administration of the country of the aviation operator signs an agreement for undertaking all or part of the functions and obligations of the country of registration regarding the aircraft.

(5) (new, SG 52/04) The application for obtaining advance approval under para 2 shall be filed by the Bulgarian aviation operator to the head of Chief Directorate "Civil aviation administration" and shall contain:

1. name and address of the lessor and lessee;
2. type of the leasing;
3. reason and objective of the leasing;
4. initial date and term of the leasing contract;
5. type and registration signs of the aircraft;
6. the country of registration of the aircraft;
7. name of the Bulgarian aviation operator under whose certificate for aviation operator will be operated the aircraft, respectively a copy of the certificate for aviation operator or other equal document of the foreign aviation operator;
8. name of the aviation operator or of the person under whose trade supervision and

commercial rights will be operated the aircraft;

9. detailed description of the planned activity, including regular or irregular air services, transportation of passengers, transportation of cargo, region of operation, destinations and airports;

10. basic airport and the names of the person or persons who carry out the technical maintenance and repair of the aircraft.

(6) (new, SG 52/04) The application under para 5 shall be accompanied by a copy of the draft leasing contract.

(7) (new, SG 52/04) The approval shall be given for the term of the leasing contract with exception of the cases where the aircraft is operated under a wet leasing contract. In these cases the approval shall be given for a period of up to 6 months.

(8) (new, SG 52/04) The head of Chief Directorate "Civil aviation administration" shall consider the filed applications within 10 days from the date of their filing, and in the cases of para 4 – within 20 days. Where necessary, a deadline may be given for removal of the discrepancies or incompleteness of the application.

(9) (new, SG 52/04) The head of Chief Directorate "Civil aviation administration" shall notify in writing the applicant about his decision and shall motivate it.

(10) (new, SG 52/04) All terms related to providing safe operation of the aircraft, which are a part of the approval under para 2, shall obligatorily be included in the leasing contract.

(11) (new, SG 52/04, amend. - SG 30/06, in force from 12.07.2006) The refusal to issue approval shall be subject to appeal by the order of the Administrative procedure code.

(12) (new - SG 37/06) Bulgarian aviation operator may wet lease-in an aeroplane for a period of up to 30 days without preliminary approval in written by the head of the Chief Directorate "Civil aviation administration" under the condition that:

1. the lessor holds a valid aviation operator certificate or equivalent document issued by a state – party of the Convention for International Civil Aviation;

2. the lessee notifies the Chief Directorate "Civil aviation administration" in written for the leasing in a period of 14 days.

(13) (new, SG 52/04, amend. SG 88/05; prev. text of para 12 – SG 37/06) The Minister of Transport shall issue an ordinance for implementation of art. 83 bis of the Protocol for amendment of the Convention for International Civil Aviation, signed in Montreal on October 6, 1980, for the requirements in concluding leasing contract for aircraft.

Art. 11. (amend. SG 85/98) (1) The passengers, the crews, the luggage, the loads, the post and the shipments shall be subject to control in connection with the security and safety of the flights.

(2) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport, the Minister of Interior and the Minister of Finance shall determine with an ordinance the conditions and the order for achieving of security in the civil aviation.

Art. 12. (amend. SG 85/98) The provisions of this law shall be applied to

a) the Bulgarian civil aviation, and in the cases, provided with a law, also to the foreign civil aviation;

b) (amend. and suppl. SG 85/98) all aircrafts, entered in the state register of the Republic of Bulgaria, including when they are abroad, as well as to the sport and training

aircrafts;

c) (amend. SG 85/98) the state aircrafts when they implement flights under the management of civil bodies for servicing of air traffic.

Art. 13. Real rights in aircrafts shall be provided under the law of the country, where the aircrafts has been entered.

Art. 14. (amend. SG 85/98) The form and the conditions for validity of the contract for transfer of ownership in aircrafts shall be determined by the laws of the country where the contract is concluded.

Art. 15. The remuneration for rendered aid by an aircrafts shall be determined by the laws of the country where has been entered the aircrafts, rendered the aid.

Art. 16. (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05) The individuals and the corporate bodies using aircrafts, managing airfields or servicing air traffic in connection with the implementation of civil aviation, shall concede to the Ministry of Transport statistical information, connected with their activity, under conditions and by an order determined by the Minister of Transport.

Art. 16a. (new – SG 85/98, amend. SG 34/01; suppl. SG 52/04, amend. SG 88/05) The Minister of Transport shall manage and control the civil aviation by:

1. organising the participation of the Republic of Bulgaria in the international organisations for aviation where the Republic of Bulgaria is a party;
2. organising and coordinating the use of the airspace for the needs of civil aviation;
3. (amend., SG 52/04) coordinating the issuing of permissions for construction of sites of the infrastructure of aviation;
4. (revoked, SG 52/04)
5. implementing and developing the National programme for security of civil aviation;
6. determining standards, rules and procedures in the sphere of civil aviation, including the conditions and the order for transport of dangerous loads;
7. (amend., SG 52/04) determining by ordinances the terms and the order of issuing, amendment, restriction, stopping and withdrawal of certificates, letters, approvals, permits and licenses under this law;
8. determining the conditions for keeping the respective registers and of the data base about the certified sites and persons;
9. ruling the management of the airfields for public use which have not been conceded to concession;
10. (amend. SG 34/01; amend., SG 52/04; amend. - SG 37/06) issuing ordinance for the general rules for indemnification and assistance to passengers upon refusal of an air carrier to admit them aboard of the aircraft in case of cancellation or delay of flight;
11. (amend., SG 52/04) determining by ordinances the requirements regarding the tariffs for regular a chartered air transportations, as well as the general rules for introduction

and use of computerised systems for reservation;

12. implementing also other authority, determined with a law or with an international agreement in which the Republic of Bulgaria is a party.

13. (new, SG 52/04) approving the investment programmes of the corporate bodies using resources from the fees under art. 120;

14. (new, SG 52/04) issue an ordinance for the working hours of the aviation personnel having qualification licences.

15. (new - SG 37/06) issue an ordinance for implementation of the requirements for safety of air traffic management of the European Organization for the Safety of Air Navigation (Eurocontrol).

16. (new – SG 10/07, in force from 30.01.2007) issue an ordinance on the rules of inspection of the platform of aircrafts by third parties, taking off from or landing in airports on the territory of the Republic of Bulgaria.

17. (new – SG 10/07, in force from 30.01.2007) issue an ordinance on the rules and procedures with regard to introduction of operative limitations related to the noise at civil airports for public use.

Art. 16b. (new, SG 52/04) (1) Chief Directorate "Civil aviation administration" shall carryout regulatory and control functions of the state for providing the safety and security of the aviation by:

1. fulfilling the functions of civil aviation administration in compliance with the international contracts in the sphere of the civil aviation, party t which is the Republic of Bulgaria;

2. controlling the civil aviation, the civil airports and the flight platforms, the civil aircrafts, the aero-navigation and other installations related to the civil aviation on the territory of the country, regardless of their ownership;

3. controlling the observance of this law and of the bylaws issuing obligatory prescriptions in the cases stipulated by the law;

4. controlling the activities of the individuals and corporate bodies in connection with the security and safety of the civil aviation;

5. keeping the registers stipulated by the law;

6. coordinating development schemes and plans including terrains of airports and the investment projects for construction of sites within the region of the airports and their vicinity, within the range of the normative easement zones and zones of influence, as well as of the airways in connection with providing the safety and security of the aviation;

7. investigating incidents with aircrafts in the country or order the investigation to be carried out by the air carrier, the aviation operator, the airport administration or the air traffic control, as related to the incident; upon conclusion of the investigation notifying about the results the specialized unit under art. 16d;

8. (amend. SG 88/05) proposing for issuance by the Minister of Transport by laws in the sphere of the civil aviation;

9. carrying out the coordination between the administrative bodies and corporate bodies in the sphere of aviation in connection with the safety and security of the flights;

10. controlling the provision of guarding in the zones of security of the civil airports;

11. maintaining a united database and issuing identification cards and passes to individuals and to corporate bodies, as well as to motor vehicles, for access to the zones of

security of the civil airports for public using;

12. controlling the implementation of the requirements for simplifying the procedures of servicing the passengers, the servicing and processing of aircrafts, cargo and mail;

13. controlling the fulfillment by the corporate bodies of the functions undertaken as an obligation of the state by virtue of international contracts and in compliance with the acting standards, rules and categories for providing the aviation;

14. ordering detention of take-off of aircrafts in the cases stipulated by the law;

15. organizing the gathering, maintaining updated and submitting specialized data for the sites under art. 32, para 1, item 1 of the Law for the cadastre and the property register and the creation of specialized maps, registers and informational databases;

16. collecting fees in the cases stipulated by the law;

17. carrying out other functions stipulated by a law.

(2) The control functions of Chief Directorate "Civil aviation administration" shall be carried out by inspectors of aviation appointed by an order of the head of Chief Directorate "Civil aviation administration".

(3) The inspectors shall have the right:

1. to free access to the persons and sites controlled by them for carrying out inspection regarding the security and safety of the aviation;

2. (new - SG 105/06, in force from 01.01.2007) to access all documents directly or indirectly related to infringement of this Law or the legislation of the Member States of the European Union implementing the provisions of Regulation (EC) No. 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, regardless of the form of the document.

3. (new - SG 105/06, in force from 01.01.2007) to order any person to provide information of infringements under Item 2, which are known to them;

4. (prev. text of item 02 - SG 105/06, in force from 01.01.2007) to require the necessary data, information, explanations, operative and other information from the respective officials, including regarding the legal capacity of the personnel, as well as any other information related to the observance of the legislation in the sphere of civil aviation;

5. (prev. text of item 03 - SG 105/06, in force from 01.01.2007) to draw up acts for administrative offences under this law;

6. (prev. text of item 04 - SG 105/06, in force from 01.01.2007) to give obligatory written prescriptions for providing the observance of the normative acts in the sphere of aviation and guaranteeing the security and safety of the civil aviation, by which they prescribe removal, within a definite term, of established violations related to the safety of the flights;

7. (prev. text of item 05 - SG 105/06, in force from 01.01.2007) to make proposals for stopping, termination, withdrawal and restriction of the rights under the issued licences, permits, certificates, letters and approvals.

(4) The inspectors shall draw up statement of findings to which the gathered evidence shall be enclosed. The statement shall be presented to the inspected person who will have the right to give explanations and objections within 7 days from its presentation.

(5) (suppl. - SG 105/06, in force from 01.01.2007) On the grounds of the results from the inspections the head of Chief Directorate "Civil aviation administration" shall impose administrative sanctions or compulsory administrative measures, or shall terminate, stop, withdraw or limit the rights ensuing from the issued licences, permits, certificates, letters and approvals and shall have the right to:

1. (new - SG 105/06, in force from 01.01.2007) order the infringer in writing to cease

the infringement under Para 3, Item 2;

2. (new - SG 105/06, in force from 01.01.2007) require that the infringer declares he will cease the infringement under Para 3, Item 2 and, if necessary, to oblige him to make the declaration available to the public;

3. (new - SG 105/06, in force from 01.01.2007) order cessation or prohibition of the infringement under Para 3, Item 2 and, if necessary, to make the order for cessation or prohibition of the infringement available to the public.

Art. 16c. (new - SG 37/06) (1) The Chief Directorate "Civil aviation administration" shall be the national supervisory body with regard to the safe and efficient operation of air navigation service providers. Upon implementation of its functions the national supervisory body shall be independent from the air navigation service provider.

(2) The Chief Directorate "Civil aviation administration" shall issue certificate for provision of air navigation services to the air navigation service provider.

(3) The Minister of Transport shall issue an ordinance which shall determine:

1. the conditions and the order of issuing and revocation of the certificate for provision of air navigation service and the requirements to the person who submitted application for issuing a certificate;

2. the manner of organization and implementation of the checks for compliance with the requirements to the person who submitted application for issuing or was issued a certificate for air navigation service;

3. the conditions and the order under which the checks referred to in item 2 may be implemented by other organizations recognized by the Chief Directorate "Civil aviation administration" and approved by the Minister of Transport, the requirements these organizations shall meet, as well as the conditions and the order of withdrawal of the assignment for implementation of the checks.

(4) (\*) In respect of functional airspace blocks that extend across the airspace of the Republic of Bulgaria and a Member State or States of the European Union, the Republic of Bulgaria may conclude an agreement with the Member State of the European Union on the supervision implemented by the national supervisory body referred to in para 1 with regard to the air navigation service providers providing air navigation services in the airspace of the functional block.

(5) (\*) The Republic of Bulgaria may conclude an agreement with a Member State of the European Union on implementation of supervision by the national supervisory body referred to in para 1 with regard to the safe and efficient operation of air navigation service provider whose principle place of operation is on the territory of the European Union Member State.

(6) (\*) The national supervisory body referred to in para 1 shall cooperate with the national supervisory bodies of other Member States of the European Union for compliance with the conditions for issuing of certificate for air navigation service and to provide the adequate supervision of the safe and efficient operation of the air navigation service providers holding a certificate issued by a Member State of the European Union and providing air navigation services in the serviced airspace of the Republic of Bulgaria.

Art. 16d. (new, SG 52/04; prev. text of Art. 16c – SG 37/06) (1) The applications for issuance of licences, permits, certificates, letters or approvals shall be filed in Chief



Directorate "Civil aviation administration" and shall be considered within 30 days.

(2) Where the applicant meets the requirements the head of Chief Directorate "Civil aviation administration" shall issue the respective act within 10 days from expiration of the term under para 1.

(3) The head of Chief Directorate "Civil aviation administration" may authorize officials for the issuance or withdrawal of permits, certificates, letters or approvals.

(4) The rights under the acts under para 1 shall not be subject to transfer or ceding.

(5) For established violations of the requirements for security and safety and of the other obligations established by a law by the person to whom an act under para 1 has been issued, as a compulsory administrative measure the head of Chief Directorate "Civil aviation administration" or an official authorized by him shall:

1. limit the rights under the issued act until the removal of the violation and fulfillment of the given obligatory prescriptions if the fulfillment of the limited activity will not threaten the security and safety of the aviation and will not create a danger of occurrence of damages or threat to the life and health of people;

2. suspend temporarily the rights under the issued act until the removal of the violation and fulfillment of the given obligatory prescriptions if the fulfillment of the limited activity will not threaten the security and safety of the aviation and will not create a danger of occurrence of damages or threat to the life and health of people.

(6) The rights ensuing from the issued acts under para 1 shall be terminated:

1. on withdrawal of the act by a decision of the head of Chief Directorate "Civil aviation administration" or by a decision of an official authorized by him for acts under para 3:

a) when the person or the site for which they have been issued no longer meets the requirements for their issuance;

b) where the act has been issued pursuant to false documents or documents of untrue contents;

c) on violation of the law or of the bylaws related to the issuance of the act and non-fulfilment of the given obligatory prescriptions within the set term;

2. upon application of the holder;

3. upon termination of the activity of the person.

(7) (amend. - SG 30/06, in force from 12.07.2006) The explicit or implied refusal to issue the acts under para 1, as well as their limiting, invalidation or withdrawal shall be subject to appeal by the order of the Administrative procedure code.

Art. 16e. (new, SG 52/04; prev. text of Art. 16d – SG 37/06) (1) (amend. SG 88/05) Established in the Ministry of Transport shall be a specialized unit for investigation of aviation events which shall:

1. maintain a system of obligatory and voluntary reporting of aviation events: aviation accidents, serious incidents and incidents;

2. organize and control technically the investigation of aviation accidents and serious incidents and assist the work of the commissions appointed for the purpose;

3. keep an archive for the investigations and maintain informational database for the aviation events;

4. work out and circulate an information bulletin for the aviation events;

5. in investigating aviation events analyse the activities of the individuals and corporate bodies in the sphere of aviation and the functioning of the sites and facilities related

to the concrete event.

