

Civil Aviation Act

Promulgated, State Gazette No. 94/1.12.1972, amended and supplemented, SG No. 30/13.04.1990, SG No. 16/21.02.1997, SG No. 85/24.07.1998, effective 1.01.1999, supplemented, SG No. 12/11.02.2000, amended and supplemented, SG No. 34/6.04.2001, effective 6.04.2001, amended, SG No. 111/28.12.2001, amended and supplemented, SG No. 52/18.06.2004, amended, SG No. 70/10.08.2004, effective 1.01.2005, SG No. 88/4.11.2005, SG No. 102/20.12.2005, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 36/2.05.2006, effective 1.07.2006, amended and supplemented, SG No. 37/5.05.2006, SG No. 105/22.12.2006, effective 1.01.2007, amended, SG No. 108/29.12.2006, effective 1.01.2007, amended and supplemented, SG No. 10/30.01.2007, effective 30.01.2007, supplemented, SG No. 41/22.05.2007, amended and supplemented, SG No. 109/20.12.2007, effective 1.01.2008, amended, SG No. 36/4.04.2008, amended and supplemented, SG No. 66/25.07.2008, effective 25.07.2008, amended, SG No. 67/29.07.2008, SG No. 35/12.05.2009, effective 12.05.2009, amended and supplemented, SG No. 47/23.06.2009, SG No. 82/16.10.2009, amended, SG No. 102/22.12.2009, effective 22.12.2009, amended and supplemented, SG No. 63/13.08.2010, supplemented, SG No. 73/17.09.2010, effective 17.09.2010, SG No. 94/30.11.2010, effective 1.01.2012, amended and supplemented, SG No. 41/31.05.2011, SG No. 81/18.10.2011, SG No. 99/16.12.2011, effective 1.01.2012, amended, SG No. 38/18.05.2012, effective 1.07.2012, amended and supplemented, SG No. 60/7.08.2012, amended, SG No. 82/26.10.2012, effective 26.11.2012, supplemented, SG No. 15/15.02.2013, effective 1.01.2014, amended, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 12/11.02.2014, SG No. 53/27.06.2014, SG No. 98/28.11.2014, effective 28.11.2014, amended and supplemented, SG No. 28/17.04.2015, SG No. 89/17.11.2015, supplemented, SG No. 15/23.02.2016, amended, SG No. 95/29.11.2016, SG No. 58/18.07.2017, effective 18.07.2017, amended and supplemented, SG No. 96/1.12.2017, effective 1.01.2018

*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 56/6.07.2018, effective 10.07.2018

Text in Bulgarian: Закон за гражданското въздухоплаване

Chapter One GENERAL PROVISIONS

Article 1

(Amended, SG No. 85/1998)

This Act shall govern all public relations pertaining to civilian air navigation in the Republic of Bulgaria as well as to ensuring its safety and security.

Article 2

(1) (Supplemented, SG No. 85/1998) The Republic of Bulgaria shall have complete, exclusive and irrevocable sovereignty over the airspace above its territory, inclusive of its inland and territorial waters.

(2) (Amended, SG No. 85/1998) The Council of Ministers shall designate the airspace zones wherein aerial navigation may be restricted.

Article 2a

(New, SG No. 85/1998)

(1) (Amended, SG No. 102/2005, amended and supplemented, SG No. 37/2006) The organisation and supervision of the usage of civil airspace, as well as the air traffic management and control over the airspace of the Republic of Bulgaria served, shall be governed by procedures as laid down by the Minister of Transport, Information Technology and Communications.

(2) (Amended, SG No. 37/2006) The Minister of Transport, Information Technology and Communications, in coordination with the Minister of Defence, shall stipulate the procedure of introduction and the rules of introducing a unified system of civilian and military airspace control, as well as its rules of operation.

(3) The Minister of Transport, Information Technology and Communications and the Minister of Defence shall stipulate the rules and procedures for using the airspace in a state of transition to military air and air-traffic control in the event of an emergency.

Article 3

(Amended, SG No. 85/1998)

(1) Civil aerial navigation shall be any flying performed by civilian aircraft and intended for:

1. carriage of passengers, baggage, cargo and mail by air;
2. providing services to agriculture, forestry and other sectors of economy;
3. geological and geographic exploration and other scientific research;
4. giving emergency medical attention and/or medical evacuation;
5. cultural and educational purposes, aerial photography and advertising;
6. fire-fighting, flood-control, response to other disasters, rescue and relief operations;
7. flight training, sports, etc.

(2) Civilian aircraft shall be all non-governmental planes.

Article 4

(Amended, SG No. 85/1998)

Applicable on board every aircraft registered in the Republic of Bulgaria shall be the laws of Bulgaria, unless otherwise provided in an international agreement that has been ratified, promulgated and put in force.

Article 5

(Amended, SG No. 85/1998)

(1) Every aircraft engaged in civilian navigation shall be registered under this Act.

(2) Every aircraft entered in the Republic of Bulgaria's Civilian Aircraft Register shall bear the distinctive nationality and registration marks of the Republic of Bulgaria.

(3) Civilian aircraft used for sanitary purposes shall additionally bear the Red Cross emblem.

(4) (Amended, SG No. 52/2004) The Minister of Transport, Information Technology and Communications shall issue an ordinance to prescribe the procedure of defining and application of registration marks (insignia).

Article 6

(Amended, SG No. 85/1998)

(1) (Amended, SG No. 81/2011) Bulgarian aircraft operators shall be required to perform commercial operations by aircraft both domestically and abroad under commercial contracts, and in the absence of such contracts - under such terms and procedures as stipulated in a regulation enacted by the Minister of Transport, Information Technology and Communications.

(2) (Amended, SG No. 81/2011) Foreign aircraft operators shall be granted the privilege of performing commercial activities by aircraft in this country pursuant to an international agreement whereto the Republic of Bulgaria is a contracting state, and in the absence of such agreement - under such terms and procedures as stipulated by the Minister of Transport, Information Technology and Communications in a special regulation.

Article 7

(1) (Amended, SG No. 85/1998, previous Article 7, amended, SG No. 52/2004) International air carriage of passengers, baggage, cargo and mail on a scheduled service basis shall be performed by Bulgarian and international air carriers in compliance with such international treaties to which the Republic of Bulgaria is a signatory.

(2) (New, SG No. 52/2004) The appointment of a Bulgarian air carrier shall be effected by force of bilateral or multilateral international treaties.

(3) (New, SG No. 52/2004) Unless otherwise provided by force of an international treaty to which the Republic of Bulgaria is a signatory, no monopoly market position shall be allowed to an air carrier on a scheduled air traffic line. Where an international treaty provides restrictions as to the number of Bulgarian air carriers, the frequency of operation on that line or the proposed capacity, an air carrier shall be selected by the Minister of Transport, Information Technology and Communications by means of an open tender or, in cases where only one candidate is bidding for the position, by a public procurement procedure. The terms, conditions and procedure of organizing a public tender for access to the air carrier market shall be prescribed by an ordinance of the Minister of Transport, Information Technology and Communications.

Article 8

(Amended, SG No. 85/1998)

(1) The Minister of Transport, Information Technology and Communications shall be vested with the administration and supervision of civilian air navigation, civilian aircraft and aeronautical facilities within the Republic of Bulgaria.

(2) The Minister of Transport, Information Technology and Communications shall discharge his functions as per paragraph (1) above through the Civil Aviation Administration Directorate General. The Civil Aviation Administration Directorate General shall be a juristic person budgeted by the Ministry of Transport, Information Technology and Communications and domiciled in the city of Sofia.

(3) The Minister of Transport, Information Technology and Communications shall enact Rules and Regulations prescribing the structure, tasks and functions of the Civil Aviation Administration Directorate General.

(4) (New, SG No. 89/2015) The Civil Aviation Administration Directorate General shall be the competent authority regarding the enforcement of Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No. 1592/2002 and Directive 2004/36/EC (OJ L 79/1, 19.3.2008), hereinafter referred to as "Regulation (EC) No. 216/2008", and the rules for its implementation.

Article 9

(Repealed, SG No. 30/1990).

Article 10

(Amended, SG No. 85/1998)

(1) (Amended, SG No. 52/2004, supplemented, SG No. 81/2011) Aircraft may be leased subject to written leasing contracts, domestically as well as internationally, with or without crew, upon approval by the Director General of the Civil Aviation Administration Directorate General.

(2) (Amended, SG No. 52/2004, SG No. 66/2008, effective 16.07.2008, SG No. 81/2011) The Director General of the Civil Aviation Administration Directorate General shall review the applications under Paragraph 2 within 10 days following their submission and within 20 days in case a Bulgarian aircraft operator grants an aircraft to a foreign aircraft operator under a dry leasing contract and no striking off of the aircraft from the Republic of Bulgaria's Civilian Aircraft Register is provided for.

(3) (Amended, SG No. 52/2004, repealed, SG No. 81/2011).

(4) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(5) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(6) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(7) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(8) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(9) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(10) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(11) (New, SG No. 52/2004, repealed, SG No. 81/2011).

(12) (New, SG No. 37/2006, repealed, SG No. 66/2008, effective 16.07.2008).

(13) (New, SG No. 52/2004, renumbered from Paragraph 12, SG No. 37/2006, amended, SG No. 81/2011) The Minister of Transport, Information Technology and Communications shall issue an ordinance stipulating the terms and procedure to grant aircrafts on lease.

Article 10a

(New, SG No. 53/2010)

The common rules governing civil aviation security are laid down in Regulation (EC) No. 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No. 2320/2002 (OJ L 97/72, 9.4.2008).

Article 11

(Amended, SG No. 85/1998)

(1) Passengers, crews, baggage, cargo, mail and consignments shall be subject to inspection with a view to ensuring security and safety of flight.

(2) (Amended and supplemented, SG No. 109/2007, amended, SG No. 63/2010) The terms and procedures to ensure civil aviation security shall be set out by measures and procedures exhaustively described in the National Civil Aviation Security Programme.

(3) (New, SG No. 53/2010) The National Civil Aviation Security Programme shall be approved by the Director General of the Civil Aviation Administration Directorate General, upon coordinating it with the co-presidents of the Civil Aviation Security Council.

Article 12

The provisions of this Act shall be applicable to:

- a) Bulgarian civilian air navigation, as well as to foreign civilian flying in all cases stipulated by law;
- b) (amended and supplemented, SG No. 85/1998, amended, SG No. 81/2011) all aircraft recorded in the Republic of Bulgaria's Civilian Aircraft Register, inclusive of the time while outside national territory, as well as to sports and training aircraft;
- c) (amended, SG No. 85/1998) governmental aircraft when flying under the control and guidance of civilian air-traffic controllers.

Article 13

Property rights in aircraft shall be settled in accordance with the laws of the state in which an aircraft is registered.

Article 14

(Amended, SG No. 85/1998)

The form and the validity terms of any deed embodying transfer of title to an aircraft shall be governed by the laws of the country where such deed is executed.

Article 15

Fees for assistance (service) rendered by and to an aircraft shall be stipulated by the law of the assisting aircraft's state of registry.

Article 16

(Amended, SG No. 85/1998)

All natural and artificial persons engaged in civilian aircraft operation, airport administration, or civil aviation services shall be required to submit to the Ministry of Transport, Information Technology and Communications updated statistics about their operations under such terms and procedures as laid down by the Minister of Transport, Information Technology and Communications.

Article 16a

(New, SG No. 85/1998, supplemented, SG No. 52/2004)

The Minister of Transport, Information Technology and Communications shall be vested with the administration and supervision of civilian aerial navigation, wherefore he shall:

1. organise the Republic of Bulgaria's participation in all international civil aviation organisations of which this country is a member;
2. organise and co-ordinate the use of airspace for the purposes of civilian flying;
3. (amended, SG No. 52/2004) co-ordinate the issuance of building permits for the construction of facilities and installations making up the infrastructure of air navigation;
4. (repealed, SG No. 52/2004);
5. (repealed, SG No. 63/2010);
6. establish norms, rules and procedures in the field of civil aviation, inclusive of the terms and procedures for the carriage of dangerous freight;

7. (amended, SG No. 52/2004) prescribe by ordinances the terms, conditions and procedure of the issuance, amendment, restriction, suspension and withdrawal of certificates, approvals and licenses pursuant to this Act;
8. lay down the terms of keeping the appropriate registers and maintaining a data base on all certified facilities, installations and persons;
9. (amended, SG No. 96/2017, effective 1.01.2018) supervise the administration of airports open to public use for which a concession has not been awarded;
10. (amended, SG No. 52/2004, SG No. 37/2006) issue an ordinance determining the general rules of compensating and assisting passengers in the event of refusal by an air carrier to admit them aboard an aircraft and in the case of flight cancellation or delay;
11. (amended, SG No. 52/2004) define, by way of an ordinance, the requirements regarding scheduled and chartered service tariffs, as well as the general rules of introduction and use of computerized booking systems;
12. exercise such other powers as stipulated by law or in an international agreement to which the Republic of Bulgaria is a signatory;
13. (new, SG No. 52/2004) approve the investment programs proposed by legal entities using proceeds from fees as per Article 120;
14. (new, SG No. 52/2004) issue an ordinance determining the working hours of the licensed flight personnel;
15. (new, SG No. 37/2006) issue an ordinance on the introduction of requirements for safety in air navigation of the European Organisation for the Safety of Air navigation (EuroControl);
16. (new, SG No. 10/2007, amended, SG No. 81/2011) issue an ordinance stipulating the rules regarding dock inspection of aircrafts, not recorded in the Republic of Bulgaria's Civilian Aircraft Register, taking off and landing at airports within the territory of the Republic of Bulgaria;
17. (new, SG No. 10/2007) issues an ordinance stipulating the rules and procedures regarding the introduction of operational restrictions.