(2) (amend. SG 88/05) The support of the specialized unit under para 1 shall be provided by the budget of the Ministry of Transport.

(3) The specialized unit under para 1 and Chief Directorate "Civil aviation administration" shall inform each other on receiving an information for aviation event.

Art. 16f. (new – SG 41/07) The Minister of Transport or an official authorized by him/her shall:

1. issue certificates of qualification to radio operators of the air mobile radio service and air mobile satellite radio service, shall issue permits for usage of radio stations on aircrafts and shall maintain public registers of issued certificates and permits;

2. carry out international coordination of radio frequencies and radio frequency bands, and also of technical parameters of radio facilities, which are using them, for radio services air mobile, air mobile-satellite, air radio navigation and air radio navigation – satellite;

3. provide to be used the distributed indicative signs for identification of radio stations on aircrafts and shall maintain a register of them under the conditions and pursuant to a procedure, set in an ordinance of the Minister of Transport, for the distribution of the indicative signs in the Republic of Bulgaria according to the requirements of the International telecommunication Union.

## Chapter two. AIRCRAFTS

Art. 17. For civil aviation can be used only aircrafts meeting the requirements of this law.

Art. 18. (amend. SG 34/01, amend. SG 88/05) The aircrafts shall be used only for the purpose, for which it has been designated. The change of its designation shall be admitted with a permission of the Civil aviation administration at the Ministry of Transport.

Art. 19. (amend. SG 85/98) (1) The aircrafts shall be admitted to be operated with after an inspection, registration and a certifying of its flying capability.

(2) (amend., SG 52/04; suppl. – SG 10/07, in force from 30.01.2007)) The head of Chief Directorate "Civil aviation administration" shall issue a certificate for the flying capability of an aircraft where it meets the requirements of the respective standards and holds a standard certificate or another equivalent document, issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircraft.

(3) (new, SG 52/04, amend. SG 88/05) Where the aircraft does not meet the respective standards for flying capability or compliance with them has not been proven the head of Chief Directorate "Civil aviation administration" may issue a permit for admission to flight on condition that the aircraft can perform a flight safely under definite limitations and conditions. Minister of Transport shall issue an ordinance for the terms and the order of issuing the permit for admission to flight.

(4) (new – SG 10/07, in force from 30.01.2007) Each aircraft entered into the Register of Aircrafts of the Republic of Bulgaria has to meet the requirements of the Regulation (EO)

No. 1592/2002 of the European Parliament and the Council on the common rules in the field of civil aviation and establishment of European Aviation Safety Agency with the respective amendments and supplements and of the Regulation (EO) 1702/2003 of the European Commission, laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations with the respective amendments and supplements.

Art. 20. (amend. and suppl. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The civil aircrafts shall be entered in the register of the civil aircrafts of the Republic of Bulgaria, which shall be kept by the Civil aviation administration at the Ministry of Transport.

(2) (amend. SG 85/98) The entering into the register and the deletion therein shall be implemented with an application by the owner, the possessor or the holder of the aircrafts. The application shall be submitted in 30 days term after the date of occurrence of the corresponding grounds.

(3) (new – SG 10/07, in force from 30.01.2007) The aircrafts, entered into the register under par. 1, shall be deleted from the register ex officio when the certificate of flying capability of the aircrafts has been withdrawn or its validity has expired for more than 6 months.

Art. 21. (1) An aircraft, entered in foreign register, can be entered in the Bulgarian register after it has been deleted from the foreign one.

(2) The registration of the Bulgarian aircraft in a foreign register shall not create any legal consequences, if the aircraft is not deleted from the Bulgarian register by the established order.

Art. 22. (amend. SG 85/98) (1) (prev. text of art. 22 – SG 52/04) The civil aviation administration shall issue a certificate for registration of an aircraft entered into the register of civil aircrafts where shall be entered the national and the registration-identification sign.

(2) (new, SG 52/04) The terms and the order of entering and writing off aircrafts in the register of the civil aircrafts of the Republic of Bulgaria shall be determined by the ordinance under art. 5, para 4.

Art. 23. (amend. SG 85/98) (1) The transfer of the right of ownership, the establishing and transfer of real rights and the establishing of real encumbrances in aircrafts shall be done in writing.

(2) The transactions of para 1 shall have effect for third persons after their entering into the register of civil aircrafts.

(3) Invalid shall be a contract for sale or for letting out aircrafts – ownership of Bulgarian persons, concluded in contradiction with international agreements or with a decision of an international organisation, approved by the Republic of Bulgaria.

(4) The establishing of a pawn over aircrafts shall have effect from the date of entering into the register. At establishing two or more pawns over one and the same aircrafts the order of preference satisfaction shall be determined by the date of entering of the encumbrance in the register of civil aircrafts and if the entering is made on one day, decisive

shall be the consecutive number of entering.

Art. 24. (amend. SG 85/98) (1) The aircrafts shall be subject to check for establishing the compliance with standards for flight fitness, for aviation noise and for gas emissions of the aviation engines, determined in the Republic of Bulgaria.

(2) (new – SG 85/98) The civil aviation administration shall be able to recognise the certificate for flying fitness of the aircrafts produced abroad if it complies with the standards for flying fitness.

(3) (new – SG 85/98) At change of equipment of a flying means the Civil aviation administration shall issue a certificate for flying fitness also for the equipment of the aircrafts.

(4) (new – SG 85/98; amend., SG 52/04) The Civil aviation administration shall recognise certified for aviation noise of the flying means and for gas emissions of the aviation engines issued by the respective foreign aviation administration.

(5) (new – SG 85/98, amend. SG 34/01; amend., SG 52/04, amend. SG 88/05) The Minister of Transport shall issue an ordinance for the terms and the order of certification of aircrafts and the products related to them, parts and devices, as well as for approval of the persons designing and/or producing them.

(6) (new, SG 52/04, amend. SG 88/05) The Minister of Transport shall issue an ordinance determining the requirements for formation of the flying ability of newly produced aircrafts, for maintaining and certifying the flying ability of aircrafts and the related products, parts and devices.

(7) (amend. SG 88/05) The Minister of Transport shall determine by an ordinance the terms and the order of issuing certificates for aviation noise and gas emissions of the aviation engines.

Art. 24a. (new, SG 52/04) (1) (suppl. – SG 10/07, in force from 30.01.2007) The production or restoration of aircrafts or products, parts and devices thereof shall be carried out by individuals or corporate bodies registered under the Commercial Law, or persons, registered as traders under the legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area, who hold a certificate.

(2) The head of Chief Directorate "Civil aviation administration" or an official authorized by him shall issue a certificate for production or restoration of the respective type of aircraft and of the products, parts and devices thereof if the persons meet the requirements for financial stability and professional competence.

(3) The terms and the order of issuing certificates for production or restoration of the respective type of aircraft or of products, parts and devices thereof shall be settled by the ordinance under art. 24, para 6.

Art. 25. (amend. SG 85/98) (1) The maintenance of the flying activity of the aircrafts shall be implemented by individuals and corporate bodies acquired a right to implement technical service and repairs of aviation facilities.

(2) (amend. and suppl. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine with an ordinance the conditions and the order for issuing the certificates and the licenses to the persons of para 1.

(3) (new – SG 34/01) The license for implementing the activities of para 1 shall be

issued by the director of the Civil aviation administration.

(4) (new – SG 34/01) The license shall be personal and shall not be subject to transfer.

(5) (new – SG 34/01; suppl. – SG 10/07, in force from 30.01.2007)) The license for technical servicing and repair of aviation machinery shall be issued to individuals and corporate bodies, registered under the Commercial law or to persons, registered as traders under the legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area under the following conditions:

1. all the necessary facilities, equipment, instruments, materials and technical documentation (approved data) ensure the fulfilment of the whole amount of works for the technical servicing and the repair of aviation machinery and create conditions for proper preservation of the components of the aircrafts;

2. the staff, certifying the technical servicing, meets the qualification requirements for certifying of the aviation staff of the civil aviation and is sufficient for planing, implementing, management and control of the works for the technical servicing and repair of civil aircrafts and their components.

(6) (new – SG 34/01; revoked, SG 52/04)

(7) (new – SG 34/01; amend., SG 52/04) The chief director of the Civil aviation administration shall refuse the issuing of license in case the candidate does not meet some of the conditions of para 5, regulated in detail with the ordinance.

(8) (new – SG 34/01; revoked, SG 52/04)

(9) (new, SG 52/04) The maintenance of the flying ability of aircrafts with a maximal takeoff weight under 5700 kg, performing non-commercial flights, may also be carried out by individuals holding certificate for legal capacity for technical servicing of aircrafts.

Art. 25a. (new – SG 34/01) (1) (amend., SG 52/04) The license for technical servicing and repair of aviation machinery shall be termless.

(2) (revoked, SG 52/04)

(3) (amend., SG 52/04, amend. - SG 30/06, in force from 12.07.2006) The license can be withdrawn, as well as its effect to be stopped entirely or partially for certain period in case the licenses person violates the conditions of art. 25, para 5 and the ordinance of art. 25, para 2. The act for withdrawing or stopping of the effect of the license shall be subject to appeal by the order of the Administrative procedure code.

(4) (amend., SG 52/04) For the issuing of license for technical servicing and repair of aviation machinery fees shall be collected in extent, determined by the Council of Ministers.

Art. 26. (amend. SG 85/98) The certificates for flying fitness, for aviation noise and for gas emissions of the aircrafts, registered in the country, shall be taken away if at inspection a breach of the corresponding requirements of this law is established.

Art. 27. (amend. SG 85/98) The certificates for flying fitness issued by the foreign competent bodies shall be recognised as valid in the Republic of Bulgaria in the following cases:

1. if the requirements for flying fitness in the country which competent body has issued the certificates for flying fitness comply with the international standards and

requirements or exceed them;

2. if the Civil aviation administration has given consent the inspection of the Bulgarian aircraft to be carried out in another country according to the requirements of item 1.

Art. 28. (amend. SG 85/98) The Civil aviation administration can subject to control also a foreign aircrafts, when there is doubt about its flying fitness.

Art. 29. (suppl., SG 52/04) An aircraft without a certificate for flying fitness or for registration, without a permit for admission to flight, or which identification signs do not correspond to the signs, pointed out in these certificates, shall be kept by the control bodies.

Art. 30. (suppl. SG 85/98; amend., SG 52/04) (1) Each aircraft, fulfilling international flights, as well as every aircraft with a maximal takeoff weight over 750 kg, fulfilling home flights, must have during flight on board the following documents:

1. certificate for registration;
2. certificate for flying fitness or permit for admission to flying;
3. permission for operating aircraft radio station;
4. certificate for competence of each member of the crew;
5. documents for insurance;
6. board diary;
7. flight plan;
8. list of the passengers with indication from and to where they are travelling;
9. manifest and detailed declarations about the cargo, if there is cargo;
10. a certificate for aviation operator if the flight is commercial.

(2) (amend. SG 88/05) The Minister of Transport shall issue an ordinance determining other documents, besides those under para 1, which must be on board of the aircrafts, in compliance with the regional agreements of the International Civil Aviation organization (ICAO).

(3) The ordinance under para 2 shall also determine the necessary documents to be on board of the aircrafts with maximal takeoff weight under 750 kg in fulfillment of home flights.

Art. 31. (amend. SG 85/98) The board documents of the foreign aircrafts shall be recognised as appropriate, if they meet the requirements of the international agreements, party in which is the Republic of Bulgaria.

Art. 31a. (new – SG 85/98) (1) The airfield administration can move an aircraft, its parts or aggregates on the territory of the airfield when, without being an impediment for the operating aircrafts they have been located on the territory of the airfield for more than 6 months and during this period the aircraft has not been in status of flying fitness or its owner, possessor or holder has not paid the price for parking or the rental price for more than 3 months.

(2) The activity of para 1 shall be undertaken if with one month written notification has been informed the person who has left the aircraft or its parts or aggregates or with whom has been concluded a parking contract.

(3) The airfield administration shall be able to remove from the flying field an aircraft which has lost the ability to move, if it constitutes an impediment for operating aircrafts, and the operator of the aircraft has not undertaken the necessary effective measures for timely moving after the occurrence of the event.

(4) The airfield administration shall not bear responsibility for damages and losses incurred at moving or removal of the aircraft or of elements of the aircraft under this Art.

### Chapter three. STAFF AND CREW (title changed – SG 85/98)

Art. 32. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine the positions for which shall be required a certificate for competence.

(2) (amend., SG 52/04) The flying staff shall be the persons who have flying certificate. To them shall be equalled at implementation of a flight the persons who are in the process of training for acquiring flying competence.

(3) (amend. SG 34/01, amend. SG 88/05) The civil aviation administration shall issue certificates for competence and keep a register of the staff under conditions and by the order, determined by the Minister of Transport.

Art. 33. (amend. SG 85/98, SG 34/01, amend. SG 88/05) The Minister of Transport shall determine:

1. the conditions and the order for opening aviation training centres and the requirements they are to meet;

2. the requirements and the order for issuing certificates for the teachers in the aviation training centres and the programmes for their training;

3. the list and the qualification requirements for the corresponding aviation professions;

4. the requirements to the candidates for training in aviation training centres, the programmes according to which they are trained, the conditions and the order for conducting the exams.

Art. 34. (amend. - SG 37/06) (1) The members of the crew of an aircraft registered in the Republic of Bulgaria shall hold competence certificates issued or recognized as valid by the Chief Directorate "Civil aviation administration".

(2) By a permit of the Minister of Transport can be admitted to work in the civil aviation foreigners for a period not longer than one year.

(3) The positions, immediately connected with the ensuring of the safety of flights and the maintenance of the flying fitness of the aircrafts, shall be taken only by persons with higher education and aviation qualification and shall be determined according to order established by the Minister of Transport.

Art. 35. (amend. SG 85/98) The documents for competence of the persons of art. 32, para 1, issued by foreign institutes and bodies, shall be recognised as valid on the basis of mutuality, if the requirements for issuing of documents for competence of the persons of art.

32, para 1 comply with the established by the moment international standards or exceed them.

Art. 36. The trained person shall not bear responsibility for damages, caused at training flights, unless they are caused deliberately.

Art. 37. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The persons of aviation who are subject to medical certification and the requirements, which they have to meet, shall be determined by the Minister of Transport.

(2) (amend. SG 34/01, amend. SG 88/05) The fitness of the staff for implementation of the corresponding activity with regard to the health status of the persons shall be established by a specialised transport aviation medical commission, which status, members, staff and rules for activity shall be determined by the Minister of Transport.

Art. 38. (amend. SG 85/98) (1) (suppl., SG 52/04; amend. and suppl. - SG 37/06) The crew of an aircraft shall be the aviation staff to which is assigned the implementation of the flight. The members of the crew of the aircraft shall have legal terms of employment with the aviation operator. The requirement for employment of the aviation staff shall not be applied to the members of the crew of aviation operator carrying out flights as referred to in Art. 64b upon operation of flights at other aviation operators.

(2) The combination of the positions in the crew shall be determined by the Civil aviation administration depending on the type of the aircraft and the character of the flight. The flights with incomplete crew shall be forbidden.

(3) (new - SG 37/06) In respect to utilization of aeroplane the members of the crew shall be liable for observance of the requirements of the ordinance referred to in Art. 16a, item 14.

Art. 39. (1) (amend. and suppl. SG 85/98) Each civil aircraft at flight shall be managed by a captain, who must be specialist pilot. He is responsible for the pre-flight preparation of the crew and for the implementation of the flight in compliance with the established rules for preservation of the aircraft, the life of the persons in it and the transported loads.

(2) (suppl., SG 52/04) The captain of the aircraft shall be obliged to refuse to implement a flight, when unfitness of the aircrafts is established, which has not been included in the list of admissible refusals of the manual for flight operation of the type of aircraft.

Art. 40. (1) The orders of the captain of the aircraft, connected with the implementation of the flight and with the observing of the order, established in the aircraft, shall be obligatory for all the persons in it.

(2) The captain of the aircraft can take all necessary measures regarding the persons, who do not fulfil his orders, including to remove them from the aircraft at the starting or at an intermediate airfield.

Art. 41. (1) The captain of an aircraft, received signal for distress from another aircraft or from a sailing vessel, discovered aircrafts or sailing vessel in distress or people in



danger, shall be obliged to render help, to determine the location of the distress and to inform about this the air traffic control service.

(2) The captain of the aircraft shall not have right to implement activities for rescuing, which put at danger the aircraft, piloted by him, the passengers or the crew.

Art. 42. (amend. SG 85/98) At forceful taking over of the aircraft the captain must undertake all possible measures for returning the control over it under the condition, that with this are no put in danger the life of the crew and of the passengers and the entity of the aircraft.

## Chapter four. AIRFIELDS

Art. 43. (amend. SG 85/98) (1) The aircrafts shall take off and land on airfields and air plots.

(2) (amend. SG 85/98) Civil airfields shall be:

1. airfields for public use for servicing international and internal transport, for servicing flights, for aviation and other services against payment;

2. (amend. SG 34/01; amend., SG 52/04) airfields for servicing flights for aviation services against payment; including for single flights for transport services, implemented with aircrafts with maximum take off weight up to 5700 kg or with capacity up to 19 passenger seats;

3. technological – used only for the needs of the owner without payment.

(3) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05) The Council of Ministers at a proposal by the Minister of Transport shall determine the civil airfields for public use in the Republic of Bulgaria, as well as these of them, which service international transport.

(4) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05) The civil airfields of para 2, items 2 and 3, on which can be accepted civil aircrafts, shall be determined by the Minister of Transport in co-ordination with the Minister of defence, the Minister of Finance and the Minister of Interior with the explicit consent of the owner of the airfield.

(5) (new – SG 34/01) Civil airfield of para 2, items 2 and 3, can acquire status of civil airfield for public use after the property acquires quality of property – public state property, with a decision of the Council of Ministers upon request by the persons, having the right of ownership in it, if the airfield meets the requirements of the law. New airfields for public use shall be constructed on sites – public state property.

(6) (new – SG 85/98, prev. (5), amend. SG 34/01, amend. SG 88/05) The Minister of Transport and the Minister of Defence shall determine the order for joint use of the civil airfields for public use and of the military airfields.

(7) (new, SG 52/04) The flight plots shall be used for servicing non-commercial flights of aircrafts with maximal takeoff weight under 5700 kg against payment or without payment, as well as for technological needs of the owner without payment. The limitation for maximal takeoff weight shall not regard helicopters.

Art. 43a. (new – SG 85/98, amend. SG 34/01) (1) The civil airfields for public use shall be public and private ownership.

(2) The civil airfields for public use shall be public state ownership.

(3) The airfields of art. 43, para 2, items 2 and 3 can be private ownership of the state,

of the municipalities, of individuals and corporate bodies.

(4) The land on which are located the facilities for navigation and management of air traffic, servicing flights, connected with international or internal public transport and the technologically necessary terrain, shall be public state ownership.

Art. 43b. (new – SG 34/01; amend., SG 52/04) (1) The civil airports for public use shall be used by airport operators – entrepreneurs who have obtained concession under the conditions and by the order of the Law for the concessions and this law, or trade companies of which the state is sole owner of the capital.

(2) (amend. SG 88/05; amend. - SG 36/06, in force from 01.07.2006) The Minister of Transport shall carry out the arrangements for granting concession for civil airports for public use, conclude the concession contracts and carry out control of their fulfillment.

(3) (amend. - SG 36/06, in force from 01.07.2006) On granting concession for an existing civil airport for public use the decision of the Council of Ministers for opening the procedure for concession granting, as a term of fulfillment of the concession, shall obligatorily indicate the requirements for airport operator. Licence for airport operator shall be issued to the concessionaire determined by the Council of Ministers upon conclusion of the concession contract within the terms set by it if the concessionaire meets the requirements for issuance of licence set by this law.

(4) The decision under para 3 shall also determine the rights and obligations related to the activities under art. 48a, para 3 and art. 48e, para 3, item 3, 4, 5 and 7 carried out by the concessionaire, as well as the terms and the order by which the concessionaire collects airport fees under art. 120, para 1, including the respective part of these fees collected in his favour in connection with the fulfillment of the assigned activities.

(5) (revoked – SG 36/06, in force from 01.07.2006)

(6) (revoked – SG 36/06, in force from 01.07.2006)

(7) (revoked – SG 36/06, in force from 01.07.2006)

(8) (revoked – SG 36/06, in force from 01.07.2006)

(9) (revoked – SG 36/06, in force from 01.07.2006)

(10) (revoked – SG 36/06, in force from 01.07.2006)

Art. 43c (new – SG 34/01) The granting of concession for municipal airfield – public municipal ownership, shall be implemented under the conditions and by the order of the Law for the municipal ownership.

Art. 43d. (new – SG 34/01) (1) The expenses of the concessionaire, connected with the construction, the exploitation and the maintenance of the site of concession, shall be recognised as factual expenses.

(2) The expenses of para 1, formed as financial losses, shall start to be deducted consequently from the year, when the exploitation of the site of the concession starts, for a term and under conditions, determined in the concession contract.

(3) The additional expenses, made by the concessionaire, shall be recognised as factual expenses, when they are provided in the concession contract.

Art. 43e. (new – SG 34/01, amend. SG 88/05) The sole owned commercial companies

with state assets shall use the civil airfields for public use without concession. The amount of their concrete rights and obligations shall be determined by the Minister of Transport, who shall exercise the rights of sole owner of the capital.

Art. 44. (amend. SG 85/98) (1) (suppl., SG 52/04) The civil aviation administration shall ascertain the exploitation fitness of the civil airfields, the flying plots and the facilities for navigation, as well as of the systems and facilities for servicing passengers, servicing and catering to aircrafts, loading and unloading of luggage and cargo.

(2) About the sites of para 1 meeting the defined standards, conditions and requirements a certificate for exploitation fitness shall be issued.

(3) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05) The conditions and the order for ascertainment of the fitness of the airports, the flight plots and the navigation facilities, as well as the systems and facilities for servicing passengers, servicing and catering to aircrafts, loading and unloading of luggage and cargo, as well as the requirements for these sites shall be determined by an ordinance of the Minister of Transport.

Art. 45. The civil aviation administration can restrict or ban the exploitation of airfields and flying plots, which do not meet the requirements for safety of the flights.

Art. 46. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall co-ordinate the projects for construction, extension or reconstruction of civil airfields and navigation facilities.

(2) The co-ordination of para 1 shall be proceeded by:

1. general plan for the development of the airfield;

2. (amend., SG 52/04) approved detailed development plan and implementation of the procedures under the Law for protection of environment, the Law for the spatial planning, the Law for state ownership and the Law for municipal ownership, under this and other laws, which could have connection with the issued permission.

(3) (amend., SG 52/04, amend. SG 88/05) The Minister of Transport, the Minister of Regional Development and Public Works and the Minister of Agriculture and Forests shall determine with an ordinance the permissive regime in the easement zones and zones of influence of the airfields. The issuing of permissions for construction of buildings, facilities, water reservoirs, waste deposits, high voltage power lines, quarry pits and other similar sites in these zones shall be co-ordinated with the Minister of Transport.

Art. 46a. (new, SG 52/04, amend. SG 88/05) The Minister of Transport, in coordination with the Minister of Regional Development and Public Works, shall issue an ordinance determining the content of the specialized map and the register issued on the grounds of the data under art. 32, para 1, item 1 of the Law for the cadastre and the property register, and the terms and the order of their creation and maintenance.

Art. 47. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine the restrictions in connection with the safety of aviation connected with construction of sites of art. 46, para 3 as well as the requirements, the standards and the

way for mounting warning structures on high buildings and facilities.

(2) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05) The Minister of Transport and the Minister of Agriculture and Forests shall determine with an ordinance the possible restrictions over the character of the planted crops in the region of the airfields with regard to protection from birds.

(3) The civil aviation administration shall recommend dismantling of the part exceeding the safe height.

(4) At non fulfilment of the recommendation of para 3 the Civil aviation administration shall notify the competent bodies for removing the obstacle for the account of the person who has not fulfilled the recommendation.

(5) (new, SG 52/04) The removal of the obstacles under para 3 shall be for the account of the person having carried out the illegal actions, and in constructing a new or expansion of an existing airport – for the account of the airport operator.

(6) (prev. para 5 – SG 52/04) The airfield administration shall control the observing of the restrictions of para 1 and 2, including the closely located pillions, trees, masts, dikes and pits.

Art. 47a. (new - SG 37/06) Placement of aeroplanes, for which valid certificate for flight fitness on the territory of the civil airports for public use was not issued, shall not be allowed.

Art. 48. (amend. SG 85/98) The Civil aviation administration shall coordinate the designs for construction and reconstruction of buildings, facilities and other construction works on the territory of the airfield on the basis of the approved general plan.

Art. 48a. (new – SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine the standards, the conditions and the rules connected with the airfield security of flights.

(2) The Civil aviation administration shall control the implementation of the functions undertaken as obligation by the state by the force of international agreements for observation of the approved standards, conditions and rules for ensuring the flights.

(3) The airfield administration shall:

1. ensure the level of the announced categories and standards at implementation of the functions taken as obligation by the state by the force of international agreements connected with:

a) the maintenance of the flight field and the development of the infrastructure of the airfield;

b) the restriction and the removal of obstacles;

c) the maintenance of the visual signal means;

d) the urgency-rescue and the fire safety ensuring of the flights on the territory of the airfield and in its vicinity;

e) the guarding of the airfield;

f) the security of the flights;

g) the coordination between the different administrative bodies and enterprises in connection with the use of the airfield;

- h) the management of movement on the territory of the airfield;
  - i) the equipment and the installations for electric supply;
  - j) the simplification of the formalities in the airfields;
2. assign the development and the modernisation of the general and the cadastral plan of the airfield;
3. (amend., SG 52/04) create conditions for economic activity on the territory of the airfield for the operators of ground services licensed under this law;
4. undertake measures for restriction of the aviation noise;
5. be able to stop the take off of the aircrafts (except at implementation of regular transport) if the user has not paid the due fees or has not given sufficient guarantees for that;
6. collect airfield fees provided in this law.
- (4) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05) The Minister of Transport can assign entirely or partially the functions of the airfield administration to the airport operator.

Art. 48b. (new – SG 85/98; revoked, SG 52/04)

Art. 48c. (new – SG 85/98; amend., SG 52/04) (1) (suppl. – SG 10/07, in force from 30.01.2007) The activities of management and operation of a civil airport under art. 43, para 2, item 1 and 2 shall be carried out by entrepreneurs registered under the Commercial Law or persons registered as traders under a legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area, to whom a licence for airport operator has been issued.

(2) The airport operator shall be obliged to provide access, on equal terms, to each aircraft having obtained permit for performing flight.

(3) The airport operator shall be obliged to accept and service aircrafts in distress and state aircrafts.

(4) Chief Directorate "Civil aviation administration" shall control the fulfillment of the obligations under para 2 and 3.

(5) For systematic non-fulfilment of the obligations and in connection with the prevention and removal of the harmful consequences from their non-fulfilment Chief Directorate "Civil aviation administration" shall apply as a compulsory administrative measure suspension of the activity of the airport operator for management and operation of the airport.

(6) (amend. SG 88/05) The terms and the order of issuing a licence under para 1 shall be determined by an ordinance of the Minister of Transport.

Art. 48d. (new – SG 34/01; amend., SG 52/04) (1) The license for airport operator certifies that the organization, the equipment, the technologies and the personnel of the licensed person meet the standards and requirements for safe and quality maintenance of the operational fitness of the airport.

(2) License for airport operator shall be issued on condition that:

- 1. a certificate for operational fitness for the airport has been issued;
- 2. the person has produced proof of financial stability;
- 3. the staff of the candidate has qualification, professional experience and practice, necessary for the implementation of the activity;

4. the organisation, the equipment and the technologies ensure the observing of the established standards and procedures for ensuring the safety and the security of the flights at the respective airport;

5. the person has an approved by the Chief directorate Civil aviation administration Manual for management and operation of the respective airport.

Art. 48e (new – SG 34/01; amend., SG 52/04) (1) (suppl. – SG 10/07, in force from 3001.2007) The activities of land servicing of a civil airport under art. 43, para 2, item 1 and 2 shall be carried out by entrepreneurs registered under the Commercial Law or by persons registered as traders under a legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area to whom licence has been issued for operator of land services.

(2) The license for operator of land services shall be issued if the candidate meets the following requirements:

1. The personnel of the candidate has qualification, professional experience and length of service necessary for fulfillment of the activity;

2. has presented proof of financial stability;

3. has created organisation and possesses equipment and/or technologies providing the observance of the acting standards and procedures for safety and security of the persons, aircrafts, equipment and facilities of the respective airport;

4. has a manual for carrying out the activity on the respective airport approved by Chief Directorate "Civil aviation administration".

(3) Licence for operator of land services or self-servicing shall be issued for each of the following activities on the respective airport:

1. land administration and supervision;

2. servicing of passengers;

3. luggage processing;

4. processing of cargo and mail;

5. station servicing of aircrafts;

6. servicing of aircrafts;

7. servicing of aircrafts by fuel and oil;

8. technical servicing of aircrafts;

9. flight operations and administering of the crews;

10. land transport;

11. catering.

(4) Every person to whom licence under para 3 has been issued shall have right to access to the market of land servicing of a definite airport for public use under the conditions of para 5, 6 and 7.

(5) On an airport with an annual passenger traffic of over 2 million passengers or an annual cargo traffic over 50 000 t the number of operators providing services to third persons, related to processing of luggage, cargo and mail, platform services of aircrafts and services with fuel and oil of aircrafts, and have obtained access to the market, may not be less than two for each of these activities, unless there are no candidates.

(6) Where the operators of land servicing under para 5 are two or more at least one of them shall not be directly or indirectly controlled by:

1. the airport operator;

2. an air carrier who carries more than 25 percent of the passengers or cargo on a definite airport, or

3. a body controlling or controlled directly or indirectly by the airport operator or by the airway carrier.

(7) On an airport with passenger traffic over 1 million passengers or annual cargo traffic over 25 000 t the right to carry out self-service for the activities under para 3, item 3, 4, 5 and 7 shall be conceded to no less than two airway carriers, unless there are no candidates. Under the above thresholds right to self-services for the activities under para 3, item 3, 4, 5 and 7 shall have only one airway carrier who carries the larger part of the passengers or cargo on the airport.

(8) Chief Directorate "Civil aviation administration" may:

1. limit the number of operators carrying out land services to third persons and providing one or more activities outside those under para 5, and the limitations under para 6 shall apply for the operator respectively;

2. concede only to one operator, carrying out land servicing to third persons, the right to carry out one or more of the activities under para 5;

3. limit the number of the self-servicing airway carriers carrying out activities outside those under para 7;

4. prohibit the self-servicing or concede the right of self-servicing only to one airway carrier in the cases under para 7.

(9) The limitations under para 8 shall be imposed for shortage of technological area or capacity of an airport, having occurred as a result of overloading and a large percentage of used area.

(10) The limitation under para 8, item 2 may be imposed for a period of up to two years, and under para 8, item 1, 3 and 4 – for a period of up to three years.

(11) Chief Directorate "Civil aviation administration" may extend once the term of the limitation under para 8, item 2 by two years.

(12) Regardless of the passenger traffic or cargo traffic on the airport and the imposed limitations the airport operator shall carry out without competition the activities of land servicing for which he has obtained licence for operator of land services.