Article 16b

(New, SG No. 52/2004)

(1) The Civil Aviation Administration Directorate General shall perform regulatory and control functions on behalf of the State for ensuring air transport security and safety, by:

1. performing the functions of a civil aviation administration in compliance with international treaties in the area of civil aviation to which the Republic of Bulgaria is a signatory;

2. controlling the civil aviation, civilian airports and landing fields, civilian aircraft, air navigation and other facilities pertinent to civil aviation within the country's territory, regardless of their ownership;

3. controlling and enforcing compliance with this Act and with the relevant bylaws by issuing instructions with binding force in all cases as provided by law;

- 3a. (new, SG No. 81/2011) implementing and improving the National Civil Aviation Security Programme;

4. (supplemented, SG No. 63/2010) supervising the activities of natural persons and legal entities pertinent to civil aviation security and safety, including those concerning the implementation of the National Civil Aviation Security Programme, by administering the National Quality Control Programme Ensuring Civil Aviation Security;

- 4a. (new, SG No. 66/2008, effective 26.07.2008) controlling performance of the obligations of airport operators and air carriers under European Parliament and Council Regulation No. 1107/2006 (EC) concerning the rights of disabled persons and persons with reduced mobility when travelling by air, further herein to be referred to as Regulation No. 1107/2006 (EC), in its capacity as the national authority responsible for compliance with said Regulation;

5. keep all registers as provided by law;
 6. (amended, SG No. 82/2012, effective 26.11.2012) coordinate urban development plans including land plots designated for airfields, and investment projects for the constructions of facilities in the vicinity of airfields and the surrounding areas within the perimeter of the legally provided service zones and zones of impact, as well as of the flight paths and air corridors, for purposes of ensuring air traffic security and safety;
 7. (amended, SG No. 66/2008, SG No. 81/2011) investigate incidents involving aircraft in the territory of the Republic of Bulgaria or issue instructions for such investigations to be performed by the relevant air carrier, aircraft operator, airport administration or traffic control authority; and, following completion of the investigation, shall notify the specialized unit as per Article 16g of the results thereof;
 8. make proposals for bylaws in the area of civil aviation to be issued by the Minister of Transport, Information Technology and Communications;
 9. implement coordination between government agencies and legal entities engaged in air navigation in pertinence to flight security and safety;
 10. (repealed, SG No. 63/2010);
 11. (amended, SG No. 63/2010) maintain a centralized database and issue identification documents to flight crews and ground passes to individuals who discharge their duties within the security areas, upon having successfully undergone a comprehensive credibility check conducted by the State Agency for National Security, as well as to motor vehicles - for access to the security areas of civil airports open for public use;
 12. supervise the implementation of requirements for simplifying passenger service procedures, the processing and servicing of aircraft, luggage, cargo and mail;
 13. supervise the performance by legal entities of the functions assumed as an obligation by the State by force of international treaties and in conformity with the applicable standards, regulations and categories relevant to the performance of air navigation;
 14. issue instructions on deferral of take-off of aircraft in cases as provided by law;
 15. organize the collection, updating and provision of specialized data in respect of facilities as per Article 32 (1), item 1 of the Cadastre and Property Register Act and the production of specialized maps, registers and information databases;
 16. collect fees and charges in all cases as provided by law;
 - 17 perform any other functions as provided by law.
- (2) (Amended, SG No. 81/2011) The control functions of the Civil Aviation Administration Directorate General shall be performed by air navigation inspectors appointed by an order of the Director General of the Civil Aviation Administration Directorate General.
- (3) The inspectors shall be entitled to:
1. free and unlimited access to entities and facilities within their jurisdiction for purposes of performing inspections of air navigation safety and security;
 2. (new, SG No. 105/2006, amended, SG No. 89/2015) access to all the documents directly or indirectly relevant to a breach of this Act or of the legislation of the EU Member States transposing the requirements of Regulation (EC) No. 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No. 295/91, hereinafter referred to as "Regulation (EC) No. 261/2004", regardless of the form of the document;
 3. (new, SG No. 105/2006) order any person to provide information on a breach as per Item 2, that he knows of;
 4. (renumbered from Item 2, SG No. 105/2007) require from the respective officials any and all relevant data, reports, explanations, operational and any other information, including such as concerns the professional competence of personnel, as well as any other information pertinent to compliance with the applicable legislation in the area of air navigation;

5. (renumbered from Item 3, SG No. 105/2007) issue penal orders in the event of administrative violations of this Act;
 6. (renumbered from Item 4, SG No. 105/2007) issue written instructions with binding force with a view to ensuring compliance with the applicable bylaws in the area of air navigation and the security and safety of civil aviation, whereby they shall prescribe that established violations or irregularities pertinent to flight safety be rectified within a certain time limit;
 7. (renumbered from Item 5, SG No. 105/2007) issue proposals on the suspension, revocation, withdrawal or restriction of rights ensuing from licenses, permits, certificates and approvals as issued.
- (4) (Amended, SG No. 81/2011) The inspectors shall issue written statements of fact to reflect the findings of such inspections, to which all collected evidence shall be appended. The statement of fact shall then be presented to the entity subject to the inspection, which shall have the right to issue explanations or objections upon receipt of the statement.
- (5) (New, SG No. 89/2015) The Civil Aviation Administration Directorate General shall control how air carriers fulfill their obligations under Regulation (EC) No. 261/2004 in its capacity as a national authority responsible for the implementation of the said Regulation.
- (6) (Supplemented, SG No. 105/2006, amended, SG No. 66/2008, SG No. 81/2011, renumbered from Paragraph 5, SG No. 89/2015) Based upon the findings of such inspections, the Director General of the Civil Aviation Administration Directorate General shall impose administrative sanctions, or shall suspend, revoke, withdraw or restrict the rights ensuing from licenses, permits, certificates and approvals as issued, and has the right to:
1. (new, SG No. 105/2006) order the offender in writing to discontinue the breach as per Item 2 of Paragraph 3;
 2. (new, SG No. 105/2006) require from the offender to make a statement that he will discontinue the breach as per Item 2 of Paragraph 3 and, if necessary, oblige him to disclose the statement in the public domain;
 3. (new, SG No. 105/2006) order the termination or prohibition of any breach as per Item 2 of Paragraph 3 and, if necessary, disclose the order for termination or prohibition of the breach in the public domain.
- (7) (New, SG No. 66/2008, renumbered from Paragraph 6, SG No. 89/2015) In performing in-flight checks, the aviation inspectors shall receive per diems in the amount set for a crew member, namely, the flight captain.

Article 16c

(New, SG No. 37/2006)

- (1) (Amended, SG No. 99/2011, effective 1.01.2012) The Civil Aviation Administration Directorate General shall be the national supervisory authority as regards the safe and effective operation of suppliers of air navigation services. In execution of its functions the national supervisory authority shall be independent of providers of air navigation services.
- (2) The Civil Aviation Administration Directorate General shall issue a licence for air navigation services to the providers of air navigation service.
- (3) The Minister of Transport, Information Technology and Communications shall issue an ordinance thereby determining:
 1. the conditions and procedure of issuance and suspension of licence for navigation services, as well as the requirements to the person that has applied for a licence;
 2. the manner of organizing and conducting the checks of fulfilment of requirements of the person that has filed for issuance or to whom a licence for navigation services has been issued;
 3. the conditions and procedure at which part of the checks pursuant to Item 2 may also be carried out by other organizations recognized by the Civil Aviation Administration Directorate General and endorsed by the Minister of Transport, Information Technology and Communications, the requirements to which these organisations shall correspond, as well as the conditions and procedure for withdrawal of commission to conduct checks.
- (4) (Effective from the date of enforcement of the Treaty Concerning the Accession of the Republic of Bulgaria to the European Union, amended, SG No. 99/2011, effective 1.01.2012) In the case of functional blocks of air space that encompass the air space of the Republic of Bulgaria and that of a European Union member-state or states the Republic of Bulgaria may conclude

an agreement with the relevant European Union member-state for control on the part of the national supervisory authority referred to in Paragraph (1) on providers of air navigation service who procure air navigation services in the air space of the functional block.

(5) (Effective from the date of enforcement of the Treaty Concerning the Accession of the Republic of Bulgaria to the European Union, amended, SG No. 99/2011, effective 1.01.2012) The Republic of Bulgaria may conclude an agreement with a European Union member-state for control effected by the national supervisory authority referred to in Paragraph (1) as regards the safe and effective operation of a provider of air navigation services whose principal location of operation is on the territory of the said European Union member-state.

(6) (Effective from the date of enforcement of the Treaty Concerning the Accession of the Republic of Bulgaria to the European Union, amended, SG No. 99/2011, effective 1.01.2012) The national supervisory authority referred to in Paragraph (1) shall cooperate with the national control authorities of other European Union member-states towards abidance by the conditions for the issue of air navigation service licences and for the provision of the necessary control of safe and effective operation of providers of air navigation services holding a licence, issued by a European Union member-state, and shall provide air navigation services in the air space of the Republic of Bulgaria served.

(7) (New, SG No. 63/2010) The Director General of the Civil Aviation Administration Directorate General shall issue certificates of operability to the provider of air navigation services concerning the use of air navigation, landing and surveillance facilities as per the terms and procedures laid down by ordinance of the Minister of Transport, Information Technology and Communications.

(8) (New, SG No. 99/2011, effective 1.01.2012) The National Supervisory Authority shall include the expenditure related to the implementation of its functions in the effectiveness plan in accordance with the requirements of Commission Regulation (EU) No. 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No. 2096/2005 laying down common requirements for the provision of air navigation services (OJ L 201/1 of 3 August 2010).

(9) (New, SG No. 99/2011, effective 1.01.2012) The expenditure related to the implementation of the functions of the national supervisory authority in accordance with the requirements of Regulation (EC) No. 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the Service Provision Regulation) and Commission Regulation (EC) No. 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services shall be included in the national cost-bas of fees under Article 120, paragraph 2.

(10) (New, SG No. 99/2011, effective 1.01.2012) The funds from any excess of revenues of the national supervisory authority, provided by the providers of air navigation services, over the incurred and proved expenditures related to the implementation of its functions at the end of the calendar year shall be used during the following fiscal years as special purpose funds for the implementation of its functions.

(11) (New, SG No. 99/2011, effective 1.01.2012) The funds for the implementation of the functions of the National Supervisory Authority shall be approved by the General Director of Civil Aviation Administration Directorate General and shall be spent for the purpose specified through the budget of the Ministry of Transport, Information Technology and Communications.

(12) (New, SG No. 99/2011, effective 1.01.2012) The officials of Civil Aviation Administration Directorate General, involved in its activity as a National Supervisory Authority, shall be appointed to the position "Civil Aviation Inspector" with employment relationships.

Article 16d

(New, SG No. 66/2008 effective 25.07.2008)

(1) The Civil Aviation Administration Directorate General is the body responsible for the security of civil aviation in the Republic of Bulgaria, which coordinates the interaction between natural persons and legal entities to ensure security in civil aviation.

(2) In performing its obligations under Paragraph (1) above, the Civil Aviation Administration Directorate General shall:

1. (repealed, SG No. 63/2010);
2. (amended, SG No. 63/2010) draft, and submit to the Director General of the Civil Aviation Administration Directorate General for approval, the National Civil Aviation Security Programme, the National Quality Control Programme Ensuring Civil Aviation Security, the National Civil Aviation Security Training Programme and the National Checkpoint Security Staff Certification Programme, upon coordinating them with the co-presidents of the Civil Aviation Security Council;
- 2a. (new, SG No. 53/2010) draft an action plan to be followed in cases of acts of unlawful interference in civil aviation and submit it for approval to the Minister of Transport, Information Technology and Communications; the Minister of Defence; the Minister of Interior; the Minister of Finance; and the Chairperson of the State Agency for National Security, where the action plan shall be adopted by decision of the Council of Ministers;
3. control and coordinate action plans for emergency situations caused by an act of unlawful interference in civil aviation;
4. perform an assessment of the occurrence risk analysis in relation to unlawful interference in civil aviation; determine and propose concrete action;
5. control the operation of the security checks system at airports and other civil aviation facilities;
6. coordinate with the competent authorities the decision making process and grant, where appropriate, practicable requests by other countries, as established by an international treaty to which the Republic of Bulgaria is a signatory, for stepping up security measures with respect to flights of foreign aircraft operators;
7. cooperate with other states in the exchange of information on threats against civil aviation, including, subject to coordination with the relevant authorities, by identifying high-risk countries to which flights are performed by Bulgarian aircraft operators;
8. perform monitoring and coordinate the supervision of the implementation and fulfilment of the National Civil Aviation Security Programme;
9. (new, SG No. 60/2012) issue certificates to the personnel of:
 - a) the airport operator, who are performing security control;
 - b) the ground service operator, who are performing security control over cargo and mail.

Article 16e

(New, SG No. 81/2011)

(1) The Civil Aviation Administration Directorate General shall serve as the national independent supervisory body within the meaning of Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70/11, 11.03.2009).

(2) The Civil Aviation Administration Directorate General shall:

1. examine and rule on disputes between the airport operator and airport users about the expediency and conformity with the law of the grounds to change the amount of airport charges set by the airport operator of an airport with annual traffic of more than 5 million transported passengers or by the airport operator of an airport with the greatest number of passenger carriages on the territory of the Republic of Bulgaria;
2. elaborate and submit for approval by the Council of Ministers, by the ordinance under Article 122, Paragraph 1, the procedure to set the amount of airport charges according to type; this methodology shall respect the principles of expense expediency, transparency and equality among the users of the airport with annual traffic of more than 5 million transported passengers or with the greatest number of passenger carriages on the territory of the Republic of Bulgaria;
3. publish and update annually a list containing all airports with annual traffic of more than 5 million transported passengers or with the greatest number of passenger carriages on the territory of the Republic of Bulgaria.

(3) (New, SG No. 60/2012) The costs of discharge of the functions of Independent supervisory body under Paragraph 1 shall be included in the amounts of the airport charges under Article 120, Paragraph 1, collected by the airport operator of the

airport with annual traffic of more than 5 million transported passengers or by the airport operator of the airport with the greatest number of passenger carriages on the territory of the Republic of Bulgaria.