Art. 48f. (new, SG 52/04) (1) On an airport with annual passenger traffic over 1 million passengers or annual cargo traffic over 25 00 t may be established a committee of the users of activities of land servicing.

(2) Every user of activity of land servicing shall have the right to participate in the committee of users of activities of land servicing through their representatives or organization created for that purpose.

(3) (new – SG 10/07, in force from 30.01.2007) Airport operator shall hold at least once a year consultations with the committee of consumers and operators of land services of the respective airport on the issues, related to the access to land services market. Consultations shall end up with issuing of an act by the airport operator.

(4) (new – SG 10/07, in force from 30.01.2007) In case of imposed restriction under Art. 48e, par. 8, item 1 consultations of par. 3 shall include also consultations regarding the price of land services, for which imposition of restrictions is provided, and regarding organization of provision of these services. Consultations shall end up with issuing an act by the airport operator.

(5) (new – SG 10/07, in force from 30.01.2007) The acts of the airport operator under par. 3 and 4 are administrative acts and shall be subject to appeal under the provisions of the Administrative Procedure Code

Art. 48g. (new, SG 52/04) (1) When for a definite airport limits are introduced according to art. 48e, para 5 or para 8, item 1 and 2 a competition shall be held for access to the market of operators of land servicing. The competition shall be held by the airport operator or by Chief Directorate "Civil aviation administration" where the activity – subject of the competition is carried out by the airport operator or by a person controlled directly or indirectly by the airport operator.

(2) The competition under para 1 shall be held upon consultations with the committee of the users of activities of land servicing.

(3) (suppl. – SG 10.07, in force from 30.01.2007) The terms of the competition shall be announced publicly in at least two daily newspapers, one of which at the location of the airport and in the Official Gazette of the European Union.

(4) The announcement for holding the competition shall contain the term of access to the market which may not be longer than 5 years.

(5) The competition documentation shall be worked out upon consultations with the committee of users of activities of land servicing and shall contain minimal financial and other terms, requirements related to assessment of the participants in the competition, draft contract and other requirements related to the subject of the competition.

(6) The candidates shall present:

1. declarations for the circumstances under para 8;
2. licence for operator of the respective activity of land servicing;
3. business plan;
4. organizational project for organizing the activity and for interaction with the airport operator, including terms of interaction acceptable by the Chief Directorate "Civil aviation administration";
5. other documents required by the competition documentation under para 5.

(7) The organizational project under para 6, item 4 shall contain a proposal for locating the operator on the territory of the airport (necessary premises and areas for the machines, equipment and personnel of the operator), a proposal for necessary access to energy sources and water sources, needs of communication devices, providing the conditions of protection of the environment during the activity of the operator, including organization of the activity and admission regime.

(8) Removed from participation in the competition shall be a person who:

1. has been declared bankrupt or who is under bankruptcy proceedings;
2. has been convicted for bankruptcy;
3. is in liquidation;
4. has been deprived of the right to exercise trading activity;
5. has obligations for the state established by an act issued by a competent body, or liabilities to insurance funds, unless the competent body has admitted deferring or postponement of the liabilities;
6. has been convicted for crime against the property or against the economy.

(9) The requirements of para 8, item 6 shall regard the managers or the members of the management boards of the participants.



(10) (amend. - SG 30/06, in force from 12.07.2006) The airport operator or the head of Chief Directorate "Civil aviation administration" shall issue a permit for access to the market of land servicing to the winner of the competition. The decision of the airport operator for choice of an operator of land servicing shall be an individual administrative act and shall be subject to appeal by the order of the Administrative procedure code.

(11) The permit for access of the operator of land servicing to the market of airport activities of a concrete airport shall be withdrawn:

1. when the operator of land servicing does not start the activity in more than 60 days from obtaining the permit;

2. upon withdrawal of the licence for operator of land servicing;

3. when the operator of land servicing is declared bankrupt.

4. (new – SG 10/07, in force from 30.01.2007) where the operator of land servicing does not observe the rules of Art. 48h at the respective airport.

(12) In the cases of para 11, item 2 and 3, until the holding of a new competition, shall be appointed an operator of land servicing who will carry out the activity of the removed operator.

(13) The ordinance under art. 48c, para 6 shall also settle the terms and the order of access to the market of land servicing, for issuance of licence for operator of land servicing, the activities of land servicing, as well as the terms and the order by which limits to the access may be imposed.

Art. 48h. (new – SG 10/07, in force from 30.01.2007) (1) In order to guarantee safety operation of the airport, the airport operator shall issue obligatory instructions to the land services operators in compliance with the respective approved airport management and operation manual.

(2) The airport operator shall distribute the available free space for land services and shall provide access to the airport facilities to the land services and self-services operators to the extend, relevant for carrying out of their activity.

(3) The acts of airport operators under par. 1 and 2 are administrative acts and shall be subject to appeal pursuant to the provisions of the Administrative Procedure Code

Art. 48i. (new – SG 10/07, in force from 30.01.2007) (1) The airport operator and the air carrier providing also land services, and also the land services operator shall maintain analytical accounting of receipts and expenditures related to the land service activities, as well as of receipts and expenditures related to other activities.

(2) The persons under par. 1, providing land services, within 20 days after expiration of the respective quarter shall present to the General Directorate "Civil Aviation Administration" statements of the respective accountancy documentation. The General Directorate "Civil Aviation Administration" shall inspect the observance of the requirements of par. 1.

## Chapter five. FLIGHTS

Art. 49. (amend. SG 85/98) (1) The aircrafts shall implement flights in the serviced airspace of the Republic of Bulgaria according to a flight plan.

(2) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine the rules regulating the flights in the serviced airspace of the Republic of Bulgaria.

(3) (new, SG 52/04) Used in the air transportation, besides the measuring units of the International System (SI) may be the units of foot, nautical mile and knot, as well as their derivatives and composites.

Art. 50. (amend. SG 85/98) (1) The regular international air transport to or from the airfields on the territory of the Republic of Bulgaria shall be subject to permissive regime.

(2) (amend., SG 52/04) The permission of para 1 shall include requirements and conditions for approval the access of an airway carrier to each line, coordination and approval of the flight schedule or other requirements defined in international agreement.

(3) (amend., SG 102/05) Irregular commercial flights to and from airfields on the territory of the Republic of Bulgaria shall be permitted by the Civil aviation administration, and international flights with not commercial objective of Bulgarian and foreign state non-military aircrafts for which no permission is required by the National Assembly or by the Council of Ministers, shall be permitted by the Minister of Foreign Affairs. For military aircrafts permit shall be issued under the procedure of the Law of Transit through or Stay on the Territory of the Republic of Bulgaria of Allied and Foreign Armed Forces and the Law of sending and usage of Bulgarian Armed forces outside the territory of the Republic of Bulgaria.

(4) The internal public transport with aircrafts shall be permitted by the chief of the Civil aviation administration.

(5) (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine the conditions and the rules for permitting the flights of aircrafts.

Art. 51. (amend. SG 85/98) (1) A detraction of an aircraft from the flight plan shall be admitted only in the interest of safety and security of the flight.

(2) In case of detraction of para 1 the captain of the aircraft and the authorities servicing the flight shall mutually inform about the decision taken.

(3) A foreign aircraft entered without a permission in the airspace of the Republic of Bulgaria as well as any aircraft using illegally the airspace or breaching the rules for flights shall be considered as violator.

Art. 52. The air tracks shall be supplied with the necessary means for radio connection, guiding the aircraft and management of the flights, ensuring safety of the flights.

Art. 53. (amend. SG 16/97, SG 34/01, in force from January 1, 2001) (1) (amend., SG 102/05; suppl. - SG 37/06) The corporate body "Air traffic control" shall be transformed into State enterprise "Air traffic control" (SE "ATC") in the context of art. 62, para 3 of the Commercial law – a corporate body with headquarters in Sofia, which shall hold a certificate for air navigation service provision and implement state functions for conceding air navigation services in the serviced civil airspace of the Republic of Bulgaria.

(2) (amend. – SG 102/05; amend - SG 37/06) The basic subject of activity of State enterprise "Air traffic control" is:

1. management of the air traffic for achieving safety, efficiency and regularity of the flights in the serviced civil airspace;

2. planning, ensuring, implementation, utilization and maintenance of facilities, systems and equipment for communication, navigation, surveillance, energy, technical light, meteorological and air navigation ensuring of the serviced air traffic and the attending infrastructure;

3. communication service, navigation service and surveillance service;

4. meteorological service;

5. aeronautical information service;

6. metrological service;

7. information servicing of the activities for seeking and rescuing of aircrafts;

8. management of the system for safety of the air traffic within the competence, conceded to it;

9. fulfilment of the obligations of the Republic of Bulgaria, ensuing from international agreements in the field of the management of the air traffic, to which the Republic of Bulgaria is a party;

10. collecting of fees for air navigation servicing under art. 120, para 2.

(3) State enterprise "Air traffic control" can concede also other services, connected with its activity.

(4) (amend. - SG 102/05; amend. - SG 37/06) At implementing its activity of para 2, item 1 the State enterprise "Air traffic control" shall have rights and obligations regarding all aircrafts making flights in the serviced civil airspace. For the military aircrafts the State enterprise "Air traffic control" shall perform the activities under Para 2, items 1, 2 and 3 in coordination with the Ministry of Defence.

(5) (amend. SG 88/05) The assets of the State enterprise "Air traffic control" shall consist of assets, conceded in kind, amount and value by the Minister of Transport, and of assets, acquired by State enterprise "Air traffic control". To the State enterprise "Air traffic control" shall be conceded for management the land and the technological servicing terrain – public state ownership in the sense of art. 43a, para 4.

(6) Compulsory execution cannot be directed against the assets of the State enterprise "Air traffic control".

(7) Insolvency procedure cannot be opened for the State enterprise "Air traffic control".

(8) (amend. SG 88/05) In order to guarantee its solvency the State enterprise "Air traffic control" shall maintain pecuniary reserve. The amount, the order and the conditions for its maintenance and spending shall be determined by the Minister of Transport and the Minister of Finance.

(9) The State enterprise "Air traffic control" shall create and maintain centres for training and qualification for implementation of its activity.

(10) The State enterprise "Air traffic control" shall assign public orders by the order of the Law for the public orders for implementation of its activity, except for the activities, connected with the safety of the aviation, with the management of the airspace and with ensuring of air navigation servicing. The State enterprise "Air traffic control" can also be a contractor in contracts for public orders, which have as subject the activity, implemented by it.

Art. 53a. (new – SG 34/01, in force from January 1, 2001) Management bodies of State enterprise "Air traffic control" shall be:

1. (amend. SG 88/05) the Minister of Transport;

2. the management council;
3. the general director.

(2) Control body of the State enterprise "Air traffic control" shall be the control council.

Art. 53b. (new – SG 34/01, in force from January 1, 2001) (1) (amend. SG 88/05) The Minister of Transport shall:

1. exercise the rights of ownership of the state in the State enterprise "Air traffic control" and conduct the policy of the state in the field of organisation and control for use of the airspace, as well as the ensuring of safety, efficiency and regularity of the flights.

2. appoint and discharge the members of the management council and of the control council;

3. appoint and discharge the general director of the State enterprise "Air traffic control", who shall by right be member of the management council;

4. permit the participation of the State enterprise "Air traffic control" in commercial and public companies;

5. approve regulation for the structure, the functions and the activity of the State enterprise "Air traffic control";

6. approve the decisions of the management council for participation of the State enterprise "Air traffic control" in international organisations;

7. approve the programme for development of the State enterprise "Air traffic control".

Art. 53c. (new – SG 34/01, in force from January 1, 2001) (1) (amend. SG 88/05) The management council shall consist of five members, including the general director, who shall be appointed by the Minister of Transport.

(2) The Minister of Transport shall conclude a contract for management with each member of the management council.

(3) Member of the management council cannot be a person, who has been convicted for a crime of general character, established with a verdict entered into force, who is spouse or relative in direct, lateral line or by marriage up to third degree inclusive with another member of the management or the control council.

(4) The management council shall have sessions at least once in two months.

(5) The sessions of the management council shall be organised and managed by the chairman of the council and when he is absent – by the deputy chairman.

(6) The sessions of the management council is lawful, if at least three members are present.

(7) The decisions of the management council shall be taken with open vote and with simple majority of all the members.

(8) The control over the fulfilment of the decisions of the management council shall be implemented by the chairman of the council.

(9) Records shall be kept about the sessions of the management council, which shall be signed by all the present members.

(10) (amend. SG 88/05) The Minister of Transport shall discharge before the elapse of the term of the contract for management a member of the management council, who:

1. does not meet the requirements of para 3;

2. violates the conditions, provided in the contract for management;
3. has submitted written application for discharge.

(11) The management council shall:

1. elect among its members chairman and deputy chairman;
2. (amend. SG 88/05) approve draft regulation for the structure, the functions and the activity of the State enterprise "Air traffic control" and propose it to the Minister of Transport for approval;
3. (amend. SG 88/05) propose programme for development of the State enterprise "Air traffic control" for approval to the Minister of Transport;
4. approve the annual financial plan of the State enterprise "Air traffic control" in compliance with the international requirements;
5. approve the structure, the payroll list and the resources for salary of the State enterprise "Air traffic control" in compliance with the annual financial plan;
6. approve the annual accounting statement of the State enterprise "Air traffic control";
7. appoint chartered expert – accountant or audit enterprise for certification of the annual accounting report;
8. take decisions for the distribution of the profit and covering of the loss;
9. take decisions for disposing, discarding or liquidation of long term material assets, for establishing of real rights and for letting out immovable properties – ownership of the State enterprise "Air traffic control";
10. (amend. SG 88/05) approve drafts of decisions for participation of the State enterprise "Air traffic control" in international organisations and propose them the Minister of Transport for approval and take decisions about the co-operation of the State enterprise "Air traffic control" with similar organisations in aviation;
11. (amend. SG 88/05) implement also other functions, connected with the management of the State enterprise "Air traffic control" in compliance with the normative acts in effect or assigned by the Minister of Transport.

Art. 53d. (new – SG 34/01, in force from January 1, 2001) (1) The general director of the State enterprise "Air traffic control" shall:

1. represent the State enterprise "Air traffic control" before the state bodies, the courts and third persons in the country and abroad;
2. manage the overall activity of the State enterprise "Air traffic control";
3. conclude contracts for the activities, implemented by State enterprise "Air traffic control";
4. conclude and terminate the labour legal relations with the workers and the employees in the State enterprise "Air traffic control";
5. account his activity before the management council.

(2) The general director can delegate some of his authorities of para 1 to other employees of the State enterprise "Air traffic control".

Art. 53e. (new – SG 34/01, in force from January 1, 2001) (1) The control council shall consist of three members. Its members cannot be in labour legal relations with the State enterprise "Air traffic control" and members of the management council.

(2) (amend. SG 88/05) The Minister of Transport shall conclude contract for five

years with each of the members of the control council.

(3) Member of the control council cannot be a person, who has been convicted for a crime of general character, established with a verdict entered into force, who is spouse or relative in direct, lateral line or by marriage up to third degree inclusive with another member of the management or the control council.

(4) The sessions of the control council shall be managed by a chairman. The chairman of the control council shall participate in the sessions of the management council without right to vote.

(5) The control council shall take decisions with unanimity.

(6) (amend. SG 88/05) The Minister of Transport shall discharge before the elapse of the term of the contract for management a member of the control council, who:

1. does not meet the requirements of para 3;
2. violates the conditions, provided in the contract for management;
3. has submitted written application for discharge.

(7) The control council shall:

1. exercise control over the observing of the normative acts and the financial discipline in the State enterprise "Air traffic control";
2. exercise control over the preservation of the assets of the State enterprise "Air traffic control";
3. give conclusion about the annual accounting statement of the State enterprise "Air traffic control";
4. (amend. SG 88/05) implement checks on request of the Minister of Transport, of the management council of the State enterprise "Air traffic control" or on its own initiative

Art. 54. (revoked – SG 85/98).