(4) (New, SG No. 60/2012) The airport operator of the airport with annual traffic of more than 5 million transported passengers or the airport operator of the airport with the greatest number of passenger carriages on the territory of the Republic of Bulgaria shall not include in the amount of the airport charges under Article 122, Paragraph 2 the costs of discharge of the functions of Independent supervisory body under Paragraph 1, if no agreement is reached concerning such costs with the airport users in the course of the procedure under Chapter Ten "C".

(5) (New, SG No. 60/2012) The airport operator of the airport with annual traffic of more than 5 million transported passengers or the airport operator of the airport with the greatest number of passenger carriages on the territory of the Republic of Bulgaria shall transfer to the Independent supervisory body under Paragraph 1 the funds, collected as portion of the airport charges under Article 120, Paragraph 1 for the discharge of its functions.

(6) (New, SG No. 60/2012) The terms and procedure for determining the portion of the airport charges under Paragraph 5, as well as for their transfer, shall be determined by the Ordinance under Article 122, Paragraph 1.

(7) (New, SG No. 60/2012) Any amount of surplus of the revenues of the Independent supervisory body under Paragraph 1, transferred by the airport operator of the airport with annual traffic of more than 5 million transported passengers or the airport operator of the airport with the greatest number of passenger carriages on the territory of the Republic of Bulgaria above the expenses incurred and proven in discharging its functions at the end of the calendar year shall be used in the subsequent financial years and specifically for the discharge of its functions.

(8) (Renumbered from Paragraph 3, SG No. 60/2012) The Civil Aviation Administration Directorate General shall draw an annual report on its activities as an independent supervisory body and shall publish it on its Internet site.

Article 16f

(New, SG No. 52/2004, renumbered from Article 16c, SG No. 37/2006, renumbered from Article 16d, SG No. 66/2008, renumbered from Article 16e, SG No. 81/2011)

(1) (Supplemented, SG No. 66/2008, SG No. 81/2011) Applications for issuance of licenses, permits, certificates and approvals shall be submitted to the Civil Aviation Administration Directorate General and shall be reviewed and within a 30-day period from submission thereof, unless a different period is provided under a European Union Regulation, as well as in the cases under Article 10, Paragraph 2.

(2) (Supplemented, SG No. 66/2008, amended, SG No. 81/2011) Where a candidate (applicant) is found to meet the relevant requirements, the Director General of the Civil Aviation Administration Directorate General shall issue the respective document applied for within 10 days following expiry of the period as per Paragraph, unless a different period is provided under a European Union Regulation (1).

(3) (Amended, SG No. 81/2011) The Director General of the Civil Aviation Administration Directorate General may authorize other officials to issue or withdraw licenses, permits, certificates and approvals.

(4) The rights as per Paragraph (1) shall be non-transferable.

(5) (Amended, SG No. 66/2008, SG No. 81/2011) In the event of established violations of the safety and security requirements or any other obligations, as provided by law, on the part of the entity to which a document has been issued as per Paragraph (1), by way of a coercive measure the Director General of the Civil Aviation Administration Directorate General or another official duly authorized by the latter shall:

1. restrict the rights as per the document issued until rectification of the violation or compliance with the obligatory instruction issued, in cases where the restricted activity does not jeopardize air navigation safety and security or create a risk of damages or threats to the life or limb of human individuals;

2. suspend the rights as per the document issued until rectification of the violation or compliance with the obligatory instructions issued, in cases where the performance of the said activity may jeopardize air navigation safety and security or create a risk of damages or threats to the life or limb of human individuals.

(6) The rights ensuing from documents issued as per Paragraph (1), shall be terminated in the event of:

1. (amended, SG No. 81/2011) withdrawal of the document by decision of the Director General of the Civil Aviation Administration Directorate General or by decision of another duly authorized official for acts as per Paragraph 3:

- a) where the entity or facility to which a document has been issued ceases to meet the requirements for issuance thereof;
 - b) where the document was issued on the basis of forged documents or documents with false content;
 - c) in the event of violation of the law or the bylaws relevant to the issuance of the document, or of non-fulfilment of the obligatory instructions issued within the time limit prescribed;
2. upon request by the holder thereof;
3. upon termination of the business activity of the holder thereof.

(7) A refusal, whether explicit or implicit, to issue the documents applied for as per Paragraph (1), as well as any restriction, suspension or withdrawal thereof, shall be subject to appeal according to the procedure as per the Code of Administrative Procedure.

Article 16g

(New, SG No. 52/2004, renumbered from Article 16d, SG No. 37/2006, renumbered from Article 16e, SG No. 66/2008, renumbered from Article 16f, SG No. 81/2011)

(1) (Amended, SG No. 60/2012) The specialized unit for investigation of aviation-related occurrences shall be established at the Ministry of Transport, Information Technology and Communications, reporting directly to the Minister of Transport, Information Technology and Communications.

(2) (New, SG No. 60/2012) The specialized unit under Paragraph 1 shall:

1. maintain the system of mandatory and voluntary reporting of aviation-related occurrences: accidents, incidents and serious incidents.
2. organize, take part and manage safety investigations;
3. store the documentation from investigations and maintain an information database in respect of the aviation-related occurrences;
4. prepare and distribute an annual analysis and information bulletins about aviation-related occurrences;
5. in investigating aviation-related occurrences, analyse the performance of natural persons or legal entities in the area of air navigation and the proper functioning of facilities and equipment related to any given occurrence.
6. collect and analyze data on aviation safety in conformity with Article 4, Paragraph 4 of Regulation (EU) No. 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ, L 295/35 of 12 November 2010), hereinafter referred to as "Regulation (EU) No. 996/2010".
7. be entitled to assign the investigation or any part thereof to a safety investigation authority of another state, following prior coordination with it.

(3) (Renumbered from Paragraph 2, SG No. 60/2012) The funding of the specialized unit as per Paragraph (1) shall be provided from the budget of the Ministry of Transport, Information Technology and Communications.

(4) (Renumbered from Paragraph 3, SG No. 60/2012) The specialized unit as per Paragraph (1) and the Civil Aviation Administration Directorate General shall keep each other mutually informed upon receipt of information about any aviation-related occurrence.

(5) (New, SG No. 60/2012) The functions of the specialized unit under Paragraph 1 shall be performed by investigation

inspectors.

Article 16h

(New, SG No. 41/2007, renumbered from Article 16f, SG No. 66/2008, renumbered from Article 16g, SG No. 81/2011)

The Minister of Transport, Information Technology and Communications or an official authorized thereby:

1. shall issue certificates of licensed capacity to the radio operators of the aeronautical mobile radio service and the aeronautical mobile-satellite radio service, shall issue authorizations for use of aircraft radio stations, and shall keep public registers of the certificates and authorizations as issued;
2. shall carry out international coordination of radio frequencies and radio frequency bands, as well as of the technical characteristics of the radio equipment which uses the said frequencies and bands for the following radio services: aeronautical mobile, aeronautical mobile-satellite, aeronautical radio navigation, and aeronautical radio navigation-satellite;
3. shall assign for use the allocated radio call signs for identification of the aircraft radio stations and shall keep a register of the said call signs under terms and according to a procedure established in an ordinance of the Minister of Transport, Information Technology and Communications on the allocation of radio call signs in the Republic of Bulgaria according to the requirements of the International Telecommunication Union.

Chapter One "a"

(New, SG No. 66/2008, effective 25.07.2008)

ENSURING SECURITY IN CIVIL AVIATION

Article 16i

(New, SG No. 66/2008, effective 25.07.2008, renumbered from Article 16h, SG No. 81/2011)

(1) Security in civil aviation shall be achieved by means of:

1. issuance of regulatory and individual administrative acts; adoption of security programmes, action plans in the event of unlawful interference and other acts on the part of the heads of aviation operators, airport operators, ground service operators and the Air Traffic Control State Enterprise;
2. introduction of physical protection systems;
3. identification of security areas and the terms and procedure of entry and stay therein;
4. control and checking of persons and objects upon entry/exit into/from such security areas;
5. trained staff designated to perform security-related tasks.

(2) Security measures shall be undertaken solely for the purpose of attaining security in civil aviation, by selecting such measures as would minimize the negative impact on the relevant person and society.

(3) The negative outcome of the selected security measure shall not be in clear disproportion to its expected successful impact.

(4) The selected security measure shall be applied until achieving its goal or until the moment when it is established that the goal cannot be achieved.

Article 16j

(New, SG No. 66/2008, effective 25.07.2008, renumbered from Article 16i, SG No. 81/2011)

(1) (Redesignated from Article 16i, SG No. 63/2010) The persons and entities responsible for ensuring civil aviation security, each according to their functional competence, shall be:

1. the Minister of Transport, Information Technology and Communications, by means of the implementation and further development of the National Programme for Civil Aviations Security;
2. the Civil Aviation Security Council;
3. the Civil Aviation Administration Directorate General;
4. the airport administration and airport operators to whom the functions of airport administration are assigned;
5. the Air Traffic Control State Enterprise;
6. the Aircraft operators;
7. ground service operators;
8. (amended, SG No. 63/2010) the relevant services of the Ministry of Interior;
9. (amended, SG No. 63/2010) the Customs Agency;
10. the relevant service of the Ministry of Foreign Affairs directly involved in ensuring civil aviation security;
11. (amended, SG No. 63/2010) the State Agency for National Security]
12. (new, SG No. 53/2010) the relevant structures of the Ministry of Defence, the structures directly subordinated to the Minister of Defence, and the Bulgarian Army involved in controlling, managing and using the national airspace.

(2) (New, SG No. 53/2010) The Civil Aviation Security Council shall comprise representatives of the Civil Aviation Administration Directorate General, the Ministry of Interior, the Ministry of Defence, the Customs Agency and the State Agency for National Security and shall be managed by a Deputy Minister of the Ministry of Transport, Information Technology and Communications, a Deputy Minister of the Ministry of Defence, the Secretary General of the Ministry of Interior and the Chairperson of the State Agency for National Security in their capacity of co-presidents of the Council.

(3) (New, SG No. 53/2010) The Civil Aviation Security Council shall be a consultative body under the Minister of Transport, Information Technology and Communications, the Minister of Interior, the Minister of Defence, the Chairperson of the State Agency for National Security, and the Minister of Finance which shall deal with strategic planning, rendering consultations, concerting, cooperation and coordination among the relevant ministries, legal entities and natural persons that are assigned responsibilities to ensure civil aviation security.

(4) (New, SG No. 53/2010) When carrying out its operations, the Council may also involve representatives of other ministries and experts in the field of civil aviation.

(5) (New, SG No. 53/2010) The administrative support needed for the operations of the Civil Aviation Security Council shall be provided by the Civil Aviation Administration Directorate General.

Article 16k

(New, SG No. 66/2008, effective 25.07.2008, renumbered from Article 16j, SG No. 81/2011)

(1) The airport administration shall ensure the level and standard of performance of the functions assumed as an obligation of the State, pertinent to flight and airport security, by developing, applying and updating an airport programme for assuring airport security, involving concrete organizational and technical security measures and procedures, conforming to the requirements of the relevant regulatory framework and the National Security Programme.

(2) Such airport programme for ensuring aviation security shall be subject to approval by the Director General of the Civil Aviation Administration Directorate General.

(3) Such airport programme for ensuring aviation security shall conform to, and comply with, any and all amendments to the

legislation relevant to civil aviation security, and shall be submitted for approval by the Director General of the Civil Aviation Administration Directorate General.

(4) The aircraft operators shall implement the measures provided for in the airport programme for ensuring aviation security.

(5) (New, SG No. 63/2010, effective 1.01.2011) Airport operators shall:

1. screen originating, transfer and transit passengers, and their cabin and handbaggage;
2. screen staff, flight crews and motor vehicles intended to access security restricted areas and the relevant critical parts;
3. screen cargo and mail;
4. screen aviation operators' mail and materials;
5. screen in-flight supplies and airport supplies;
6. conduct video surveillance of the security restricted areas, critical parts and other zones;
7. conduct access control and issue temporary passes to individuals and motor vehicles;
8. safeguard aircraft within the apron of the airport.

(6) (New, SG No. 63/2010, effective 1.01.2011) Providers of air navigation services shall develop, implement and update a programme for security and prevention of acts of unlawful interference in air navigation service operations and means. The programme shall be prepared in compliance with the requirements laid down in the National Civil Aviation Security Programme, as well as the aviation security programmes of airports, and shall be approved by the Director General of the Civil Aviation Administration Directorate General.

Article 16l

(New, SG No. 66/2008, effective 25.07.2008, renumbered from Article 16k, SG No. 81/2011)

(1) Aircraft operators shall develop, implement and update a programme for security and prevention of acts of unlawful interference in civil aviation.

(2) The programme as per Paragraph (1) above shall be developed in accordance with the requirements of the National Security Programme, the airport programmes for ensuring aviation security, in conformity with the aviation activity being performed, and shall be approved by the Director General of the Civil Aviation Administration Directorate General.

(3) The programme as per Paragraph (1) above shall conform to, and comply with, any and all amendments to the legislation relevant to civil aviation security, and shall be submitted for approval by the Director General of the Civil Aviation Administration Directorate General.

(4) Aircraft operators shall implement the measures provided under Paragraph (1) above.

Article 16m

(New, SG No. 66/2008, effective 25.07.2008, repealed, SG No. 63/2010).

Article 16n

(New, SG No. 66/2008, effective 25.07.2008, renumbered from Article 16l, SG No. 81/2011)

(1) Security areas shall be designated for each airport, with restricted access thereto.

(2) (Amended, SG No. 63/2010) Access of natural persons discharging their duties to security areas of civil airports shall be authorised upon subjecting them to a successful background check conducted by the State Agency for National Security based on criteria set out in the National Civil Aviation Security Programme. Access to border areas shall also be coordinated with the

authorities of the Border Police Directorate General.

Article 16o

(New, SG No. 66/2008, effective 25.07.2008, renumbered from Article 16n, SG No. 81/2011)

- (1) Security on board of the aircraft may also be provided by in-flight security officers employed by the aircraft operators.
- (2) Such in-flight security officers shall undertake measures to prevent acts of unlawful interference with civil aviation.
- (3) (Amended, SG No. 81/2011) In undertaken the measures as per Paragraph (2) above, such personnel shall comply with the provisions of Article 16i (2) through (4).
- (4) (Amended, SG No. 63/2010) The criteria to be fulfilled by the flight security officers, and the procedure governing their employment shall comply with the requirements set out in the National Civil Aviation Security Programme.

Chapter Two

AIRCRAFT

Article 17

Useable for civilian air navigation shall be only aircraft meeting the requirements stipulated herein.

Article 18

An aircraft shall be used solely for the purpose it was originally designed for. Any change in an aircraft's function shall be admissible by the permission of the Civil Aviation Administration Directorate General with the Ministry of Transportation, Information Technology and Communications.

Article 19

(Amended, SG No. 85/1998)

- (1) Prior to commissioning, an aircraft shall be invariably inspected, registered and provided with a certificate of airworthiness.
- (2) (Amended, SG No. 52/2004, supplemented, SG No. 10/2007, amended, SG No. 81/2011) The Director General of the Civil Aviation Administration Directorate General shall issue certificates of airworthiness to an aircraft if it meets all relevant standards and possesses the Standard Certificate or an equivalent document issued or recognised by the European Aviation Safety Agency (EASA) when those are required for that specific aircraft.
- (3) (New, SG No. 52/2004, amended, SG No. 81/2011) In case where an aircraft fails to meet the respective norms and standards of airworthiness, or its conformity therewith is not proven, the Director General of the Civil Aviation Administration Directorate General may issue a flight permit, provided that the aircraft may perform safe flights subject to certain restrictions or other conditions. The Minister of Transport, Information Technology and Communications shall then issue an ordinance defining the terms, conditions and procedure of issuance of a flight permit.
- (4) (New, SG No. 10/2007, amended, SG No. 81/2011, SG No. 89/2015) Any aircraft that falls under the scope of Regulation (EC) No. 216/2008, or of the national rules for airworthiness laid down in the ordinance under Article 24, Paragraph 6, shall be entered in the Civil Aircraft Register of the Republic of Bulgaria.
- (5) (New, SG No. 81/2011) The owner, the lessee, and, in the case of commercial air carriage, the operator shall be responsible for maintaining the airworthiness of the aircraft in conformity with the requirements of Regulation (EC) No. 216/2008 and of the national rules for airworthiness stipulated in the ordinance under Article 24, Paragraph 6.

(6) (New, SG No. 81/2011) The Director General of the Civil Aviation Administration Directorate General shall issue certificates verifying the review of airworthiness within the meaning of M.A. 901 in Annex I, Section A of Commission Regulation (EC) No. 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

Article 20

(1) (Amended, SG No. 85/1998) Civilian aircraft shall be recorded in the Republic of Bulgaria's Civilian Aircraft Register, kept by the Civil Aviation Administration Directorate General with the Ministry of Transport, Information Technology and Communications.

(2) (Amended, SG No. 85/1998) Entries in such Register, as well as deletions therefrom, shall be made at the request of an aircraft's owner, tenant or holder. An application to that effect must be filed within thirty (30) days of the date when the grounds for recordation or deletion, respectively, emerged.

(3) (New, SG No. 10/2007) An aircraft entered in the Register under paragraph 1 will be deleted from the register ex-officio when its airworthiness certificate has been revoked or more than 6 months have elapsed after certificate expiration.

Article 21

(1) (Amended, SG No. 81/2011) An aircraft recorded in a foreign country's registry may be entered in the Republic of Bulgaria's Civilian Aircraft Register only after its deletion from the foreign one.

(2) (Amended, SG No. 81/2011) No legal consequences shall be ensuant on the recordation of Bulgarian aircraft in a foreign registry while not yet deleted from the Republic of Bulgaria's Civilian Aircraft Register under the established terms and procedures.

Article 22

(1) (Amended, SG No. 85/1998, previous article 22, SG No. 52/2004) The Civil Aviation Administration Directorate General shall provide every aircraft recorded in the Civilian Aircraft Register with a certificate of registration inscribed wherein shall be its distinctive nationality and registration marks.

(2) (New, SG No. 52/2004) The terms, conditions and procedure of the entry or deletion of aircraft into the Civilian Aircraft Register of the Republic of Bulgaria shall be prescribed by force of the ordinance as per Article 5 (4).

Article 23

(Amended, SG No. 85/1998)

(1) All transfers of title, any establishment and transfer of property rights, and other transactions relating to private rights in aircraft, such as liens and mortgages, shall be effected in writing.

(2) Transactions set forth under paragraph (1) may be invoked against third parties following their recordation in the Civilian Aircraft Register.

(3) No contract of sale or charter concerning aircraft owned by Bulgarian private persons or public bodies shall be valid if concluded in contradiction with the international agreements, or with some resolution of an international organisation, ratified by the Republic of Bulgaria.

(4) Transactions relating to liens (mortgages, privileges) on aircraft shall be effective as of the date of entry in the Civilian Aircraft Register. In the event where two or more liens have been established on one and the same aircraft, the order of priority in satisfying lien claimants shall be determined by the date of entry in the Civilian Aircraft Register, and where such recordation was effected on the same day, authoritative shall be the serial number of entry.

Article 24

- (1) (Amended, SG No. 85/1998) Aircraft shall be subject to inspection to certify their conformance to norms of airworthiness, aviation noise and gaseous emissions from aircraft engines as established in the Republic of Bulgaria.
- (2) (Repealed, new, SG No. 85/1998) The Civil Aviation Administration Directorate General may recognise a certificate of airworthiness for an imported aircraft providing it conforms to the applicable norms of airworthiness.
- (3) (New, SG No. 85/1998) In any event of modifying an aircraft's equipment (instrumentation, controls) the Civil Aviation Administration Directorate General shall issue also a certificate of airworthiness for the aircraft equipment.
- (4) (New, SG No. 85/1998, amended, SG No. 52/2004) The Civil Aviation Administration Directorate General shall only recognise certificates of aviation noise and gaseous emissions from aircraft engines that have been issued by an internationally recognised authority.
- (5) (New, SG No. 85/1998, amended, SG No. 52/2004) The Minister of Transport, Information Technology and Communications shall prescribe the requirements relating to the maintenance and certification of the aircraft's airworthiness and to the standards of aviation noise and gaseous emissions from aircraft engines, as well as the terms and procedures for issuance and revocation of such certificates.
- (6) (New, SG No. 52/2004) The Minister of Transport, Information Technology and Communications shall issue an ordinance determining the requirements for establishing the airworthiness of newly-built aircraft, of maintenance and certification of the airworthiness of aircraft and related products, parts and flight instruments.
- (7) (New, SG No. 52/2004) The Minister of Transport, Information Technology and Communications shall prescribe by force of an ordinance the terms, conditions and procedure of issuing aviation noise and gaseous emission certificates in respect of aircraft engines.

Article 24a

(New, SG No. 52/2004)

- (1) (Supplemented, SG No. 10/2007) The building or reconstruction of aircraft or of products, parts or flight instruments therefore, shall be carried out by natural persons or legal entities registered as per the Commercial Act or persons registered as merchants under the legislation of an European Union member state or another country signatory to the European Economic Area Agreement, who possess a valid license.
- (2) (Amended, SG No. 81/2011) The Director of the Civil Aviation Administration Directorate General or another official duly authorized by the latter shall issue a license for the building or reconstruction of aircraft or of products, parts or flight instruments therefore provided that the applying entities meet the requirements of financial stability and professional competence.
- (3) The terms, conditions and procedure for the issuance of a license for building or reconstruction of the respective type of aircraft or of products, parts or flight instruments therefore shall be prescribed by the ordinance as per Article 24 (6).

Article 25

(Amended, SG No. 85/1998)

- (1) Maintenance of aircraft's airworthiness shall be provided by natural and juridical persons authorised to carry out technical servicing and repair of aircraft and aviation equipment.
- (2) (Supplemented, SG No. 34/2001) The Minister of Transport, Information Technology and Communications shall lay down by way of an ordinance the terms of granting certificates and licenses to the persons referred to in the preceding paragraph (1).
- (3) (New, SG No. 34/2001) The Director General of the Civil Aviation Administration Directorate General shall be vested with the powers to issue a license to carry out the activities referred to in paragraph (1) above.
- (4) (New, SG No. 34/2001) Such license shall be personal and shall not be transferable.

(5) (New, SG No. 34/2001, supplemented, SG No. 10/2007) A license to carry out technical servicing and repair of aviation equipment shall be issued to natural or juridical persons duly registered under the Commerce Act or persons registered as merchants under the legislation of an European Union member state or another country signatory to the European Economic Area Agreement on condition that:

1. all requisite facilities, equipment, tools, materials, and technical documentation (approved data) ensure proper performance of all the works relative to the technical servicing and repair of aircraft and aviation equipment, and provide adequate conditions for appropriate storage of aircraft components;

2. all personnel attesting the performance of technical servicing meet the qualification requirements for certification of civilian aviation personnel while manpower is sufficient for the purposes of planning, performing, managing, and controlling all the works relative to technical servicing and repair of civil aircraft and their components.

(6) (New, SG No. 34/2001, repealed, SG No. 52/2004).

(7) (New, SG No. 34/2001, amended, SG No. 52/2004) The Director General of the Civil Aviation Administration Directorate General shall decline to grant a license in case a candidate fails to meet any of the requirements referred to in paragraph (5) above and specified in detail in the ordinance referred to in Article 25, paragraph (2) hereof.

(8) (New, SG No. 34/2001, repealed, SG No. 52/2004).

(9) (New, SG No. 52/2004) The maintenance of the airworthiness of aircraft with a maximum take-off mass of 5,700 kg or less, performing non-commercial flights, may also be performed by natural persons possessing a certificate of professional competence for the performance of technical maintenance and servicing of aircraft.

Article 25a

(New, SG No. 34/2001)

(1) (Amended, SG No. 52/2004) A license to carry out technical servicing and repair of aircraft and aviation equipment shall be granted initially for a period of one (1) year. Subsequent licenses shall be issued for a validity term of three (3) years.

(2) (Repealed, SG No. 52/2004).

(3) (Amended, SG No. 52/2004) A license may be withdrawn, or its validity suspended entirely or in part for a specified period of time in the event that the licensee has violated the provisions of Article 25, (5) and the ordinance as per Article 25, (2) hereof. The decision to withdraw or suspend a license shall be subject to appeal pursuant to the provisions of the Code of Administrative Procedure.

(4) (Amended, SG No. 52/2004) Fees shall be collected for the issuance of any license to carry out technical servicing and repair of aircraft and aviation equipment in such amounts as shall be prescribed by the Council of Ministers.

Article 26

(Amended, SG No. 85/1998, SG No. 81/2011)

Any certificate of airworthiness, of aviation noise and of gaseous emissions issued to an aircraft registered in this country shall be revoked should it be ascertained on inspection that the applicable requirements of Regulation (EC) No. 216/2008 and of the national rules for airworthiness set forth in the ordinance under Article 24, Paragraph 6 have been disobeyed.

Article 27

(Amended, SG No. 85/1998, SG No. 81/2011)

Certificates of airworthiness and airworthiness review certificates issued by the competent authorities of another state shall be rendered valid in the Republic of Bulgaria provided that:

1. the applicable requirements concerning airworthiness in the state whose competent authority has issued the certificate of

airworthiness are either identical with the requirements of Regulation (EC) No. 216/2008, or surpass them;

2. the Director General of the Civil Aviation Administration Directorate General or an official authorized by him has given his consent for the inspection of an aircraft entered in the Republic of Bulgaria's Civilian Aircraft Register to be carried out in another country, the legislation of which envisages airworthiness requirements corresponding to those of Regulation (EC) No. 216/2008 or surpassing them.

Article 28

(Amended, SG No. 85/1998, SG No. 81/2011)

The Civil Aviation Administration Directorate General shall perform dock inspection of foreign aircraft landing at airports on the territory of the Republic of Bulgaria in case of doubt they do not meet the international safety standards.

Article 29

(Supplemented, SG No. 52/2004, SG No. 81/2011)

(1) Any aircraft without a certificate of airworthiness or a certificate of registration, or a flight permit, or whose distinctive marks do not correspond to the marks specified in such certificates, shall be detained by the Director General of the Civil Aviation Administration Directorate General or by an official authorized by him.

(2) A foreign aircraft shall also be detained by the persons referred to in Paragraph (1) in case of:

1. an imminent and obvious threat established as a result of an inspection of the aircraft carried out on dock;
2. likelihood, established as a result of an inspection of the aircraft carried out on dock, that the operator will not take precautions, prior to performing the flight, to eliminate all established discrepancies, thus threatening directly the safety of aircraft and of the passengers on board;
3. refusal to undergo inspection.

(3) In the cases referred to in Paragraphs (1) and (2) the Director General of the Civil Aviation Administration Directorate General shall inform without delay the aviation authorities of the operator in question and of the country of registration of the aircraft.

(4) In the cases under Paragraph 2, Item 2 the aircraft is to be detained until elimination of the threat.

(5) In the cases as per Paragraph 2, Item 2 the Director General of the Civil Aviation Administration Directorate General can authorize the performance of a relocating flight without passengers to a technical maintenance base.

Article 29a

(New, SG No. 81/2011)

(1) In case it has been established, as a result of an inspection of the foreign aircraft carried out on dock, that there is inconformity with the international safety standards but no need of detention, the Director General of the Civil Aviation Administration Directorate General or an official authorized by him shall:

1. impose restrictions on the operation of the aircraft, if ascertained that it can accomplish the flight only by observing these restrictions;
2. prescribe the actions to be taken to eliminate the established inconformity prior to performing the flight.

(2) In the cases under Paragraph 1, Item 2 the Director General of the Civil Aviation Administration Directorate General can authorize the performance of a relocating flight without passengers to a technical maintenance base.