Art. 55. (amend. SG 85/98, SG 34/01) The aircrafts shall implement flights only with permission by the State enterprise "Air traffic control".

Art. 56. (amend. SG 85/98, SG 34/01) All the instructions of the State enterprise "Air traffic control" shall be obligatory for the crews of the aircrafts.

Art. 57. (amend. SG 85/98, SG 34/01) In case of obvious danger for the flight the captain of the aircraft can take decision to detract from the approved flight plan and the instructions of the State enterprise "Air traffic control". The captain shall immediately inform the respective body for management of the flights about the decision taken.

Art. 58. (amend. SG 85/98) Flights with performance of figures as well as trial and sport flights of civil aircrafts over settlements shall be forbidden.

Art. 59. (1) Throwing of things from an aircraft in flight shall be forbidden.

(2) (amend. SG 34/01, amend. SG 88/05) If the safety of the flight imposes throwing out of objects or fuel from the board of the aircraft, this can take place only by the order, determined by the Minister of Transport.

(3) (new, SG 52/04) Throwing out objects and cargo from the aircrafts shall be permitted only in helping the population in calamities, catastrophes and industrial accidents and in rendering first aid to the passengers having gone through an aviation accident only upon advance coordination with Chief Directorate "Civil aviation administration".

Art. 60. (amend. SG 85/98, SG 34/01) (1) (prev. text of art. 60 – suppl., SG 52/04, amend. SG 88/05) The jumping by parachute and the throwing of loads with parachute from aircrafts shall be prohibited in the region of airfields or the air tracks or over the settlements. The Minister of Transport can permit activities for training and sport purposes.

(2) (new, SG 52/04) Jumping with parachute and throwing out cargo with parachute from aircrafts shall be permitted in helping the population in calamities, catastrophes and industrial accidents and in rendering assistance to passengers having undergone an aviation accident only upon advance coordination with Chief Directorate "Civil aviation administration".

Art. 61. (amend. SG 85/98) (1) Flights of aircrafts without engines or a crew, including for sport objectives, in the airspace of the republic of Bulgaria shall be permitted by the body of art. 50, para 4.

(2) Flights with aircrafts not supplied with radio shall be permitted by the body of art. 50, para 5.

Art. 62. (amend. SG 85/98) (1) An aircraft which has entered without a permission the airspace of the Republic of Bulgaria or has breached the flight rules, or is without a state registration identification sign, or does not subordinate to the instructions of the bodies, managing and controlling the flights, shall be considered as violator and shall be forced to land.

(2) (amend. SG 85/98) An aircraft, received order for landing, must land at an appropriate airfield.

(3) (new – SG 85/98, amend. SG 34/01, amend. SG 88/05) The order for forcing the aircraft, breached the rules of this law, to implement landing as well as the order for permitting the continuation of its flight shall be determined with an ordinance by the Minister of Transport, the Minister of Defence and the Minister of Interior.

(4) (prev. (3) – SG 85/98) The damages, caused by the forced landing, shall be covered by the violator.

## Chapter six. CONTRACT FOR TRANSPORT OF PASSENGERS

Art. 63. (revoked – SG 85/98).

Art. 64. (amend. SG 85/98) (1) (amend., SG 52/04; suppl. – SG 10/07, in force from 30.01.2007) The aviation operator is a person registered under the Commercial Law or by persons registered as traders under a legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area, holding a certificate for aviation operator certifying that the operator is professionally qualified and has

an organisation of guaranteeing safe operation of the aircrafts during the activities shown in the certificate. The aviation operators shall be subject to technical and financial control for guaranteeing their operations at stable economic conditions and high level of safety of the flights.

(2) The aviation operators shall be obliged to create conditions for incessant and overall control on behalf of the Civil aviation administration with objective to guarantee the safety of the flights.

(3) In its control activity the Civil aviation administration shall be ruled by the principle of equal position of all aviation operators.

(4) (amend., SG 52/04) The aviation operators shall obligatorily insure:

1. their aviation personnel against accident, and

2. their responsibility:

a) to the passengers in case of accident;

b) in the cases of missing or damage of luggage, cargo and mail;

c) to third persons.

(5) (amend., SG 52/04) The Civil aviation administration shall issue certificates for aviation operators.

(6) The civil aviation administration shall recognise the validity of an issued certificate of a foreign aviation operator by an aviation administration of a state, where the corresponding requirements are equal to the national ones or exceed them.

(7) (suppl. SG 34/01, amend. SG 88/05) The conditions and the order for issuing the certificates and the licenses shall be determined by the Ministry of Transport.

Art. 64a. (new – SG 85/98; amend., SG 52/04) (1) Commercial air transportations shall be carried out by airway carriers who meet the requirements of this law.

(2) The provision of para 1 shall not apply for commercial air transportation of passengers, luggage, cargo and mail carried out by gliders and ultra light aircrafts with motor traction, as well as of flights which do not include transportation between different airports.

(3) Bulgarian airway carriers shall be entrepreneurs registered under the Commercial Law or bodies established by an act of the Council of Ministers, holding a certificate for aviation operator and a licence for airway carrier.

(4) Every airway carrier must possess at any time own capital not less than 160 000 levs.

(5) The licence for Bulgarian airway carrier shall be termless and shall be issued to a person who:

1. is registered as entrepreneur under the Commercial Law or established by an act of the Council of Ministers for fulfillment of flights with special purpose;

2. has a basic activity of air transportation, independently or jointly with other operation of aircrafts or repair and technical servicing of aircrafts;

3. presents a substantiated business plan for providing the activity;

4. holds a certificate for aviation operator;

5. produces proof of own capital under para 4 and for financial stability.

(6) Where an airway carrier does not fulfil the requirements for submitting information for assessment of the financial stability or cannot fulfil his current or potential obligations for a period of 12 months the head of Chief Directorate "Civil aviation administration" shall suspend or withdraw the licence or issue a temporary licence until the



restoration of the financial stability of the airway carrier on condition that the safety of the flights is not threatened.

(7) The head of Chief Directorate "Civil aviation administration" shall withdraw the licence of an airway carrier who has been declared bankrupt or in liquidation.

(8) The head of Chief Directorate "Civil aviation administration" shall issue a temporary licence to an airway carrier against whom bankruptcy proceedings have been instituted for the period of adoption and fulfillment of the recovery plan and on condition that the safety of the flights is not threatened and there is a possibility of recovery of the enterprise.

(9) The head of Chief Directorate "Civil aviation administration" shall suspend or withdraw the licence of an airway carrier whose certificate for aviation operator has been suspended or withdrawn.

Art. 64b. (new – SG 34/01) (1) (amend. SG 88/05) The flights with special designation shall be implemented by aviation operator – Avio-squad 28 – a corporate body under art. 60 of the Law for the administration at the Minister of Transport, which maintenance shall be formed from budget resources and from incomes from own activity.

(2) Flights with special designation shall be the flights for transport and servicing of:

1. the President of the Republic of Bulgaria;
2. the chairman of the National Assembly of the Republic of Bulgaria;
3. the Prime Minister of the Republic of Bulgaria;
4. (revoked, SG 52/04)
5. (new - SG 37/06) the vice-president of the Republic of Bulgaria;
6. (amend., SG 52/04; prev. text of item 05, amend. – SG 37/06) foreign and state leaders, corresponding in rank to the bodies of items 1, 2, 3 and 5;
7. (prev. text of item 06 – SG 37/06) persons, included in the delegation, the accompanying teams, guards and their luggage – in then cases of items 1 – 5.

(3) In the cases when Avio-squad 28 makes flights for the needs of ministries and departments, the payment shall made from the budget of the respective ministry or department.

(4) (amend. SG 88/05) The activity, the functions and the number of the staff of Avio-squad 28 shall be determined with structural regulation, approved by the Council of Ministers upon a proposal by the Minister of Transport.

(5) (amend. SG 88/05) To the basic monthly remuneration of the staff of Avio-squad 28 shall be paid additions for specific conditions of labour – up to 25 percent of the basic remuneration, under conditions and in extent, determined by the Minister of Transport, co-ordinated with the Minister of Labour and Social Policy and with the Minister of Finance.

(6) (amend. SG 88/05) to the employees of Avio-squad 28, working with official or labour legal relations, shall be paid daily allowances in money, which shall not be levied with tax and shall not be included in their gross monthly remuneration. The amount of the money for daily allowance shall be determined every year by the Minister of Transport, co-ordinated with the Minister of Finance.

Art. 65. (suppl., SG 52/04) The carrier shall be obliged with the contract for transport passengers by the air to transport with his or with hired or leased navigation means the passenger and his luggage from one place to another one against payment of transport price.

Art. 66. (1) The contract for transport of passengers shall be proven with passenger ticket and the submitting of the luggage – with luggage invoice.

(2) If the ticket is not valid, if it is not available at travel or it is lost, the contract shall be valid and the relations between the carrier and the passenger shall be provided by the rules of this law.

Art. 67. (1) (amend. SG 85/98) In the transport price shall be included also the transport of the luggage in amount, established by the carrier.

(2) Luggage above the established amount shall be accepted for transport with the same aircraft against payment of additional transport price.

Art. 68. The employees of the aviation organisation, when they travel officially, and other persons, when they travel in connection with fulfilment of tasks, directly related to the activity of the aviation organisation or according to international conventions and rules, can receive official tickets for transport free of charge if there are free places in the aircraft.

Art. 69. (1) Each of the parties can refuse the contract due to announced war, which constitutes danger for the transport, due to blockade of the starting airfield or the destination airfield, due to keeping of the aircraft by the competent authorities, due to closing of the starting or the destination airfield upon order by the authorities or due to other impediments of this character.

(2) At refusal of the contract due to the reasons, enumerated in the previous para, the passenger can require returning of the paid transport price entirely, if the refusal has been made before the start of the transport, and if it has been made after the start of the transport – the difference between the price of the ticket and the price of the actually implemented transport.

Art. 70. (amend., SG 52/04; revoked - SG 37/06)

Art. 70a. (new – SG 85/98; revoked, SG 52/04)

Art. 71. (amend. SG 85/98) (1) The passenger can refuse the contract for transport and receive back the transport price in the following cases:

a) (amend., SG 70/04) disease, including of a member of his family, who will travel with him, established by a medical establishment;

b) non observing of the schedule for taking off of the aircraft with more than 60 minutes;

c) at substituting of the type of the aircrafts.

(2) (amend. SG 85/98) The passenger can refuse the contract also out of the cases, enumerated in the previous para, but not later than 8 hours before the take off of the aircrafts. In this case the paid transport price shall be withdrawn up to 25 % of the tariff for transport in one direction.

Art. 72 (suppl. SG 85/98) At not implemented transport due to death of the passenger, of a member of his family or of a parent, brother or sister, as well as of other relatives up to second degree of collateral line, the carrier shall return the whole transport price.

Art. 73. (1) Transport of passengers in drunk status, infectious ill, as well as mentally ill, constituting a danger for the other passengers or for the security of the flight, shall not be admitted.

(2) A passenger, who violates the established rules for travelling and conduct in the aircraft and do not subordinate to the captain, can be forced to leave the aircrafts at the starting or intermediate airfield, without having the right to require returning of the paid transport means.

Art. 74. (1) The carrier shall be responsible for the caused damages in case of death or body damage, suffered by a passenger, when the accident, caused the damage, has happened on the board of the aircrafts or during the time for getting on or off from it and the activities, connected with this.

(2) (amend. SG 85/98) This responsibility shall be implemented according to the laws of the Republic of Bulgaria and in compliance with the international agreements, party to which is the Republic of Bulgaria.

Art. 75. The carrier shall be responsible for the damages, occurred due to damage or lack of the registered luggage, if the damage has occurred during the time, when the luggage has been under his supervision.

Art. 76. (amend. SG 85/98) (1) For damages, caused at transport of luggage, the carrier shall bear responsibility in the following extent:

a) (amend. SG 85/98) at lack or damage – the actual value of the lacking or the damaged luggage, but not more than 40 levs per each kg gross weight;

b) at lack or damage of luggage, delivered with announced value – the announced value or the part of it, corresponding to the lack or to the damage. When the carrier proves, that the announced value exceeds the actual one, the indemnification shall be paid in extent of the actual value.

(2) (amend. SG 85/98) The responsibility of the carrier for the personal chattels of a passenger and for the possessions, being under the supervision of the passenger, shall be up to 800 levs.

(3) At lack the carrier shall return also the paid transport price.

Art. 77. (suppl., SG 52/04) The carrier shall not be responsible for caused damages due to a delay, if he proves, that he has undertaken the necessary measures in order to avoid the damages, or that it has been impossible for him to undertake such measures.

Art. 78. For lacks and damages of the luggage and the personal possessions of the passenger a fact finding record shall be compiled by the order of chapter XI of this law.

Art. 79. If the passenger does not inform the carrier in writing about lack or damage of the luggage within the terms, provided in chapter XI of this law, it shall be considered, that it has been submitted fit and in compliance with the ticket and with the luggage invoice.

Art. 80. The carrier shall not be responsible for lacks and damages of the luggage of the passenger, occurred due to:

1. the peculiar characteristics of the luggage;
2. faults of the packing, which have not been possible to be noticed at accepting;
3. not pointing out in the transport document of the peculiar characteristics of the luggage, requiring special conditions for preserving it.

Art. 81. At combined transportation and at transport, implemented by several air carriers, shall be applied the provisions of art. 108 and 109 of this law.

## Chapter seven. CONTRACT FOR TRANSPORT OF CARGO

Art. 82. (1) (suppl., SG 52/04) The carrier shall be obliged with the contract for transport of cargo to transport with own, leased or hired aircraft to certain place a cargo, which the cargo agent delivers to him or will deliver to him, and to supply this cargo at the destination.

(2) At the accepting of the cargo the carrier shall issue bill of lading.

Art. 83. (revoked – SG 85/98).

Art. 84. (1) The non issuing, the invalidity or the loss of the bill of lading shall not influence the effect of the contract.

(2) Official cargo of the aviation organisations can be transported free of charge with an official bill of lading.

Art. 85. (1) (suppl. SG 85/98) The sender shall be obliged to point out in the bill of lading the precise name of the cargo and its peculiar characteristics, if there are such, as well as the kind of packing.

(2) (amend., SG 70/04) Simultaneously with the cargo the sender shall submit to the carrier all the documents, required by the health, the customs and the other authorities.

Art. 86. The sender shall due indemnification to the carrier or to third persons for occurred damages due to incorrect, imprecise or incomplete data, entered in the bill of lading.

Art. 87. (1) The cargo supplier can require denunciation of the contract for air transport within the following terms:

a) at least seven days before the day of the flight, paying the forfeit 10% of the determined or contracted price;

b) at least three days before the day of the flight, paying forfeit 30% of the determined or contracted price.

(2) The parties can contract also shorter terms.

Art. 88. (1) When the cargo supplier does not submit the cargo for transport, he shall pay the full tariff or the contracted transport price. If with the same flight instead the not delivered one has been transported cargo of another cargo supplier, the default cargo supplier shall pay 50% of the transport price.

(2) The cargo supplier shall not be responsible, if the non delivery of the cargo is due to insurmountable force or accident in the production enterprise, as result of which the production has stopped for more than three days and nights.

Art. 89. Cargoes with unfit packing shall be accepted for transport with risk and responsibility for the sender, about which note shall be made in the bill of lading.

Art. 90. (1) The sender can announce the value of the cargoes, delivered for transport. The announced value cannot exceed the actual value of the cargo. The announcing of the value shall be obligatory for cargoes, which actual value cannot be determined in case of loss or destroying.

(2) For the announced value a fee shall be paid, provided in a tariff.