Article 30

(Supplemented, SG No. 85/1998, amended, SG No. 52/2004)

(1) Any aircraft performing international flights, as well as any aircraft with a maximum take-off mass of 750 kg or over performing domestic flights, must have the following documents on board during flight:

1. a certificate of registration;
2. a certificate of airworthiness;
3. a license to operate an on-board radio communication device;
4. certificates of competence for every member of the operating crew;
5. insurance documents;
6. a journey log book;
7. a flight plan;
8. a passenger list (waybill) indicating points of departure and destination;
9. a manifest and the appropriate detailed declarations on respect of cargo/freight if such is carried on board;
10. an aircraft operator's certificate if the flight is a commercial one.

(2) The Minister of Transport, Information Technology and Communications shall issue an ordinance prescribing that other documents, in additions to those as per Paragraph (1), be present on board the aircraft in compliance with regional agreements under the International Civil Aviation Organization (ICAO).

(3) The ordinance as per Paragraph (2) also prescribes the documents required to be present on board any aircraft with a maximum take-off mass under 750 kg performing domestic flights.

Article 31

Flight documents carried by foreign aircraft shall be rendered valid providing they are in compliance with the requirements of the international conventions to which the Republic of Bulgaria is a signatory.

Article 31a

(New, SG No. 85/1998)

(1) An airport administration shall be entitled to reposition an aircraft, or parts, or units thereof within airport grounds in any case where they have, without representing an obstruction to operating aircraft, been situated in the airport territory for more than six (6) months during which time the aircraft has not been airworthy, or in the event the owner, tenant or holder has not been paying the due parking fee or rental price for more than three (3) months.

(2) Any action as per paragraph (1) shall be taken on condition that one (1) month written notice shall have been given to the person that has abandoned the aircraft, or parts, or units thereof, or that is a party to a valid parking agreement.

(3) An airport administration shall have the right to remove an immobilised aircraft from the airfield in the event it represents an obstruction to operating aircraft and the operator of such aircraft has failed to take the requisite efficient measures for a prompt removal after the occurrence.

(4) An airport administration shall not be held liable for any damage caused while repositioning or removing an aircraft or units of an aircraft, respectively, under the terms of this Article.

Chapter Three

FLIGHT PERSONNEL AND FLIGHT CREWS

(Title amended, SG No. 85/1998)

Article 32

(Amended, SG No. 85/1998)

(1) The Minister of Transport, Information Technology and Communications shall stipulate all positions requiring certificates of competency.

(2) (Amended, SG No. 52/2004) Flight personnel shall denote any and all persons holding a certificate of professional competence. Persons who are in the process of training for the purpose of acquiring professional competence shall be conferred the status of flight personnel during flight.

(3) The Civil Aviation Administration Directorate General shall issue certificates of competency and keep a register of all civilian flight personnel under such terms and procedures as laid down by the Minister of Transport, Information Technology and Communications.

Article 33

(Amended, SG No. 85/1998)

The Minister of Transport, Information Technology and Communications shall prescribe:

1. the terms and procedures for opening aviation training centres and the requirements they must comply with;
2. the requirements and procedures for issuing teaching certificates to instructors employed in aviation training centres and the courses of study for their preparation;
3. the list of occupations associated with aviation and the applicable qualifying requirements;
4. the criteria to be met by the applicants for training in the aviation training centres, the courses of instruction, the terms and procedures for conducting examinations and the examination requirements;
5. (new, SG No. 66/2008, effective 25.07.2008) the terms and procedure for recognition of licences (certificates of professional competence) of members of the aircraft crew, issued by a member state of the European Union or by another state party to the European Economic Area Agreement;
6. (new, SG No. 66/2008, effective 25.07.2008) the terms and procedure for recognition of licences (certificates of professional competence) of members of the aircraft crew, issued by other states.

Article 34

(1) (Amended, SG No. 85/1998, amended, SG No. 52/2004, SG No. 37/2006) Crew members of aircraft registered in the Republic of Bulgaria shall hold certificates of professional competence issued or recognised as valid by the Civil Aviation Administration Directorate General.

(2) (Supplemented, SG No. 66/2008) Foreign nationals may also be appointed in civil aviation positions by permission of the Minister of Transport, Information Technology and Communications, for a term not exceeding one year. Nationals of an EU member state, or of another state party to the European Economic Area Agreement, shall be allowed to seek employment in civil aviation for an indefinite term and without permission of the Minister of Transport, Information Technology and Communications.

(3) (Supplemented, SG No. 66/2008) Positions directly related to provision of flight safety and airworthiness of aircraft shall only be held by persons with higher education, with the exception of aviation operators performing specialized aviation operations, and possessing aviation qualification; such positions shall be determined by a procedure established by the Minister

of Transport, Information Technology and Communications.

Article 35

(Amended and supplemented, SG No. 85/1998)

Certificates of competence issued by foreign institutes and bodies to the persons referred to in Article 32 (1) hereof shall be rendered valid on the basis of reciprocity providing the applicable requirements concerning the issuance of competency certificates pursuant to the said Article 32 (1) are either comparable to the currently established international standards or surpassing them.

Article 36

No trainee shall be held liable for any damage caused in training flights unless the damage resulted from the trainee's wilful misconduct.

Article 37

(Amended, SG No. 85/1998)

(1) (Supplemented, SG No. 81/2011) The Minister of Transport, Information Technology and Communications shall specify by an ordinance the persons engaged in civil air navigation subject to medical certification, as well as the requirements they must meet.

(2) (Amended, SG No. 81/2011) The fitness of aviation personnel to perform a particular activity, qualified from the viewpoint of their state of health, shall be ascertained by aeromedical centres or aeromedical experts in possession of a certificate to perform such activities issued by the Director General of the Civil Aviation Administration Directorate General.

(3) (New, SG No. 81/2011) The Minister of Transport, Information Technology and Communications shall stipulate the terms and procedure to issue the certificate by the ordinance under Paragraph (1).

(4) (New, SG No. 81/2011) The terms and procedure to issue the medical certificate for an amateur pilot by a general practitioner shall be set forth by the ordinance under Paragraph (1).

Article 38

(Amended, SG No. 85/1998)

(1) (Supplemented, SG No. 52/2004, amended and supplemented, SG No. 37/2006, amended, SG No. 66/2008, effective 25.07.2008) An aircraft crew shall consist of all aviation staff commissioned with the execution of a flight.

(2) Crew strength and crew positions shall be prescribed by the Civil Aviation Administration Directorate General depending on the type of aircraft and the nature of flight. Undermanned flights shall be positively disallowed.

(3) (New, SG No. 37/2006) In operation of an aircraft the flight crew shall be responsible for abidance by the requirements of the Ordinance referred to in Item 14 of Article 16a.

(4) (New, SG No. 66/2008, effective 25.07.2008) In executing their flight schedules, aircraft operators shall include, at their own expense, civil aviation inspectors in their flight crews, in accordance with their qualification.

(5) (New, SG No. 53/2010) When implementing their flight programmes, aircraft operators may administer checks and test flight crew members for psychoactive substances.

Article 39

(1) (Amended and supplemented, SG No. 85/1998) Every aircraft in flight shall be managed by a commander, whose

speciality must be an airman-pilot. He shall be responsible for the pre-flight preparation of the crew and for conducting the flight in conformance with existing regulations for preserving the aircraft, the lives of the persons belonging to it, and the cargo carried on the flight.

(2) (Supplemented, SG No. 52/2004) An aircraft commander must refuse to perform a flight should he have ascertained any defect in the aircraft that is not on the list of admissible malfunctions appended to the Operational Manual for that specific type of aircraft.

Article 40

(1) Any and all commands given by an the aircraft commander with regard to conducting the flight and ensuring law and order on board his aircraft shall be binding on all persons belonging thereto.

(2) An aircraft commander shall have the power to take all appropriate measures in respect to any persons disobeying his instructions, inclusive of the right to disembark them from the aircraft in the airport of departure or of intermediate stopping.

Article 41

(1) An aircraft commander who has received a signal of distress from another aircraft or from a vessel, or has discovered a distressed aircraft or vessel, or distressed people, shall be obliged to extend aid, identify the location of distress and notify it to the flight control centre.

(2) The aircraft commander shall not be allowed to take any rescue action endangering his aircraft, the passengers or the crew.

Article 42

(Amended, SG No. 85/1998)

In the event of forcible unlawful seizure of an aircraft, its commander must take all appropriate measures to restore control thereof, providing the lives of the crew and passengers and the integrity of the aircraft shall not be thereby exposed to danger.

Chapter Four AIRPORTS

Article 43

(1) Aircraft shall be required to take off and land at airports and landing fields.

(2) (Amended, SG No. 85/1998) Civilian airports shall encompass:

1. (amended, SG No. 81/2011) airports for public use for the provision of international and domestic carriage services, commercial operations by aircraft and other services in return for payment;

2. (amended, SG No. 34/2001, SG No. 52/2004, SG No. 81/2011) airports serving flights performed for the provision of commercial aviation service inclusive of one-off air carriage flights involving aircraft with maximum take-off mass of up to 5,700 kg, or with a passenger capacity of up to 19 seats;

3. technological airports - employed without any compensation solely for their owners' needs.

(3) (Amended, SG No. 85/1998, SG No. 34/2001, amended and supplemented, SG No. 109/2007, renumbered from Paragraph 4, amended, SG No. 66/2008, effective 25.07.2008) All civil airports as per paragraph (2), items 2 and 3 above that may receive civil aircraft shall be designated by the Minister of Transport, Information Technology and Communications in agreement with the Minister of Defence, the Minister of Finance, the Minister of Interior and the Chairperson of the State

Agency for National Security upon the airport owner's explicit consent.

(4) (Amended, SG No. 85/1998, SG No. 34/2001, renumbered from Paragraph 3, SG No. 66/2008, effective 25.07.2008) The Council of Ministers shall, on advice of the Minister of Transport, Information Technology and Communications, designate the civilian airports for public use in the Republic of Bulgaria, as well as those among them serving international air carriage.

(5) (New, SG No. 34/2001, repealed, SG No. 66/2008).

(6) (New, SG No. 85/1998, previous paragraph 5, amended, SG No. 34/2001, SG No. 60/2012) The Minister of Transport, Information Technology and Communications and the Minister of Defence shall lay down the terms and procedures for shared use of civilian airports for public use and military airports, as well as for performance of flights of civilian aircraft to and from military airports.

(7) (New, SG No. 52/2004, amended, SG No. 81/2011) Landing fields shall be used to serve flights, different from commercial air carriage involving aircraft with a maximum take-off mass of 5,700 kg or less, against payment or free of charge, as well as to provide for the technical needs of the owner, free of charge. The restriction as to the maximum take-off mass does not apply to helicopters.

Article 43a

(New, SG No. 85/1998, amended, SG No. 34/2001)

(1) Civilian airports shall be public and private property.

(2) (Repealed, SG No. 66/2008, effective 25.07.2008).

(3) (Repealed, SG No. 66/2008, effective 25.07.2008).

(4) (Supplemented, SG No. 66/2008, effective 25.07.2008) All tracts of land containing aerial navigation and air traffic control installations serving aircraft engaged in international or domestic public carriage, along with all the technologically indispensable terrains, shall be designated as public state-owned property, or as private property.

(5) (New, SG No. 66/2008, effective 25.07.2008) Civilian airports as per Article 43 (2), items 1 and 2, shall be provided with air traffic control services and the relevant navigation equipment.

Article 43b

(New, SG No. 34/2001, amended, SG No. 52/2004, SG No. 36/2006, supplemented, SG No. 66/2008, effective 25.07.2008, SG No. 47/2009, amended, SG No. 63/2010, SG No. 96/2017, effective 1.01.2018) (1) Civilian airports for public use which constitute State property shall be used under the terms established by this Act by airport-operator merchants who have been awarded a works concession or a services concession according to the procedure established by the Concession Act or by commercial corporations wherein the State is the sole owner of the capital.

(2) A services concession may furthermore be granted according to the procedure established by the Concessions Act and under the terms established by this Act to civil airports for public use constituting State property for:

1. passenger handling and/or freight, baggage and mail handling, and/or carrying out an accessory activity in a self-contained part of an airport designated by an effective master plan for the development of the airport, and/or

2. a service provided within the perimeter of the airport, other than the groundhandling activities referred to in Article 48e (3).

(3) The powers of a grantor with regard to a concession referred to in Paragraphs (1) and (2) shall be executed by the Minister of Transport, Information Technology and Communications.

(4) The concessionaire selection procedure for a concession referred to in Paragraph (1), the requirement for an airport operator referred to in Items 2 and 3 of Article 48d (2) shall be established as a condition for participation in the procedure. By the tenders thereof, the participants in the procedure shall submit proposals regarding the organisation, equipment and technology whereby they will ensure conformity to the established standards and procedures for ensuring flight safety and security at the airport concerned, as well as proposals regarding the manner of management and operation of the airport. An

airport operator licence shall be issued to the concessionaire after the conclusion of the concession contract within the time limits agreed therein where the concessionaire meets the requirements for the issuing of a licence, as defined by this Act.

(5) The concession contract for a concession referred to in Paragraph (1) shall furthermore lay down the rights and obligations related to the activities referred to in Article 48a (3) and Items 3 to 5 and 7 of Article 48e (3) which are carried out by the concessionaire. The contract shall grant the concessionaire the right to collect airport charges under Article 120 (1), establishing the terms and procedure for this and, inter alia, specifying the portion of the charges which the concessionaire shall collect for the benefit thereof as revenue from the operation of the airport and/or of the services.

(6) The accessory activity referred to in Item 1 of Paragraph (2) shall be any activity related to passenger, freight and mail handling whereof the carrying out is justified by the traffic at the airport and the economic activities carried out and which does not obstruct and/or does not impede the provision of groundhandling activities, aviation security and safety.

(7) By the concession contract for a concession referred to in Item 1 of Paragraph (2), the concessionaire shall assume the operational risk as well as the risk of connecting the self-contained part to the physical infrastructure necessary for the operation thereof. The contract shall grant the concessionaire the right to collect airport charges under Article 120 (1), establishing the terms and procedure for this and, inter alia, specifying the part of the charges which the concessionaire is to collect for the benefit thereof as revenue of operating the services.

(8) The concession contract for a concession referred to in Paragraph (2) shall specify the facilities wherein or wherethrough the service is to be provided and shall lay down the rights and obligations of the concessionaire in connection with the use of the facilities referred to in Item 1.

(9) The concession contract referred to in Paragraph (2) shall mandatorily determine the relations of the concessionaire with the airport administration.

Article 43c

(New, SG No. 34/2001, amended, SG No. 66/2008, effective 25.07.2008, SG No. 96/2017, effective 1.01.2018) An airport which is owned by a municipality shall be used under the terms established by this Act by an airport-operator merchant who has been awarded a works concession or a services concession according to the procedure established by the Concessions Act.

Article 43d

(New, SG No. 34/2001)

(1) All expenses incurred by the concessionaire in connection with the construction, operation, and maintenance of the concessionary facilities shall be recognised and accounted as actual expenditures.

(2) Subsequent deduction of expenses referred to in paragraph (1) above accounted as financial loss shall commence in the year wherein the concessionary facilities are put into operation for such period of time and under such terms as stipulated in the concession agreement.

(3) Any additional expenses incurred by the concessionaire shall be allowed as actual expenditures provided there is a relevant stipulation in the concession agreement.

Article 43e

(New, SG No. 34/2001, amended and supplemented, SG No. 66/2008, effective 25.07.2008)

Single-trader companies whose assets are state-owned shall utilise civilian airports for public use, constituting public state property, without concession. The terms and procedure of use of civilian airports, constituting public state property, by single-person commercial companies with a State-owned stake of their capital, shall be determined by force of a contract between the Minister of Transport, Information Technology and Communications and such single-person commercial company.

Article 43f

(New, SG No. 66/2008, effective 25.07.2008)

Civilian airports for public use which are neither state nor municipal property shall be used by airport operators constituting commercial entities, subject to the provisions of this Act.

Article 43g

(New, SG No. 66/2008, effective 25.07.2008)

(1) Natural persons or legal entities registered as merchants, who/which operate, or have invested in the building or extension of, a civilian airport for public use, other than a civilian airport for public use constituting public state property, or municipal property, shall file an application with the Civil Aviation Administration Directorate General.

(2) The application as per Paragraph (1) above shall contain, at least:

1. a feasibility study about the expected traffic of passengers and/or freight to be handled at such airport;
2. documents attesting to the rights of the person or entity over the territory in which such airport is to be operated or built, or extended;
3. proper identification of the territory in which such airport is to be built or extended, together with feasibility studies into the existence of suitable environmental, geological and meteorological conditions and the possibilities for connecting such airport with the existing road and railway grid;
4. an investment study; an investment programme and data attesting to its financial and technological feasibility;
5. the need of public investments related to the construction of road and/or railway links;
6. preliminary evidence of the possibilities for setting up and operation of a border checkpoint, in cases where such airport is to handle international flights.

(3) Within 6 months from the date of receipt of such application, the Civil Aviation Administration Directorate General shall perform its own verification of the application as per Paragraph (1) above, and shall submit a position paper to the Minister of Transport, Information Technology and Communications.

(4) Based upon such position paper by the Director General of the Civil Aviation Administration Directorate General, the Minister of Transport, Information Technology and Communications shall submit to the Council of Ministers a proposal for a decision on:

1. granting an operational licence or a permit for construction of a new airport for public use or for extension of an existing one, other than civil airports for public use, constituting public state property; or
2. refusal to grant an operational licence or a permit for construction of a new airport for public use or for extension of an existing one, other than civil airports for public use, constituting public state property.

Article 44

(Amended, SG No. 85/1998)

(1) (Supplemented, SG No. 52/2004) The Civil Aviation Administration Directorate General shall certify the operability of all civilian airports, landing fields (airfields) and aerial navigation facilities, as well as of the systems and facilities for passenger service, for servicing and provision for the aircraft and the luggage and cargo handling facilities.

(2) All installations and facilities as per paragraph (1) above that comply with the established standards, terms and requirements shall be provided with a certificate of operability.

(3) (Amended, SG No. 52/2004) The terms, conditions and procedures for certifying the operability of airports, landing fields (airfields) and aerial navigation systems and facilities, and the systems and facilities for passenger service, for servicing and

provision for the aircraft and the luggage and cargo handling facilities, as well as the standards and requirements such facilities and installations must conform to, shall be determined by force of an ordinance of the Minister of Transport, Information Technology and Communications.

Article 45

The Civil Aviation Administration Directorate General shall have the authority to restrict or disallow the operations of airports failing to comply with safety of flight requirements.

Article 45a

(New, SG No. 66/2008, effective 25.07.2008)

The Minister of Transport, Information Technology and Communications shall issue an ordinance to determine the content, terms and procedure of preparation of the master plans for civilian airports as per Article 43 (2), item 1.

Article 46

(Amended, SG No. 85/1998)

(1) The Minister of Transport, Information Technology and Communications shall be vested with the co-ordination of all projects relating to construction, enlargement or reconstruction of civilian airports and navigation facilities.

(2) Prerequisite to any project coordination as per paragraph (1) shall be:

1. a valid master plan for the airport's development;

2. (amended, SG No. 52/2004) a duly approved detailed zoning and urban development plan and implementation of the procedures as per the Environmental Protection Act, the Spatial Development Act, the State Property Act and the Municipal Property Act, as per this Act as well as any other statutes that might have a bearing on a pending planning permission;

(3) (Amended and supplemented, SG No. 52/2004, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) The Minister of Transport, Information Technology and Communications, the Minister of Regional Development and Public Works and the Minister of Agriculture, Food and Forestry shall prescribe in a joint ordinance the terms of granting planning permissions for construction works in the statutory service zones and zones of impact of airports. Building permits for the construction of buildings, installations, reservoirs, landfills, overground high-voltage power lines, quarry pits and other suchlike facilities shall require co-ordination with the Minister of Transport, Information Technology and Communications.

Article 46a

(New, SG No. 52/2004, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014)

The Minister of Transport, Information Technology and Communications, in coordination with the Minister of Regional Development and Public Works, shall issue an ordinance prescribing the content of the specialized map and the register that are to be developed on the basis of data as per Article 32 (1) of the Cadastre and Property Register Act, subject to the terms, conditions and procedure of the establishment and maintenance thereof.

Article 47

(Amended, SG No. 85/1998)

(1) The Minister of Transport, Information Technology and Communications shall lay down the restrictions relating to the safety of air navigation with regard to the construction of facilities as per Article 46, paragraph (3) hereof, as well as the requirements, standards and mode of positioning warning devices on top of high buildings and installations.

(2) (Amended, SG No. 41/2011, SG No. 58/2017, effective 18.07.2017) The Minister of Transport, Information Technology and Communications and the Minister of Agriculture, Food and Forestry shall have the power to impose expedient restrictions on the nature of crops planted in the vicinity of airports with a view to securing protection from birds.

(3) The Civil Aviation Administration Directorate General shall have the power to prescribe that any structure, or a portion thereof, exceeding safety height be taken down.

(4) In the event of non-compliance with a prescription as per paragraph (3) above, the Civil Aviation Administration Directorate General shall notify the appropriate competent authorities and demand that the obstruction(s) be forcibly removed for the account and risk of the person failing to comply with its bidding.

(5) (New, SG No. 52/2004) The dismantling and removal of the obstacles as per Paragraph (3) shall be executed at the expense of the entity which has perpetrated the illegal act(s) or, in case of construction of a new airport or extension of an existing one, at the expense of the airport operator.

(6) (Renumbered from Paragraph (5), SG No. 52/2004) An airport administration shall be required to oversee the compliance with all restrictions set forth in paragraphs (1) and (2) concerning possible obstructions, including nearby posts, pillars, trees, masts, dikes, excavations, ditches and suchlike.

Article 47a.

(New, SG No. 37/2006)

Dislocation of aircraft for which a valid certificate of airworthiness has not been issued shall not be permitted on the territory of civil airports for public use.

Article 48

(Amended, SG No. 85/1998)

The Civil Aviation Administration Directorate General shall be vested with the co-ordination of construction projects for erection and reconditioning of buildings, installations, facilities and other works within airport grounds on the basis of the validated master plan.

Article 48a

(New, SG No. 85/1998)

(1) The Minister of Transport, Information Technology and Communications shall lay down the standards, terms and regulations relative to securing safety of flight at airports.

(2) The Civil Aviation Administration Directorate General shall oversee the performance of all functions assumed by the government as obligations under the various international conventions on the adherence to existing standards, terms and regulations for securing safety of flight.

(3) An airport administration shall:

1. be required to ensure the level of validated categories and standards in the fulfilment of all the functions assumed by the government as obligations under international conventions relative to:

a) maintenance of airfield and development of airport infrastructure;

b) restricting and removal of obstructions;

c) (amended, SG No. 81/2011) maintenance of visual aerial navigation aids;

d) securing emergency, rescue and fire-prevention services both within the limits and in the vicinity of the airport;

- e) airport security and protection;
 - f) safety of flight;
 - g) co-ordination among the various administrations and business enterprises concerning airport operations and utilisation;
 - h) control and management of ground movement within airport limits;
 - i) power-supply equipment and installations;
 - k) streamlining the usual airport formalities;
2. have the power to assign contracts for elaborating and updating the airport's master plan and cadastral plans;
 3. (amended, SG No. 52/2004) be required to secure appropriate conditions for economic activities within airport limits for the airport business operators duly licensed under this Act;
 4. be required to take measures to reduce aviation noise;
 5. have the power to effect a precautionary arrest of an aircraft (unless engaged in a scheduled air-service flight) in the event its user has failed to pay the owing fees, or has not given an adequate bond or posted satisfactory security;
 6. have the power to collect the airport fees charged pursuant to this Act.

(4) (Amended, SG No. 52/2004) The Minister of Transport, Information Technology and Communications shall have the power to vest the functions of an airport administration, either entirely or in part, in the airport enterprise.

(5) (New, SG No. 66/2008, effective 25.07.2008) At civilian airports for public use which do not constitute public state or municipal property, the functions of airport administration shall be performed by the owner of the airport or by a person authorized by the latter, who possesses an airport operator's licence.

Article 48b

(New, SG No. 85/1998, repealed, SG No. 52/2004).

Article 48c

(New, SG No. 85/1998, amended, SG No. 34/2001, SG No. 52/2004)

(1) (Supplemented, SG No. 10/2007) Any activities pertinent to the management and operation of a civilian airport as per Article 43 (2) items 1 and 2 shall be carried out by commercial entities registered as per the Commercial Act or persons registered as merchants under the legislation of an European Union member state or another country signatory to the European Economic Area Agreement to which an airport operator license has been duly issued.

(2) An airport operator shall be required by law to provide access, subject to equal terms and conditions, to any aircraft granted a valid flight permit.

(3) The airport operator shall be required by law to receive and provide service to aircraft in distress as well as to state-owned aircraft.

(4) The Civil Aviation Administration Directorate General shall supervise the fulfilment of obligations as per Paragraphs (2) and (3).

(5) In the event of repeated failure to fulfil such obligations and with a view to averting and eliminating the detrimental impact of their non-fulfilment, the Civil Aviation Administration Directorate General shall, by way of a coercive administrative measure, suspend the functions of the airport operator pertinent the management and operation of the airport.

(6) The terms, conditions and procedure of issuance of a license as per Paragraph (1) shall be prescribed by an ordinance of the Minister of Transport, Information Technology and Communications.

Article 48d

(New, SG No. 34/2001, amended, SG No. 52/2004)

(1) An airport operator's license shall be issued to attest to the fact that the organization, technical equipment, technology and personnel of the licensed entity comply with the standards and requirements of safe and reliable maintenance of the airport operability.

(2) An airport operator's license shall be issued subject to condition that:

1. the applicant has procured a valid certificate of airport operability;
2. the applicant has presented proof of financial stability;
3. the airport manpower have the qualifications, professional experience, and length of service requisite to conduct this business;
4. the organisation, technical equipment, and technologies employed by the applicant ensure compliance with established standards and procedures ensuring security and safety of flight at the respective airport;
5. the applicant has an Airport Management and Operation Manual endorsed by the Civil Aviation Administration Directorate General.

Article 48e

(New, SG No. 34/2001, amended, SG No. 52/2004)

(1) (Supplemented, SG No. 10/2007) Any activities pertinent to the ground service of a civilian airport as per Article 43 (2) items 1 and 2 shall be performed by commercial entities registered as per the Commercial Act or persons registered as merchants under the legislation of an European Union member state or another country signatory to the European Economic Area Agreement to which a ground service operator's license has been duly issued.

(2) An airport ground service operator's license shall be issued subject to the condition that the applicant meets the following requirements:

1. the applicant's manpower have the qualifications, professional experience, and length of service requisite to conduct this business;
2. the applicant has presented proof of financial stability;
3. (amended, SG No. 41/2011) the applicant has provided the necessary organization, and disposes of the relevant technical equipment and/or technologies ensuring compliance with the applicable standards and procedures to provide for the safety and security of aircraft, the facilities and equipment of the respective airport; the applicant shall prove that he has the required technical equipment and/or technologies by producing documents certifying the ownership rights, the lease or the right to use otherwise the relevant equipment and/or technologies;
4. the applicant possesses an Operational Manual regarding activities to be performed at the respective airport, duly approved by the Civil Aviation Administration Directorate General;
5. (new, SG No. 41/2011) the applicant has insured his liability to third persons, the liability for missing or damaged cargo, luggage and mail and in respect to the staff employed - against accident, for which he shall produce an insurance contract covering all risks that are obligatory by law.