(3) Cargoes with announced value shall not be admitted for transport, if they are accepted with defects of the packing with responsibility of the sender, easy spoiling and dangerous cargoes, as well as cargoes, transported with accompanying person.

Art. 91. (amend. SG 34/01, amend. SG 88/05) The dangerous cargoes, which are not admitted for transport together with passengers, as well as the conditions for transport of explosives, ammunitions, poisonous and easy inflammable substances, easy spoiling cargoes, animals, birds and insects, dead people and remains of them, radioactive substances, photo cameras, radio equipment, cargoes without packing etc. shall be determined by the Minister of Transport in co-ordination with the heads of the corresponding ministries and departments.

Art. 92. (1) If during the transport a damage of the aircraft or its facilities occurs, which puts in danger the cargo or the continuing of the transport, the carrier shall be obliged to inform the sender.

(2) If it is impossible to send the message of the previous para, or if orders have been received by the sender, which cannot be fulfilled, the carrier can transfer the cargo to another own or hired aircraft or to an aircraft of another carrier.

Art. 93. The carrier shall be obliged to implement the transport along the established or contracted route. The detraction from this route due to considerations for safety of the flight or due to rendering of aid on behalf of the captain of the aircraft shall not be considered breach of the contract for transport and the carrier shall not be responsible for the damages, occurred due to this.

Art. 94. The carrier shall be obliged to deliver the cargo at the destination in time, if such term has been established in the contract.

Art. 95. (1) The cargo together with the bill of lading shall be delivered to the recipient, pointed out in the bill of lading or to his proxy.

(2) The handing over of the cargo to the customs or other authorities, implemented in fulfilment of lawful provisions, shall be considered as delivery to the recipient.

Art. 96. (1) If the recipient refuses to accept the cargo or does not appear in three days term, and for the fast spoiling cargoes in 48 hours, the carrier can return the cargo to the departure airfield or to deliver it for preservation for the account and risk of the sender, about which he shall be informed.

(2) If in forty five days term the cargo is not cleared or no instructions are received by the sender, liquidation of the cargo shall be proceeded to.

(3) The expenses for preservation, liquidation etc. shall be deducted from the sum, received at the liquidation, and the remainder shall be transferred to the sender.

(4) (amend. SG 34/01, amend. SG 88/05) The liquidation of the cargoes shall be implemented by order, determined by the Minister of Transport and by the Minister of Justice.

Art. 97. If the recipient does not inform in writing the carrier about lacks or damages of the cargo till the delivery finishes, it shall be considered until the contrary is proved, that he has received the cargo in compliance with the bill of lading.

Art. 98. In case of lack or damage of the cargo, found till the moment of its delivery to the recipient, a fact finding record shall be compiled, one copy of which shall be handed over to the recipient.

Art. 99. (amend. SG 34/01, amend. SG 88/05) The Minister of Transport shall determine the kinds of cargoes, which shall be compulsory transported with accompanying person. In these cases the accompanying person must have regular passenger ticket.

Art. 100. The carrier shall bear responsibility for the preservation of the cargo from the moment of accepting it for transport till the delivery to the recipient or to preservation.

Art. 101. (1) The carrier shall not be responsible, if he proves, that he has undertaken the necessary measures to avoid the damages, or that it has been impossible for him to undertake such measures.

(2) The carrier shall not be responsible if the damages have occurred due to:

a) guilt of the sender or the recipient;  
b) the natural characteristics of the cargo and the natural reduction of its weight within the limits of the established standards;

c) the defects of the packing, which could not have been noticed during the accepting of the cargo;

d) the defects of the packing, when the cargo has been accepted with such packing and a preliminary note has been made in the bill of lading, that the transport is with risk and responsibility for the sender;

e) not undertaking of the necessary measures by the person accompanying the cargo;

f) not pointing out in the bill of lading the special characteristics of the cargo, requiring special conditions for its preservation.

Art. 102. The carrier shall be exempt from responsibility for not conceding the aircraft, if this has happened due to insurmountable force, military activities, meteorologic and other reasons, not depending on him.

Art. 103. The carrier shall pay indemnification for caused damages at transport of cargoes in the following extents:

a) at lack of cargoes, submitted with announced value – the announced value. If the carrier proves, that the announced value exceeds the actual one, the indemnification shall be paid in extent of the actual value;

b) (amend. SG 85/98) at lack or damage of cargo – the actual value of the lacking or the damaged cargo, but not more than 40 levs per gross kg of weight.

Art. 104. Apart of the indemnification of art. 103 the carrier shall be obliged to return also the respective transport and additional fees, paid for the lacking or for the damaged part of the cargo.

Art. 105. (1) For not observing the term for delivery, if such term has been agreed upon, the carrier shall pay to the recipient indemnification in extent of 10% of the transport fees for each delayed day and night 24 hours period, but not more than 50% of the transport price.

(2) If the recipient does not take the arrived cargo in 24 hours after being informed, and when according to the contract the notification must have been made by the sender in 48 hours after the receiving of the cargo at the airfield of destination, he shall pay to the carrier indemnification in extent of 10% of the transport fees for each delayed day and night 24 hours period, but not more than 50% of the transport price.

(3) In the contract can be provided the carrier to have bigger responsibility for delayed delivery, than the provided in this law.

Art. 106. If the cargo is not delivered for ten days after the day it should have arrived, it shall be considered lost.

Art. 107. The air transport of cargoes shall not comprise the land, the sea or the river transport, made out of the airfields. If such transport has been implemented on the basis of the contract for air transport with objective the cargo to be loaded or re-loaded on the aircraft, or to be delivered to the recipient, it shall be considered till the contrary is proved, that the damages have occurred during the air transport.

Art. 108. At combined transport, implemented partially in the air and partially with another transport, the provisions of this law shall be applied only regarding the air transport.

Art. 109. At transport, implemented by several air carriers, as well as at combined transport, the responsibility of the carriers shall be joint in the cases when which is the blame for the occurred damage cannot be established.

## Chapter eight. CONTRACT FOR AVIATION SERVICES (revoked – SG 85/01)

Art. 110 – 112 – revoked SG 85/98.

## Chapter nine. AIR TRANSPORT (revoked – SG 85/01)

Art. 113 – 119 – revoked SG 85/98.

Art. 119a. (new, SG 52/04) Parachute jumps and sport flights shall be carried out in zones determined by Chief Directorate "Civil aviation administration".

Art. 119b. (new, SG 52/04) (1) (suppl. – SG 10/07, in force from 30.01.2007) The training of athletes practicing air sports, as well as sport flights outside the system of the Ministry of Defence or the Ministry of Interior, shall be carried out by persons registered under the Commercial Law or by persons registered as traders under a legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area or under the Law for the non-profit corporate bodies for carrying out socially useful activity in the air sports.

(2) The training shall be carried out by rules worked out by the persons under para 1 and approved by Chief Directorate "Civil aviation administration".

Art. 119c. (new, SG 52/04) The persons organizing sport events in the field of the air sports and the persons holding them shall create conditions for the safe fulfillment of the activities, as well as for the safety of third persons.

Art. 119d. (new, SG 52/04) The persons carrying out activities in the air sports shall insure the seats in the aircraft, as well as the aviation personnel and their responsibility in the event of accident – regarding the athletes and third persons.

## Chapter ten. FEES

Art. 120. (amend. SG 85/98) (1) (amend., SG 52/04) In the airfields for public use airport fees shall be collected for:



1. landing of aircrafts;
2. parking;
3. passengers starting travel from the airfield;
4. (new - SG 37/06) using of passenger sleeve.

(2) (amend. SG 34/01; amend. - SG 37/06) For air-navigation service of air traffic the State enterprise "Air traffic control" shall collect:

1. fees for air navigation service and use of navigation means of the State enterprise "Air traffic control" in the zone and area of the airfields;

2. travel fees for flying through the serviced airspace of the Republic of Bulgaria.

(3) From payment of the fees of para 1, item 1 and 2 and of para 2 shall be exempt:

1. aircrafts implementing flights for searching and rescue;
2. aircrafts implementing flights with humanitarian objectives;
3. state aircrafts implementing state flights;
4. (revoked – SG 34/01);
5. aircrafts suffering accident or subject to unlawful interference;
6. Aircrafts at conducting initial flying training;
7. aircrafts used for flying over air-navigation facilities;
8. aircrafts in specific cases, determined with an act by the Council of Ministers.

(4) (Suppl., SG 52/04) The Civil aviation administration shall collect fees for administration service and procedures for:

1. issuing certificates for airfields and airfield plots;
2. (amend., SG 52/04) issuing licenses for airport operators and operators of land services;
3. issuing certificates for aviation staff;
4. issuing licenses for implementing technical service or repair of aviation equipment;
5. issuing licenses for laboratories for objective control;
6. issuing certificates for flying fitness of an aircraft;
7. issuing certificates for flying fitness of aviation equipment;
8. (amend., SG 52/04) issuing certificates for aviation training centres;
9. issuing certificates for aviation operators;
10. registration of aircrafts or entering of changes in the civil register of the aircrafts and issuing certificates for registration;
11. issuing information, connected with aviation except these issued for the needs of the bodies of state administration;
12. (new – SG 34/01; amend., SG 52/04) issuing of certificates for exploitation fitness of navigation facilities for air navigation and landing;
13. (new, SG 52/04) issuance of certificates for operational fitness of the systems and facilities for servicing passengers, servicing and providing for aircrafts, loading and unloading of luggage, cargo and mail;
14. (new, SG 52/04) issuance of permanent passes to the security zones of the civil airports for public use and identification cards of employees and motor vehicles;
15. (new, SG 52/04) issuance of licence for airway carrier;
16. (new, SG 52/04) issuance of certificates for aviation noise of an aircraft;
17. (new, SG 52/04) issuance of certificates for gas emissions of aviation engines;
18. (new, SG 52/04) issuance of certificates for flying fitness of newly produced aircrafts or newly produced aviation equipment;
19. (new, SG 52/04) issuance of export certificates for flying fitness;

20. (new, SG 52/04) issuance of certificates for flying fitness of the respective type of aircraft;

20a. (new - SG 37/06) issuance of certificates for air navigation service provision;

21. (new, SG 52/04) recognizing licences, certificates and letters by issuing a recognition document;

22. (new, SG 52/04; suppl. - SG 37/06) certification or amendment of licences, certificates and letters.

(5) (new, SG 52/04) The airport fees under para 1 shall be collected:

1. by Chief Directorate "Civil aviation administration" unless stipulated otherwise by a concession contract or by an international contract, ratified, promulgated and enacted in the Republic of Bulgaria;

2. by the concessionaire – under terms and by an order determined by the concession contract in compliance with the decision of the Council of Ministers for granting concession when a concession has been granted for the civil airport for public use;

3. in the cases of international contract, ratified, promulgated and enacted in the Republic of Bulgaria – under the terms set by it.

(6) (new, SG 52/04) In the cases of para 5, item 2 the concessionaire may be given the right to collect in his favour, entirely or a part of the fees, up to the sizes determined by art. 122.

(7) (prev. para 5 – suppl., SG 52/04) The fees of this Art. shall not be levied with taxes, with exception of the cases under para 5, item 2.

Art. 121. (revoked – SG 85/98).

Art. 122. (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05) The Council of Ministers at a proposal by the Minister of Transport and the Minister of Finance shall determine the extent of the fees, the order and the cases when they shall be collected.

## Chapter ten. "A" FINANCING OF THE ACTIVITY OF THE STATE ENTERPRISE "AIR TRAFFIC CONTROL" (new – SG 16/97, title amend. SG 34/01)

Art. 122a. (new – SG 16/97, amend. SG 85/98) (1) (revoked - SG 34/01, in force from January 1, 2001).

(2) (amend. and suppl. SG 85/98, amend. SG 34/01, in force from January 1, 2001)

The activity of State enterprise "Air traffic control" shall be financed from:

1. (amend. SG 34/01, in force from January 1, 2001; amend. - SG 37/06) the fees of art. 120, para 2;

2. resources from credit contracts;

3. (new – SG 85/98) interests on deposits of own funds and on deferred payments;

4. (new – SG 85/98, amend. SG 34/01, in force from January 1, 2001) supports, grants, training, qualification;

5. (new – SG 34/01, in force from January 1, 2001) the service of art. 53, para 3.

(3) (amend. and suppl. SG 85/98, amend. SG 34/01, in force from January 1, 2001)

The collected resources of para 2, item 1 shall be spent for:

1. (amend. SG 85/98, SG 34/01) maintenance of the activity of the State enterprise "Air traffic control", the resources for salary being formed as percentage of the collected fees for the implemented air-navigation services;

2. (amend. SG 34/01, in force from January 1, 2001) acquisition of long term assets;

3. making expenses for capital construction and for technical ensuring, connected with integration and harmonisation of the national system for servicing of the air traffic with the European system and with other international conventions, to which the Republic of Bulgaria is a party;

4. (new – SG 85/98) activities for searching and rescuing;

5. (new – SG 85/98) redemption of credits

6. (new – SG 34/01, in force from January 1, 2001) fulfilment of programmes for training maintaining and increase of the professional qualification and rehabilitation and prophylactic measures for the staff of the State enterprise "Air traffic control";

7. (new – SG 34/01, in force from January 1, 2001) fulfilment of programmes and obligations under international agreements in the field of air traffic, to which the Republic of Bulgaria is a party;

8. (new – SG 34/01, in force from January 1, 2001) expenses for management of the ownership of art. 53, para 5;

9. (new – SG 34/01, in force from January 1, 2001; amend., SG 52/04) payment of the fees of art. 120, para 4.

10. (new, SG 52/04) payment of premiums to insurance "Civil responsibility" to third persons.

(4) (amend. SG 34/01. In force from January 1, 2001; amend., SG 52/04; amend. - SG 37/06) The State enterprise "Air traffic control" may refuse air navigation servicing to aviation operators or owners of aircrafts when they have not paid the due fees of art. 120, para 2, timely notifying the Chief Directorate "Civil aviation administration" and the debtors.

Art. 122b. (new – SG 16/97) The resources from the excess of the incomes over the expenses at the end of the calendar year shall remain for use during the following financial year, being spent purposed for the implementation of the European programme for integration and harmonisation of the national systems for management of the air traffic of the European countries.

## **Chapter ten. "B" FINANCING THE ACTIVITY FOR ENSURING THE SAFETY OF FLIGHTS AND MAINTAINING AND DEVELOPMENT OF THE AIRFIELDS FOR PUBLIC USE (new – SG 85/98)**

Art. 122c. (1) (amend. SG 85/98; suppl., SG 52/04, amend. SG 88/05; amend. - SG 36/06, in force from 01.07.2006) The financing of the activities for ensuring the safety of the flights and maintaining the and development of the civil airfields for public use shall be implemented through the budget of the Ministry of Transport, with exception of the cases where an international contract stipulates otherwise or a concession has been granted for the civil airport for public use and the concession contract, in compliance with the decision of the Council of Ministers for opening the procedure for concession granting stipulates otherwise.

- (2) The activities of para 1 shall be ensured financially by:
1. (suppl., SG 52/04) the fees of art. 120, para 1 collected by Chief Directorate "Civil aviation administration", and in the cases when an international or concession contract stipulates otherwise – under the terms set by the contract;
  2. (revoked – SG 34/01, in force from January 1, 2001);
  3. the fees of art. 120, para 4
  4. the interests from deposits of own resources and from deferred payments.
- (3) With the collected resources of para 2 shall be ensured the expenses for:
1. maintenance of the Civil aviation administration;
  2. (suppl. SG 12/00, amend. SG 34/01, in force from January 1, 2001) the safety of the flights, including for flight training of pilots, passing the higher course of training – state order: 6% of the fees of art. 120, para 1;
  3. (suppl., SG 52/04; amend. - SG 36/06, in force from 01.07.2006) the airfields to which has been assigned the implementation of state functions under art. 48a, para 3, item 1, and where a concession is granted for a civil airport for public use – according to the decision of the Council of Ministers for opening the procedure for concession granting and the concession contract;
  4. (amend. SG 34/01, amend. SG 88/05) additional remuneration for specific conditions and requirements to the labour of the aviation inspectors – by an order determined by the Minister of Transport.
- (4) (new – SG 12/00) The resources from excess of the incomes over the expenses at the end of the calendar year shall remain for use during the following financial year, being purposed spent for financing the activities of this chapter.
- (5) (new, SG 52/04; amend. - SG 36/06, in force from 01.07.2006) The financing of the activities of providing security and safety of the flights, the construction, maintenance, development and support of the civil airports for public use for which a concession has been granted and the concessionaire has been given the right to collect in his favour entirely or a definite part of the fees under art. 120, para 1, shall be carried out under terms and by an order determined by the concession contract in compliance with the decision of the Council of Ministers for opening the procedure for concession granting.

Art. 122d. (amend. SG 34/00; amend., SG 52/04) An airport operator implementing the functions of airport administration financed by the airport fees under art. 120, para 1, shall prepare and present for coordination with Chief Directorate "Civil aviation administration" a programme for the necessary expenses for redemption of the received credits and for investment expenses for the development of the infrastructure and for the expenses for support of the airport administration.

Art. 122e. (new – 12/00, amend. SG 34/00, amend. SG 88/05) All the resources, released from the budget of the Ministry of Transport by the order of this chapter for financing the activity for ensuring and maintaining of the safety of the flights, as well as the fees collected under art. 120, para 4, shall not be levied with taxes.

## Chapter eleven. FACT FINDING RECORDS, CLAIMS AND PRESCRIPTION

Art. 123. Fact finding record shall be compiled in the following cases:

- a) when there are circumstances, which create responsibility for the carrier;
- b) at non compliance of the luggage or the cargo with the name or the weight, the quality or the number, pointed out in the transport document;
- c) at lack or damage of the luggage or the cargo;
- d) for cargo or luggage without a transport document or about a document without a cargo or a luggage.

Art. 124. When the recipient has not required compiling of fact finding record, it shall be considered till the proving of the contrary, that the luggage or the cargo have been delivered fit.

Art. 125. The fact finding record shall be compiled at the moment of establishing the irregularity, but not later than the delivery of the luggage or the cargo to the recipient.

Art. 126. (1) The fact finding record shall be compiled by the carrier or by a person authorised by him and it shall be signed by him and by the passenger, the sender or the recipient of the luggage or the cargo.

(2) When the passenger, the sender or the recipient of the luggage or the cargo does not appear or refuses to sign the record, it shall be signed by two evidents.

Art. 127. (1) For lacks and damages the passengers, the sender, the recipient or their lawful representatives or proxies shall to the to the carrier a claim in writing not later than seven days after the day of receiving of the cargo, and at full lack – from the day, on which must have happened their receiving. The claim for delay must be presented not later than twenty one days after the day of delivering of the luggage or the cargo to the rightful claimant.

(2) The term for presenting of the claims for over-taken transport fees shall be three months, assumed from the day of payment.

Art. 128. Claim can be submitted also after the expiry of the terms of art. 127 if the rightful claimant can prove:

- a) that he has been in no possibility to submit it;
- b) that he has not presented claim due to delusion by the carrier or an agent of his;
- c) that the carrier has been informed about the occurred damage.

Art. 129. The claim shall be presented in writing, pointing out the subject of the claim and the amount of the required sum. All documents proving the claim shall be attached to it.

Art. 130. (1) The claim shall be presented to the carrier or to a person, authorised by him.

(2) In case of transport, implemented with air and other kind of transport, the claims shall be presented to the carrier, caused the damage, and when this cannot be established – to the first or to the last carrier, observing the terms, established for the respective kind of

transport.

Art. 131. In case of transport, implemented by two or more air carriers, the claim can be presented to each of them.

Art. 132. (1) When proofs are not attached to the presented claim, on which it is based, the carrier shall be obliged to notify the claimant and to determine a term not shorter than seven days for removal of the irregularity

(2) If the irregularity is not removed within the defined term the claim shall be considered as not submitted and returned.

(3) The submitted claim shall be considered regular from the day of submitting it.

Art. 133 The carrier shall be obliged in two months term after submitting of the claim to consider it and to inform the claimant about the result.

Art. 134. Procedures against the carrier can be started only when the latter has entirely or partially rejected the claim or when the claimant has not received answer within term, provided in art. 133.

Art. 135. The right to claim against the carrier in international transport contracts shall be redeemed in two years term and for the internal ones – in six months term, assumed after the day of the arrival of the aircraft at the destination, from the day the aircraft has had to arrive, or from the day of termination of the transport.

Art. 136. (1) In case of body damage or death of the passenger the claimant can start procedure before the competent court in two years term after the day of the injury

(2) The carrier shall be exempt from payment of court and office expenses if he is convicted to pay as indemnification a sum, which does not exceed the sum, proposed by him in writing in six months term after the day of the injury.

Art. 137. (1) The prescription terms of art. 135 shall stop with the start of the claim procedure and start again on the day of receiving the answer of the carrier or after the elapse of the term for answer.

(2) The terms shall be calculated by the order of the Civil Procedure Code.

Art. 138. Each agreement in the contract about exemption or reduction of the responsibility, provided in this law, shall be invalid.

## Chapter twelve. ACCIDENTS WITH AIRCRAFTS. SEARCH AND RESCUE (title amend., SG 52/04)

Art. 139. (amend. SG 85/98) (1) (amend. SG 34/01) The State enterprise "Air traffic

control" which has received a message or which has information about status of threat or disaster, connected with an aircraft as well as about aviation accident, shall immediately inform;

1. the service for searching and rescue or the accident-rescue services in the corresponding region;

2. the Civil aviation administration.

3. (new, SG 52/04, amend. SG 88/05) the Ministry of Transport;

4. (new, SG 52/04) the specialized unit under art. 16d.

(2) (amend. SG 34/01; amend., SG 52/04) The crew of the aircraft suffering disaster shall inform the State enterprise "Air traffic control" as well as the bodies of para 1 if it is in position to do this.

(3) (new, SG 52/04) The aviation operators, the airport operators and the operators of land servicing registered in the Republic of Bulgaria, on occurrence of an aviation accident, a serious incident or incident shall notify the bodies under para 1.

Art. 140. (amend. SG 85/98) At accident with a foreign aircraft or with aircraft on board of which there are foreign citizens, which has happened within the serviced airspace of the Republic of Bulgaria, the chief of the Civil aviation administration shall inform the Ministry of Foreign Affairs from where shall be informed the state of registration of the aircraft, respectively the embassies of the countries which citizens are affected by the event.

Art. 141. (1) (amend. and suppl. SG 85/98) The local state and municipal bodies in the region of the accident, and in case of accident in the region of an airfield – the chief of the airfield, shall be obliged to undertake immediately all the possible measures for rendering aid to the crew and the passengers and for preserving of the aircraft, its cargo and the proofs, connected with the accident, as well as for guarding and restricting of the access in the region of the accident.

(2) (new – SG 85/98) The anti fire brigades, the Civil defence, the police and the military police forces shall conduct accident-rescue activities connected with the aviation accident according to a plan prepared by:

1. the airfield administration – for accident in the region of the airfields;

2. the airfield administration together with the municipalities – for the region with radius 5 km from the control point of the airfield;

3. the civil aviation administration together with the management bodies and the forces of the Civil defence and the municipalities – for accidents out of 5 km radius of the control point of the airfield.

(3) (new, SG 52/04) The emergency rescue works on the territory of the airport and in a region with a radius of 5 km from the control point of the airport shall be managed by an airport emergency situation centre.

(4) (new, SG 52/04, amend. SG 88/05) The emergency rescue works in connection with an aviation accident outside the region under para 3 shall be managed by the situation centre of the Ministry of Transport.

(5) (new – SG 85/98; prev. para 3 – SG 52/04) The persons participating in the accident – rescue activities in the airfields shall be subject to training and regular exercises.

(6) (new – SG 85/98, amend. SG 34/01; prev. para 4 – amend., SG 52/04, amend. SG 88/05) The order, the requirements, the responsibilities and the obligations connected with

organising of accident – rescue and anti – fire and medical provisions for the flights in the region of the airports shall be determined by and ordinance of the Minister of Transport.

(7) (new – SG 85/98, amend. SG 34/01, in force from January 1, 2001; prev. para 5 – SG 52/04, amend. SG 88/05) The conditions and the order as well as the requirements to the system for searching and rescuing at aviation accident shall be determined with an ordinance of the Minister of Transport, the Minister of Defence, the Minister of Interior.

(8) (prev. (2) – SG 85/98; prev. para 6 – SG 52/04) Telephone conversations, as well as receiving and sending of telegrams for rendering of aid aircraft, with which an accident has happened, shall be done with priority for the account of the Civil aviation administration.

Art. 142. (amend. SG 85/98; amend., SG 52/04) (1) The investigation is a process aiming at a prevention of aviation accidents which includes gathering and analysis of information, preparation of conclusions, including establishing of the reasons and working out recommendations for providing the safety of the aviation.

(2) (amend. SG 88/05) The investigation of aviation accident on the territory of the Republic of Bulgaria shall be conducted by a commission appointed by an order of the Minister of Transport.

(3) The work of the commission shall be coordinated by the specialized unit under art. 16d.

(4) (amend. SG 88/05) The terms and the order of organizing and holding the investigation of aviation accidents and serious incidents shall be determined by an ordinance of the Minister of Transport.

(5) (amend. SG 88/05) For aviation accident, having occurred in the air space outside the jurisdiction of the Republic of Bulgaria, with an aircraft entered in the register of the Republic of Bulgaria the Minister of Transport shall appoint one or more authorized representatives for participation in the investigation in the country of the place of accident.

(6) The establishment and the degree of the fault or responsibility shall not be subject of the investigation activity.

Art. 143. (amend. SG 85/98) (1) With a fine from 3 000 to 10 000 levs shall be punished the one who:

1. admits to be implemented or implements a flight with unfit aircraft;
2. admits to be implemented or implements a flight with aircraft which has not been registered or does not have a certificate for flying fitness;
3. (amend., SG 52/04) manages or participates in the management, servicing, providing of the aircraft or servicing of the passengers without having a certificate for competence, as well as those who orders admits this;
4. (amend., SG 52/04) admits, manages or participates in the management, servicing, providing of the aircraft or servicing of the passengers after he has consumed alcohol or other anaesthetic substance;
5. services or participates in the service of flights after he has consumed alcohol or other anaesthetic substance;
6. implements or admits to be implemented a flight with inappropriate fuel or greasing materials;
7. orders to be implemented or implements landing on inappropriate airfield without being forced to do so;



8. breaches or orders to be breached the requirements of the sanitary standards for rest of the licensed staff;

9. implements, orders or admits to be implemented a flight with aircraft under conditions not complying with its exploitation characteristics;

10. disseminates incorrect information connected with the ensuring of the flights.

11. (new, SG 52/04) does not fulfil written prescriptions or orders of the competent bodies under this law;

12. (new, SG 52/04) does not provide access under equal terms to an aircraft having obtained permit for fulfillment of flight;

13. (new, SG 52/04) refuses to accept and service an aircraft in distress or a state aircraft;

14. (new, SG 52/04) carry out activity in violation of art. 6.

(2) Regardless of the imposed fine the violator shall also be deprived from the right to exercise the corresponding profession or aviation activity in the cases of items 1, 4, 5 and 9 for a term from 1 to 3 years and in the other cases – up to one year.

Art. 144. (amend. SG 85/98) With a fine from 1000 to 10 000 levs shall be punished the one who:

1. admits to be used an airfield or an airstrip before they are registered;

2. does not observe the term for entering and deleting of the aircraft in the register of the Civil aviation administration;

3. orders or admits to be implemented a change of an aircraft or uses equipment without a permission by the Civil aviation administration;

4. orders or implements a flight with incomplete crew;

5. breaches the rules for the flights;

6. does not meet the requirements of the producer and the recommendations of the competent bodies for maintenance of the flying fitness of the aircraft;

7. (amend., SG 52/04) breaches the rules for movement on the territory of an airfield;

8. with his conduct or activity breaches the safety of flights or creates danger for the life of people;

9. hides information about an event or circumstance connected with an aircraft, with which are created conditions for aggravation of the safety of flights;

10. does not fulfil a recommendation of the Civil aviation administration under art. 47, para 3 for removing of an obstacle connected with the safety of flights;

11. implements a flight without having on board the aircraft the documents pointed out in art. 30 and in other normative acts;

12. orders to be implemented or implements transport in the air or other aviation service against payment without having the right for this;

13. exploits facility, building, machines or equipment which do not meet the requirements for safe work.

Art. 145. (amend. SG 85/98) A person who does not observe the established order in the aircraft or at an airfield shall be punished with a fine from 50 to 200 levs.

Art. 146. (amend. SG 85/98; amend. - SG 105/06, in force from 01.01.2007) For

second violation the fine under art. 143 and 144 shall be from 4000 to 13 000 levs.

Art. 147. (1) (prev. text of art. 147 – SG 85/98) For breach of this law, of the regulations and the ordinances for its implementation, for which other penalty has not been provided, the guilty persons shall be punished with fine from 100 to 500 levs.

(2) (new – SG 85/98) A chief of another official, who orders or conscientiously admits his subordinate to implement a breach under this law shall be punished with the penalty, provided for the implemented breach.

Art. 147a. (new, SG 52/04) Where the offence under art. 143, 144, 145, 146 and art. 147, para 1 is committed by a corporate body a material sanction amounting to the fine shall be imposed for the respective offence.

Art. 147b. (new - SG 105/06, in force from 01.01.2007) (1) For non-obedience to an order under Art. 16b, Para 3, Item 3 and Para 5 the guilty persons shall be fined from 250 to 1000 BGN, and the sole-entrepreneurs and legal persons shall be imposed a proprietary sanction double the amount.

(2) For repeated infringement under Para 1 the guilty persons shall be fined and the sole-entrepreneurs and legal persons shall be imposed a proprietary sanction double the amount.

Art. 148. (1) (suppl. SG 85/98, amend. SG 34/01, amend. SG 88/05) The breaches shall be established with acts, compiled by persons, determined by the Minister of Transport, and in the cases of art. 145, if the violation has been implemented on board of the aircraft – by the captain of the aircraft.

(2) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05) On the basis of the compiled acts the Minister of Transport or a person, determined by him, shall issue punitive decrees.

(3) (revoked SG 85/98).

Art. 149. The compiling of the acts and the issuing of the punitive decrees for administrative violations under this law as well as their appealing and execution shall be implemented by the order of the Law for the administrative breaches and penalties.

Additional provisions (prev. title "Special provisions" – SG 85/98)

§ 1. (prev. art. 150, amend. SG 85/98, amend. SG 34/01, amend. SG 88/05) The inspectors for aviation and the servicemen of the Civil aviation administration at implementation of their official obligations shall travel free of charge with all Bulgarian aircrafts under conditions and by an order determined by the Minister of Transport.

§ 2. (amend. SG30/90, prev. art. 151 – SG 85/98) Right to free of charge and at reduced price non official travels with Bulgarian aircrafts shall have aviation workers under

conditions, defined in the structural regulation or in the statutes of the company or the organisation, implementing aviation activity in the sense of this law.