(3) A ground service operator's license shall be granted in respect of each of the activities to be performed at the respective airport:

1. ground administration and supervision;
2. passenger service;

3. luggage processing;
4. cargo and mail processing;
5. dock service of aircraft;
6. general service of aircraft;
7. provision of aircraft with fuel and lubricants;
8. technical servicing of aircraft;
9. flight operation and crew administration;
10. ground transportation;
11. on-board catering.

(4) (Supplemented, SG No. 41/2011) Any entity to which a license as per Paragraph (3) has been issued shall have the right of access to the ground services or the self-services market at any given civilian airport for public use pursuant to the provisions of Paragraphs (5), (6) and (7).

(5) (Amended, SG No. 41/2011) At airports with an annual passenger turnover of 2 million passengers or over, or with an annual cargo turnover of 50,000 metric tons or over, the number of airport operators providing services to third parties pertinent to luggage processing, dock service of aircraft, servicing of aircraft with fuels and lubricants, cargo and mail processing - with respect to the physical handling of cargo and mail, regardless of whether arriving or departing or in transfer between the airport terminal and the aircraft and who have gained access to the market of such services, must be no fewer than two for each type of activity, except in the absence of candidates.

(6) In cases where there are two or more candidates for provision of ground services as per Paragraph (5), at least one of them must not be controlled, directly or indirectly, by the following entities:

1. the airport operator;
2. an air carrier conveying more than 25 percent of the passengers or cargo through the respective airport;
3. an entity directly or indirectly controlling, or controlled by, the airport operator or the air carrier.

(7) (Amended, SG No. 41/2011) At airports with an annual passenger turnover of 2 million passengers or over, or with an annual cargo turnover of 50,000 metric tons or over the number of airport operators entitled to perform self-service with respect to luggage handling, dock service of aircraft, servicing aircraft with fuels and lubricants, cargo and mail processing - with respect to physical handling of cargo and mail, regardless of whether arriving or departing or in transfer between the airport terminal and the aircraft may not be fewer than two unless there are no candidates. Under the thresholds in the first sentence the self-servicing shall be free.

(8) The Civil Aviation Administration Directorate General may:

1. restrict the number of operators providing ground services to third parties and/or performing one or more activities other than those as per Paragraph (5), whereby the respective restrictions as per Paragraph (6) shall apply for the operator;
2. grant to only one operator providing ground services to third parties the right to perform one or more activities other than those as per Paragraph (5);
3. (amended, SG No. 41/2011) restrict the number of aircraft operators performing activities other than those as per Paragraph (7), to perform self-service;
4. (amended, SG No. 41/2011) ban self-service altogether, or grant the right of self-service for the activities as per Paragraph (7) to one aircraft operator only;
5. (new, SG No. 66/2008, effective 25.07.2008) determine the number of operators providing ground services to third parties or performing one or more of the activities as per Paragraph (5) above;

6. (new, SG No. 41/2011) determine the number of aircraft operators carrying out self-service in one or more activities under Paragraph (7).

(9) (Supplemented, SG No. 66/2008, effective 25.07.2008) Restrictions as per Paragraph (8) shall be imposed for shortage of space or capacity within a given airport as a result of operational overload and a high percentage of saturation of the available space, as well as in cases where this is justified or necessitated, above all, by considerations of safety, security or the spatial layout of the airport.

(10) Restrictions as per Paragraph (8) item 2 may be imposed for a period of up to two years, while restrictions as per Paragraph (8) items 1, 3 and 4, for a period of up to three years.

(11) The Civil Aviation Administration Directorate General may order a one-time extension of the restrictions as per Paragraph (8) item 2 by another two years.

(12) Regardless of the passenger or cargo turnover of an airport or the restrictions imposed, the airport operator shall perform, without tender or competition, those activities pertinent to ground service for which the airport operator has been granted a ground service operator's license.

(13) (New, SG No. 41/2011) The airport operator shall notify the Civil Aviation Administration Directorate General should the circumstances specified in paragraph (9) occur. Within three months of the notification the Director of the Civil Aviation Administration Directorate General shall appoint an inspection and shall issue an order.

(14) (New, SG No. 41/2011) When the number of air carriers engaged in self-servicing is restricted pursuant to paragraph (8) to perform the respective activity the Director of the Civil Aviation Administration Directorate General shall determine the air carrier(s) which carry the biggest share of passengers and/or cargo at the airport for the calendar year before the entry into force of the decision imposing the restriction.

(15) (New, SG No. 41/2011) The access to self-servicing for the air carriers determined pursuant to paragraph (14) shall be provided for a period not exceeding seven years.

(16) (New, SG No. 41/2011) When an air carrier determined pursuant to paragraph (14) has a licence for a ground service operator for the respective activity at the airport he shall receive access to self-servicing as of the entry into force of the decision on imposing the restriction under paragraph (8).

(17) (New, SG No. 41/2011) An air carrier determined under paragraph (14) who does not have a licence for ground services operator for the respective activity at the airport shall take steps to obtain it under the procedure herein within 60 days after the entry into force of the decision on imposing the restriction under paragraph (8).

(18) (New, SG No. 41/2011) When the applicants determined under paragraph (14) declare that they do not wish to engage in self-servicing at the respective airport or do not take steps to obtain a licence within the term under paragraph (17) or a refusal to issue a licence has been enacted, the Director of the Civil Aviation Administration Directorate General shall issue a decision to determine a ground services operator to the candidates with the next largest share in the servicing of passengers or cargo.

(19) (New, SG No. 41/2011) The Director of the Civil Aviation Administration Directorate General shall withdraw with an order the access to self-servicing of air carriers determined under paragraph (14) when they have failed to satisfy the criteria in paragraph (14) for a period exceeding one year.

(20) (New, SG No. 41/2011) The Director of the Civil Aviation Administration Directorate General shall, on request by the airport operator, withdraw with an order the access to the market of a ground services operator or a self-services operator who fails to comply with the obligatory provisions of article 48h, paragraph (1) at the respective airport.

(21) (New, SG No. 41/2011) The Director of the Civil Aviation Administration Directorate General shall withdraw with an order the access to the market of a ground services operator or a self-services operator if the operator fails to commence operations within 60 days after receiving access, if his licence is revoked or if he is declared insolvent.

(22) (New, SG No. 41/2011) The acts of the Director of the Civil Aviation Administration Directorate General pursuant to paragraphs (8), (14), (18)-(21) shall be appealed against pursuant to the Administrative Procedure Code.

Article 48f

(New, SG No. 52/2004)

- (1) At airports with an annual passenger turnover of 1 million passengers or over, or with an annual cargo turnover of 25,000 metric tons or over, a committee of consumers of ground services may be established.
- (2) Each consumer of ground services shall have the right to join the committee of consumers of ground services through its authorized representatives or a specially established body.
- (3) (New, SG No. 10/2007) The airport operator shall conduct at least once a year a consultation session with the Committee of Consumers and Ground Service Operators of the respective airport to discuss matters related to access to the market of ground servicing. Consultation sessions shall be finalized by the issuance of an order by the airport operator.
- (4) (New, SG No. 10/2007, amended, SG No. 41/2011) If there are restrictions imposed under Article 48e (8) item 2, consultation sessions stipulated in paragraph 3 shall include consultation regarding prices of those ground services which will be subject to restrictions and regarding the delivery method of those specific services. Consultation sessions shall be finalized with the issuance of an order by the airport operator.
- (5) (New, SG No. 10/2007) Orders issued by the airport operator under paragraph 3 and 4 are administrative in nature and may be appealed in accordance with the Administrative Procedural Code.

Article 48g

(New, SG No. 52/2004)

- (1) In cases where restrictions as per Article 48e (5) or (8), items 1 and 2, have been imposed in respect of a given airport, a competitive bidding shall be held to select ground service operators that shall be granted access to the ground service market. The competitive bidding shall be organized by the airport operator or by the Civil Aviation Administration Directorate General, where the activity subject to the competitive bidding is performed by the airport operator or by an entity controlled directly or indirectly by the latter.
- (2) The competitive bidding as per Paragraph (1) shall be held following consultations with the committee of consumers of ground services.
- (3) (Supplemented, SG No. 10/2007) The terms of the competitive bidding shall be announced publicly in at least two daily newspapers, one of which shall be local with respect to the location of the airport and in the Official Journal of the European Union.
- (4) (Amended, SG No. 41/2011) The announcement of the competitive bidding shall contain the period of market access to be granted, which must not exceed 7 years.
- (5) The bidding documentation shall be prepared following consultations with the committee of consumers of ground services and shall contain the minimum financial and other conditions, requirements as to the assessment of participants, a draft contract and other requirements relevant to the subject of the competitive bidding.
- (6) Entrants shall be required to submit:
 1. a declaration in respect of circumstances as per Paragraph (8);
 2. (amended, SG No. 41/2011) a list of the equipment in good working order inherently required for the performance of the respective activity, ensuring the compliance with the applicable standards and security procedures and the safety of persons, aircraft, installations and equipment at the respective airport;
 3. (amended, SG No. 41/2011) a list of the names and addresses of the persons that intend to be employed as well as proof that these persons have the required qualifications and professional experience as well as a declaration of consent and an undertaking by the persons;
 4. (new, SG No. 41/2011) a business plan;
 5. (renumbered from Item 4, SG No. 41/2011) a logistical plan for the organization of business activities and interaction with

the airport operator, including the terms and conditions of interaction as may be acceptable to the Civil Aviation Administration Directorate General;

6. (renumbered from Item 5, SG No. 41/2011) any other documents required pursuant to the bidding documentation as per Paragraph 5.

(7) (Amended, SG No. 41/2011) The logistical plan as per Paragraph (6) item 5 shall contain a proposal on the location of the operator within the airport area (requisite space and premises for the machines, equipment and personnel of the operator); a proposal on the necessary access to energy and water sources; the need for means of communication; the provisions to be made for environmental protection as the operator performs its functions; the organization of business activity and the admission regime.

(8) Disqualified from participation in the competitive bidding shall be entities which:

1. have been declared bankrupt or are subject to bankruptcy proceedings;
2. have been convicted of bankruptcy;
3. are in liquidation;
4. have been stripped of the right to engage in commercial activities;
5. have debts to the State, established by a valid statement of fact issued by a competent authority, or debts to insurance funds, unless the competent authority has allowed deferral or postponement of such debts;
6. have been convicted of crimes against property or the economy.

(9) The provisions of Paragraph (8) item 6 shall apply either to the managers or to members of the management bodies of the participants.

(10) (Amended, SG No. 41/2011) The airport operator or the Director of the Civil Aviation Administration Directorate General shall issue to the winning entrant in the competitive bidding a permit for selection of ground services operator. The decision of the airport operator on selecting a ground services operator shall be an individual administrative act and as such shall be subject to appeal according to the terms and procedure of the Code of Administrative Procedure.

(11) (Supplemented, SG No. 10/2007, repealed, new, SG No. 41/2011) When the winning entrant has a licence for ground services operator for the respective activity at the airport he shall receive access to the market as of the entry into force of the decision on selection pursuant to paragraph (10).

(12) (New, SG No. 41/2011) When the winning entrant does not have a licence for a ground services operator for the respective activity the entrant shall, within 60 days of the entry into force of the decision on selection, take steps to obtain a licence pursuant to the procedure herein.

(13) (New, SG No. 41/2011) When the winning entrant fails to take steps to obtain a licence within the term in paragraph (12) or an effective refusal to issue a licence has been enacted, the airport operator or the Director of the Civil Aviation Administration Directorate General shall issue a decision of selection of ground services operator to the entrant graded next.

(14) (Renumbered from Paragraph 12, amended, SG No. 41/2011) In cases when the license of a ground service operator has been revoked or the operator has been declared bankrupt until a new competitive bidding is held, a temporary ground services operator shall be appointed as a substitute for the disqualified one.

(15) (Renumbered from Paragraph 13, SG No. 41/2011) An ordinance issued as per Article 48c (6) shall also prescribe the terms, conditions and procedure of access to the ground services market, of the issuance of a ground services operator's license, the ground service activities as well as the terms, conditions and procedure of imposing restrictions to market access.

Article 48h

(New, SG No. 1/2007)

(1) In order to ensure the safe operation of the airport, the airport operator shall issue mandatory orders to the ground service

operators in compliance with the Approved Airport Management and Operation Guidelines of the respective airport.

(2) The airport operator shall allocate the available free space for ground servicing and grant the ground service and self-service operators access to airport facilities to the extent that the operators need to perform their activities.

(3) Orders issued by the airport operator under paragraph 1 and 2 are administrative in nature and may be appealed in accordance with the Administrative Procedural Code.

Article 48i

(New, SG No. 10/2007, amended, SG No. 41/2011)

(1) (Amended, SG No. 89/2015) Airport operators, when they provide ground services, ground services operators providing services to third parties shall separate the accounts for their ground services from the accounts for other operations in compliance with the applicable accountancy law.

(2) (Amended, SG No. 81/2011, SG No. 95/2016) Entities under paragraph 1 shall provide the required information to the Civil Aviation Administration Directorate General within 20 days after the end of the respective calendar year. On the basis of the information received the Director General of the Civil Aviation Administration Directorate General shall assign an audit of the compliance with the requirement stipulated under paragraph (1) to a registered auditor pursuant to the Independent Financial Audit Act.

Article 48j

(New, SG No. 66/2008, effective 25.07.2008)

(1) The airport operators shall undertake, or cause to be undertaken, the necessary measures and shall provide assistance, in compliance with Regulation No. 1107/2006 (EC), to disabled persons and persons with reduced mobility when travelling by air.

(2) In case where the measures undertaken or the assistance provided to a disabled person or a person with reduced mobility do not conform to Regulation No. 1107/2006 (EC), the airport operator shall owe compensation to such person for any damages caused to him/her.

(3) A claim for compensation shall be filed against the airport operator before the relevant court of law.

Chapter Five FLIGHTS

Article 49

(Amended, SG No. 85/1998)

(1) (Amended, SG No. 81/2011) The Minister of Transport, Information Technology and Communications shall lay down by an ordinance the rules applicable to the flights within the serviced airspace of the Republic of Bulgaria.