§ 3. (prev. art. 152a – SG 85/98) In the sense of this law:

1. (revoked, SG 52/04)

2. (amend., SG 52/04) "Aviation accident" is an event related to the using of an aircraft, which has occurred from the moment of climbing on board by a person with intention to complete a flight until the moment when all persons aboard have left the aircraft and during which:

a) death has occurred or a severe or moderate bodily injury as a result of the stay on board of the aircraft; direct contact with a part of the aircraft, including with a part separated from it; direct impact of a reactive jet from the engines, with exception of the cases where the death or injury have occurred as a result of a natural cause or self injury or injury by other persons, or when the bodily injuries have been caused to passengers without a ticket, stowaways in places which are not usually used by the crew or the passengers;

b) the aircraft has suffered damage or breaking of the construction whereas the solidity of the construction has been broken or the technical and flying characteristics of the aircraft have deteriorated, which usually requires repair or replacement of the damaged elements, with exception of the cases of failure or damage of the engine, its cowlings or auxiliary units, or only the air screws have been damaged, the edges of the wing, the aerals, the tires, the braking units, the cowlings or there are insignificant concavities or breaches on the sheeting;

c) the aircraft has disappeared without a trace or the access to it is impossible.

3. "Safety of flights" shall be the ability of the aviation system to ensure unimpeded conducting and implementing of flights preserving the life and health of those participating in them as well as the entireness of the loads and the aircraft.

4. "Aviation" shall be the movement of aircrafts as well as the activities and the acts of persons connected with its ensuring in the air and on the land.

5. "Aircraft" shall be any vehicle which can get support in the atmosphere for the account of the reaction of the air except the reaction of the air from the land surface.

6. "Aviation service" shall be the service implemented using aircraft against payment.

7. "Air traffic" shall mean all aircrafts in flight or moving on the manoeuvring area of an airfield.

8. "State flight" shall be a flight with no commercial objective implemented with state aircraft.

9. "State aircrafts" shall be an aircraft used for military, police or customs flights regardless of its nationality.

10. (amend. SG 34/01; amend., SG 52/04) "Aviation inspector" shall be a person determined by the head of Chief Directorate "Civil aviation administration" with right to control the observation of this law and the normative acts issued on its basis and to issue obligatory prescriptions or acts for establishing offences.

11. "Control point of an airfield" shall be a conditional point determining the geographical location of the airfield.

12. "Flying fitness of an aircraft" shall be a complex characteristic of the aircrafts determined by the designers and the realised principles in the construction and its flying characteristics allowing a safe flight to be implemented in the expected conditions and

according to the established exploitation methods.

13. (amend., SG 52/04) "Airport" shall be certain part of the land or water surface (including all buildings, facilities and equipment), designated entirely or partially for landing, take off and movement on this service by aircrafts and for servicing their passengers, cargo and mail.

14. "Airstrip" shall be certain part of a facility, land or water surface, designated for take off and landing of aircrafts.

15. "Airfield administration" shall be the service for management of an airfield for public use.

16. (amend. SG 34/01, in force from January 1, 2001; amend., SG 52/04) "Airfield operator" shall be a sole owned commercial company with state assets or a trader, received concession under conditions and by the order of the Law for the concessions, as well as trader, who uses the civil airfields under art. 43, para 2, items 2 and 3 of the law.

17. "International flight" shall be any flight where the place of departure, intermediate landing if there is such or the destination is located on the territory of two or more countries.

18. "Land servicing" shall be activities implemented within the guarded borders of an airfield connected with pre-flight or post-flight servicing of the aircraft.

19. "Serviced airspace" shall be an airspace with certain dimensions within which could be implemented concrete types of servicing of air traffic and the rules for the flights. In the services airspace of the Republic of Bulgaria shall also be included the delegated airspace by the force of international agreements.

20. "Guarded borders" shall be the terrains within the perimeter of the fence of an airfield for public use.

21. (revoked, SG 52/04)

22. (amend. SG 34/01; revoked, SG 52/04)

23. "Obstacles" shall be all immovable (temporary or permanent) and movable objects or parts thereof which are located in a zone designated for movement of aircrafts or which exceed certain surface designated for ensuring safety of the aircraft in flight.

24. (amend., SG 52/04) "License for airway carrier" shall be an individual administrative act entitling the airway carrier to fulfil commercial air transportation.

25. "Certificate for aviation operator" shall be a document confirming that the operator has the professional abilities and organisation for ensuring safe work of the aircrafts for the aviation activities, specified in the certificate.

26. "Security" shall be an element of safety characterising the status of protection of the civil aviation from acts of unlawful interference.

27. "Standard" shall be any requirement to the physical characteristics, the configuration, the material, the status, the staff or the procedures, which uniform implementation is recognised as necessary for ensuring the safety or the regularity of aviation.

28. "Facility for take off and landing" shall be a common term to designate the airstrip, the rolling paths, the platform as well as the airnavigation means of an airfield.

29. "Sport and training aircrafts" shall be the aircrafts designated for sport or training objectives.

30. "National sign" shall be a combination of alphabetic or alphabetic-numerical symbols which is unique for any state - member of ICAO.

31. "Registration-identification symbol" shall be the combination of alphabetic or alphabetic-numerical symbols which is unique for each aircraft of a state - member of ICAO."

32. (new - SG 34/01, in force from January 1, 2001) "Road fees" are expense oriented

fees, determined in compliance with the requirements of the Convention for international aviation and of the International convention of Eurocontrol for co-operation for safety of aviation from December 13, 1960, amended with record of February 12, 1981, covering the expenses for exploitation of the air-navigation facilities and landing and the expenses for air - navigation servicing of the aircrafts at flying in the airspace of the Republic of Bulgaria.

33. (new, SG 52/04) "Commercial air transportation" is a flight of an aircraft for air transportation of passengers, cargo and/or mail against remuneration.

34. (new, SG 52/04) "Serious incident" is an incident whereby the circumstances show that aviation accident was about to happen. The difference between accident and serious incident is that with the serious incident were avoided or did not occur the consequences of an aviation accident.

35. (new, SG 52/04; amend. - SG 37/06) "Incident" is every event which is not an aviation accident and which is connected with the using of an aircraft, which influences or may influence the safety of the aviation.

36. (new, SG 52/04) "Airport fees" are fees determined in compliance with the principles of the Convention for international civil aviation which cover the expenses for creation of the necessary conditions and standards providing safe and secure landing and parking of the aircrafts, as well as the expenses for servicing and security of the passengers departing from the airport.

37. (new, SG 52/04) "Self service" on an airport for public use is present where an aviation operator provides for himself one or more of the activities of land servicing under art. 48e, para 3, alone or through an operator for land services hired by him for the needs of the aviation operator, without being admissible to provide services to third parties by the hired operator. The aviation operators shall not consider themselves third party when one of them possesses the greater part of the stocks of the other or the owner of the greater part of the stocks of each of the aviation operators is the same.

38. (new, SG 52/04) "Dry leasing" is a contract by virtue of which the lessor (aviation operator or person) cedes for using by leasing an aircraft without a crew to another aviation operator (lessee) and the aircraft is operated under the terms of the certificate for aviation operator or other equal document of the lessee, under his commercial control and in compliance with his commercial rights.

39. (new, SG 52/04) "Wet leasing" is a contract by virtue of which the lessor (aviation operator) cedes for using by leasing an aircraft with a crew to another aviation operator or person (lessee) and the aircraft is operated under the terms of the certificate for aviation operator or other equal document of the lessee, under his commercial control and in compliance with his commercial rights.

40. (new, SG 52/04; amend. - SG 37/06) "Financially stable" is a person which, as a result of an analysis and assessment of the submitted balance, account of the income and expenses and account of the cash flow, certified by a registered auditor, was found to be in good financial state, solvent and capable to provide the adequate financial resources for ensuring the flight safety.

41. (new, SG 52/04) "Control in the meaning of art. 48e, para 6 and art. 48g, para 1" is present where a person:

a) possesses, including through a filial company, or by virtue of an agreement with another person, more than half plus one of the number of votes in the general assembly of the company, or

b) may determine directly or indirectly more than half of the members of the

management body of the company, or

c) may, in other way, exercise a decisive influence on taking decisions related to the activity of the company.

42. (new, SG 52/04) "User of activity of land servicing" is every person who usually carries out transportation of passengers, mail and/or cargo by air, to and from the respective airport.

43. (new, SG 52/04) "Air traffic servicing" is a general term which, in the concrete case means flight information servicing, emergency alarm servicing, consultative servicing of the air traffic, air traffic control – control of the region, approach control, control of the airport traffic.

44. "Air traffic control" is a combination of board and ground functions (servicing of the air traffic, management of the air space and management of the air traffic flow) for providing safety and efficiency of the traffic of aircrafts in each stage of the flight;

45. (new - SG 37/06) "Airspace management" means a planning function with the objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs.

46. (new - SG 37/06) "Air traffic flow management" means a function of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that the capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the persons providing air traffic service.

47. (new - SG 37/06) "Airspace users" means all aircraft operated as general air traffic.

48. (new - SG 37/06) "Air navigation services" means air traffic services, including communication, navigation and surveillance services, meteorological services for air navigation, and aeronautical information services.

49. (new - SG 37/06) "Communication services" means aeronautical fixed and mobile services to enable ground-to-ground, air-to-ground and air-to-air communications for air traffic control purposes.

50. (new - SG 37/06) "Navigation services" means those facilities and services that provide aircraft with positioning and timing information.

51. (new - SG 37/06) "Surveillance services" means those facilities and services used to determine the respective positions of aircraft to allow safe separation.

52. (new - SG 37/06) "Meteorological services" means those facilities and services that provide aircraft with meteorological forecasts, briefs and observations as well as any other meteorological information and data provided by States for aeronautical use.

53. (new - SG 37/06) "Aeronautical information service" means a service established within the defined area of coverage responsible for the provision of aeronautical information and data necessary for the safety, regularity, and efficiency of air navigation.

54. (new - SG 37/06) "General air traffic" means all movements of civil and state aircrafts carried out in conformity with the procedures of the ICAO.

55. (new - SG 37/06) "Serviced civil airspace" means airspace which does not include the prohibited zones, the activated dangerous zones, activated restricted zones, the temporary reserved airspace in the areas and the zones of the military airports, in cases operative air traffic is carried out.

56. (new - SG 37/06) "Operational data" means information concerning all phases of flight that are required to take operational decisions by air navigation service providers,

airspace users, airport operators and other parties involved.

57. (new - SG 105/06, in force from 01.01.2007) "Repeated" shall be any infringement, which was committed within one year from the entry into force of the penal decree, by which a penalty was imposed for the same type of infringement.

§ 4. (new – SG85/98, suppl. SG 12/00; amend., SG 52/04; revoked – SG 108/06, in force from 01.01.2007)

### Transitional and concluding provisions

§ 5. (prev. art. 152 – SG 85/98) For the cases, not provided in this law and in the international agreements, to which the Republic of Bulgaria is a party, shall be applied the provisions of the respective Bulgarian laws.

§ 6. (prev. art. 153, amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05) For the implementation of this law and of the ratified international agreements in the field of civil aviation the Minister of Transport shall issue ordinances and instructions.

(2) The ordinances, the norms and the standards of this law must be complied with the corresponding requirements of the International organisation for civil aviation and of the European Union.

(3) (new - SG 37/06; revoked – SG 10/07, in force from 30.01.2007)

§ 7. (prev. art. 154 – SG 85/98, amend. SG 34/01, amend. SG 88/05) This law shall repeal the Law for the civil aviation, promulgated in State Gazette No 1 of January 4, 1963 and the Statutes of the air transport in the Republic of Bulgaria, prom. in Izvestiya, No 93 of November 18, 1960. The implementation of the law shall be assigned to the Minister of Transport.

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The law was passed by the 38th National Assembly on July 10, 1998 and was affixed with the official seal of the National Assembly.

### Transitional and concluding provisions Of the Law for amendment and supplement of the Law for the civil aviation (prom.SG 16/97)

§ 3. The collected resources of the off-budget profit and loss account, created with decree No 44 f the Council of Ministers of 1991 (prom. SG 23/91, corr. SG 26/91, amend. and suppl. SG 45, 70/91, SG 40, 43, 47, 51/92, SG 5, 96, 104/93, SG 2, 6, 24, 33/95, SG 108/96) and of fund "Development of the system for servicing of the air traffic", created with decree No 102 of the Council of Ministers of 1992 (SG 51/92) shall be transferred to fund "Development of the system for servicing of the air traffic".

### Transitional and concluding provisions Of the Law for amendment and

## supplement of the Law for the civil aviation (SG 85/98)

§ 89. Everywhere in the law the words "People's Republic of Bulgaria" shall be substituted by "Republic of Bulgaria"; the words "State aviation inspectorate" shall be substituted by "Civil aviation administration"; the words "entering" shall be substituted by "registering" and the words "Chief directorate "Air traffic control" shall be substituted by "Air traffic control".

§ 90. (1) The airfields – public state ownership shall be separated from the property of the commercial companies with state property after this law enters into force.

(2) The Minister of Transport exercising the ownership rights of the state in the companies of para 1 shall in 6 months after this law enters into force undertake actions for the decrease of their capital.

(3) The sites of para 1 shall be used by the commercial companies in compliance with the Law for concessions.

## Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 39. In the Law for the civil aviation (prom. SG 94/72; amend. SG 30/90, SG 16/97, SG 85/98, SG 12/00, SG 34 and 111/01, SG 52 and 7004, SG 88 and 102/05) the words "Law for the administrative procedures" everywhere shall be replaced by "the Administrative procedure code".

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§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

## Transitional and concluding provisions TO THE LAW FOR THE



## CONCESSIONS

(PROM. – SG 36/06, in force from 01.07.2006)

§ 23. The law shall enter into force from 1 July 2006 except Art. 42, para 3 and Art. 58, para 4 which shall enter into force from the date of accession of the Republic of Bulgaria to the European Union.

### Transitional and concluding provisions TO THE LAW FOR AMENDMENT AND IMPLEMENTATION OF THE LAW FOR THE CIVIL AVIATION

(PROM. – SG 37/06)

§ 16. The provisions of § 4 (concerning Art. 16c, para 4 – 6) shall enter into force from the date the Treaty of Accession of the Republic of Bulgaria to the European Union enters into force.

### Concluding provisions TO THE LAW ON PROVIDING FINANCIAL SERVICES AT A DISTANCE

(PROM. – SG 105/06, IN FORCE FROM 01.01.2007)

§ 12. This Law shall enter into force from 1 January 2007 except § 4, Items 1 and 5, which shall enter into force from the day of entering into force of the Law on the Electronic Commerce.

### Concluding provisions Of the Law of Amendment and Supplement of the Law for the Civil Aviation

(PROM. - SG 10/07, in force from 30.01.2007)

§ 15. (in force from 28.03.2007) (1) The head of the General Directorate “Civil Aviation Administration” with an order shall nullify:

1. the certificates of flying capacity, issued to the aircrafts, for which no standard certificate or an equivalent document has been issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircrafts;

2. licenses issued for technical servicing and maintenance of the aircrafts, entered into the register of civil aircrafts of the Republic of Bulgaria and operated by Bulgarian aviation operators, for which no standard certificate or an equivalent document has been issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircraft;

3. credentials of aviation operators, issued to operators, operating only aircrafts, for

which no standard certificate or an equivalent document has been issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircraft.

(2) The order under par. 1 shall be promulgated in the State Gazette.

(3) The head of the General Directorate "Civil Aviation Administration" upon a submitted application shall issue:

1. certificates of flying capacity to the aircrafts, for which a standard certificate has been issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircrafts;

2. licenses for technical servicing and maintenance of the aircrafts, entered into the register of civil aircrafts of the Republic of Bulgaria for which a standard certificate has been issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircrafts;

3. credentials of aviation operators, issued to operators, operating only aircrafts, for which a standard certificate has been issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircraft.

(4) The head of the General Directorate "Civil Aviation Administration" shall promulgate in the State Gazette a list of certificates, licenses and credentials under par. 3.

§ 16. This Law shall enter into force from the day of its promulgation in the State Gazette, except § 15, which shall enter into force from 28 March 2007.