(2) (Amended, SG No. 81/2011, SG No. 28/2015) Flights by aircraft in the airspace controlled by the Republic of Bulgaria as well as flights crossing the state border shall be performed according to a flight plan.

(3) (New, SG No. 81/2011, repealed, SG No. 28/2015).

(4) (New, SG No. 28/2015) The servicing of aircraft without a flight plan as well as search and rescue operations shall take place on the basis of available information.

(5) (New, SG No. 52/2004, renumbered from Paragraph 3, SG No. 81/2011, renumbered from Paragraph 4, SG No.

28/2015) In commercial aviation, in addition to the units of measure established as per the International System of Units of Measure (SI), the following units and their derivatives may also be used: foot, nautical mile, knot.

Article 50

(Amended, SG No. 85/1998)

- (1) Scheduled international air carriage to or from airports within the Republic of Bulgaria shall be subject to prior permission.
- (2) (Amended, SG No. 52/2004) A permission as per Paragraph (1) shall cover the terms and requirements governing the approval of an air carrier's privilege to operate each agreed service, the co-ordination and approval of flight schedules, and/or such other requirements as may be fixed in an international agreement.
- (3) (Amended, SG No. 102/2005, SG No. 35/2009, effective 12.05.2009) Non-scheduled commercial flights to or from airports on the territory of the Republic of Bulgaria shall require the permission of the Civil Aviation Administration Directorate General, while international non-commercial flights of Bulgarian and foreign governmental non-military aircraft, shall require the prior permission of the Minister of Foreign Affairs. As regards military aircraft, permissions are issued under the procedure of the Act on Passage Through and Stay on the Territory of the Republic of Bulgaria of Allied and Foreign Armed Forces and the Act on Dispatching and Use of Bulgarian Armed Forces Outside the Territory of the Republic of Bulgaria.
- (4) The right to carry domestic public traffic by aircraft shall be granted by the Head of the Civil Aviation Administration Directorate General.
- (5) The Minister of Transport, Information Technology and Communications shall lay down the terms and rules of authorising aircraft flights.

Article 51

(Amended, SG No. 85/1998)

- (1) A deviation of an aircraft from the flight plan shall be admissible solely in the interests of the safety and security of flight.
- (2) In the event of deviation as per paragraph (1) the aircraft commander and the flight control bodies shall notify each other of the decision(s) taken.
- (3) Any foreign aircraft entering or crossing the controlled airspace of the Republic of Bulgaria without authorisation, as well as any aircraft using the airspace illegally or in violation of flight regulations shall be regarded as a transgressor.

Article 52

(1) (Previous Article 52, amended, SG No. 66/2008, effective 25.07.2008) Civilian airspace shall be served using the necessary means of communication, radio navigation, pelengation, energy, light and meteorological support of air flights.

(2) (New, SG No. 66/2008, effective 25.07.2008) The Minister of Transport, Information Technology and Communications shall issue an ordinance to determine:

1. the terms and procedure of performing tests of the equipment as per Paragraph (1) above;
2. the manner of organizing and conducting ground and in-flight checks of the equipment as per Paragraph (1) above;
3. the technical and operational requirements to the equipment as per Paragraph (1) above.

Article 53

(Amended, SG No. 16/1997, SG No. 34/2001, effective 1.01.2001)

(1) (Amended, SG No. 102/2005, supplemented, SG No. 37/2006) The legal entity styled "Air Traffic Control" shall be

hereby transformed into "Air Traffic Control" State-owned Enterprise (ATC SOE) in the meaning of Article 62 (3) of the Commerce Act, i.e. a legal person with registered office and address of the place of management in the city of Sofia, holding a licence for providing of aerial navigation services and performing government functions relative to the provision of aerial navigation services within the Republic of Bulgaria's served civil air space.

(2) (Supplemented, SG No. 52/2004, amended, SG No. 102/2005, SG No. 37/2006) The principal object of activity of the "Air Traffic Control" State-owned Enterprise shall be:

1. air traffic control to ensure safety, efficiency, and regularity of flights within the served civil air space;
2. (amended, SG No. 81/2011, effective 19.04.2012) planning, provision, introduction, operation and maintenance of facilities, systems and equipment for communication, navigation, surveillance, energy, meteorological and air navigation support of the air traffic and adjacent infrastructure serviced;
3. communication servicing, navigation servicing and servicing on surveillance;
4. meteorological servicing;
5. air navigation information servicing;
6. (repealed, SG No. 28/2015);
7. provision of information services for aircraft location and rescue operations;
8. control of the air-traffic safety system within their delegated area of competence;
9. fulfilment of the Republic of Bulgaria's obligations stemming from international agreements in the field of air traffic control to which the Republic of Bulgaria is a signatory;
10. collection of fees for air navigation services as per Article 120 (2) hereof.

(3) The "Air Traffic Control" State-owned Enterprise shall be entitled to provide also other services connected with their nature of business.

(4) (Amended, SG No. 102/2005, SG No. 37/2006) In conducting its business as per paragraph (2), item 1 above the "Air Traffic Control" State-owned Enterprise shall have rights and obligations in respect of all aircraft in flight within the airspace served. As regards military aircraft, the "Air Traffic Control" State-owned Enterprise shall conduct the activities as per Items 1, 2 and 3 of Paragraph (2) in coordination with the Ministry of Defence.

(5) The assets of the "Air Traffic Control" State-owned Enterprise shall consist of all the assets as consigned to their care by type, amount, and value by the Minister of Transport, Information Technology and Communications, and the assets acquired by the "Air Traffic Control" State-owned Enterprise. Consigned to the care and management of the "Air Traffic Control" State-owned Enterprise shall be all tracts of land and technologically indispensable terrains designated as public state-owned property in the meaning of Article 43a, paragraph (4) hereof.

(6) The assets of the "Air Traffic Control" State-owned Enterprise shall not be subject to any enforcement of judgement.

(7) No bankruptcy proceedings may be instituted against the "Air Traffic Control" State-owned Enterprise.

(8) To ensure its solvency the "Air Traffic Control" State-owned Enterprise shall be required to maintain a fiscal reserve fund. The reserve amount, as well as the terms and procedures of keeping and expending such reserve fund shall be prescribed by the Minister of Transport, Information Technology and Communications and the Minister of Finance.

(9) To conduct its business the "Air Traffic Control" State-owned Enterprise shall set up and maintain training and education centres.

(10) To ensure the conduct of its business the "Air Traffic Control" State-owned Enterprise shall be required to place public procurement orders pursuant to the Public Procurement Act except for all activities relative to aviation safety, airspace control, and provision of aerial navigation services. The "Air Traffic Control" State-owned Enterprise may act also as contractor under public procurement contracts whose scope are activities within the enterprise's nature of business.

Article 53a

(New, SG No. 34/2001, effective 1.01.2001)

(1) The management bodies of the "Air Traffic Control" State-owned Enterprise shall be:

1. the Minister of Transport, Information Technology and Communications;
2. the Management Board (Board of Directors);
3. the Director General.

(2) (Repealed, SG No. 82/2009).

Article 53b

(New, SG No. 34/2001, effective 1.01.2001, amended, SG No. 82/2009)

The Minister of Transport, Information Technology and Communications shall:

1. exercise the state's property rights in the "Air Traffic Control" State-owned Enterprise and shall implement the government policies in the area of organisation and control of airspace utilisation, as well as in the area of ensuring safety, efficiency and regularity of flights;
2. (amended, SG No. 82/2009) appoint and dismiss the members of the Management Board (Board of Directors);
3. appoint and dismiss the "Air Traffic Control" State-owned Enterprise's Director General who shall be by rights a member of the Management Board (Board of Directors);
4. authorise the involvement of the "Air Traffic Control" State-owned Enterprise in mercantile and civil companies;
5. endorse the rules and regulations for the constitution, functions, and activities of the "Air Traffic Control" State-owned Enterprise;
6. endorse any resolutions adopted by the Management Board (Board of Directors) on participation/membership of the "Air Traffic Control" State-owned Enterprise in international organisations;
7. endorse the development programme of the "Air Traffic Control" State-owned Enterprise.

Article 53c

(New, SG No. 34/2001 effective 1.01.2001)

- (1) (Amended, SG No. 82/2009) The Management Board (Board of Directors) shall be made up of three (3) members inclusive of the Director General all of whom shall be appointed by the Minister of Transport, Information Technology and Communications for a term of five (5) years.
- (2) (Amended, SG No. 82/2009) The Minister of Transport, Information Technology and Communications shall conclude a management agreement with each member of the Management Board (Board of Directors).
- (3) (Amended, SG No. 82/2009) Membership of the Management Board (Board of Directors) shall not be allowed to any person who has been convicted and sentenced for an indictable offence, or is the spouse, or a lineal or collateral relative, or a relative by marriage up to the third degree including of another member of the Management Board (Board of Directors).
- (4) The Management Board (Board of Directors) shall meet at least once every two months.
- (5) The meetings of the Management Board (Board of Directors) shall be convened, organised, and chaired by the Chairperson of the Board, and in his absence - by the Deputy Chairperson.

(6) (Repealed, SG No. 63/2010)

(7) All resolutions of the Management Board (Board of Directors) shall be adopted by an open vote and simple majority of all members.

(8) Exercise of control over the implementation of resolutions adopted by the Management Board (Board of Directors) shall be vested with the Chairperson of the Board.

(9) Minutes shall be taken at all meetings of the Management Board (Board of Directors) which shall be signed by all attending members.

(10) (Amended, SG No. 82/2009) The Minister of Transport, Information Technology and Communications shall dismiss prior to the management agreement's expiration any member of the Management Board (Board of Directors) who:

1. does not meet the requirements set forth in paragraph (3) above;

2. has been violating the terms stipulated in the management agreement;

3. has filed a written request to be dismissed;

4. (New, SG No. 82/2009) upon a resolution by the Minister of Transport, Information Technology and Communications - with a one-month prior notice.

(11) The Management Board (Board of Directors) shall:

1. elect from among its members a Chairperson and a Deputy Chairperson;

2. (amended, SG No. 82/2009) adopt draft rules and regulations for the constitution, functions, and activities of the "Air Traffic Control" State-owned Enterprise and shall present them to the Minister of Transport, Information Technology and Communications for endorsement;

3. (amended, SG No. 82/2009) present a programme for the development of the "Air Traffic Control" State-owned Enterprise to the Minister of Transport, Information Technology and Communications for endorsement;

4. approve the Annual Financial Plan of the "Air Traffic Control" State-owned Enterprise in accordance with international requirements;

5. approve the structure, staff-list, and payroll funds of the "Air Traffic Control" State-owned Enterprise in accordance with the Annual Financial Plan;

6. (amended, SG No. 67/2008) Approve the Annual Financial Statement of the "Air Traffic Control" State-owned Enterprise;

7. (amended, SG No. 67/2008) Appoint a registered auditor to certify the Annual Financial Statement;

8. make decisions on profit distribution and covering the losses;

9. make decisions about disposing, decommissioning, write-off, or liquidation of long-term fixed assets, about legal estate institution, and about leasing out real estates owned by the "Air Traffic Control" State-owned Enterprise;

10. (amended, SG No. 82/2009) adopt draft resolutions on the participation/membership of the "Air Traffic Control" State-owned Enterprise in international organisations and present them to the Minister of Transport, Information Technology and Communications for endorsement; make decisions about the co-operation of the "Air Traffic Control" State-owned Enterprise with cognate organisations in aviation;

11. (amended, SG No. 82/2009) perform other functions relative to the management of the "Air Traffic Control" State-owned Enterprise pursuant to the applicable pieces of legislation, or assigned to the Board by the Minister of Transport, Information Technology and Communications.

(12) (New, SG No. 82/2009) The Management Board (Board of Directors) may adopt resolutions provided that at least half of its members are present in person or represented by another board member. No attending member may represent more than one absent member. For the purposes of representation, an explicit power of attorney shall be required for each specific case.

(13) (New, SG No. 82/2009, repealed, SG No. 63/2010).

(14) (New, SG No. 82/2009) The Management Board (Board of Directors) may also adopt resolutions remotely, provided that all members have acknowledged their consent to the resolution in writing.

Article 53d

(New, SG No. 34/2001, effective 1.01.2001)

(1) The Director General of the "Air Traffic Control" State-owned Enterprise shall:

1. represent the "Air Traffic Control" State-owned Enterprise before government bodies, courts and third parties in this country and abroad;

2. administer the overall business of the "Air Traffic Control" State-owned Enterprise;

3. conclude contracts and agreements about the activities carried out by the "Air Traffic Control" State-owned Enterprise;

4. conclude and terminates employment agreements with workers and employees of the "Air Traffic Control" State-owned Enterprise;

5. give account for his management activities to the Management Board (Board of Directors).

(2) The Director General may delegate some of his/her powers under paragraph (1) above to other employees/officers of the "Air Traffic Control" State-owned Enterprise.

Article 53e

(New, SG No. 34/2001, effective 1.01.2001, amended, SG No. 67/2008, repealed, SG No. 82/2009).

Article 54

(Repealed, SG No. 85/1998).

Article 55

(Amended, SG No. 85/1998)

Any flight of aircraft shall be allowed solely by permission from the "Air Traffic Control" State-owned Enterprise.

Article 56

(Amended, SG No. 85/1998)

All instructions given by the "Air Traffic Control" State-owned Enterprise shall be positively binding upon aircraft operating crews.

Article 57

(Amended, SG No. 85/1998)

In case of emergency representing an imminent danger to the flight, an aircraft commander shall have the power to take a decision to deviate from the flight plan and from the instructions as given by the "Air Traffic Control" State-owned Enterprise. The aircraft commander must forthwith give notification of such decision to the appropriate flight control authority.

Article 58

(Amended, SG No. 85/1998)

Performance of aerobatics as well as any test and sports flights of civilian aircraft over settled (built-up) areas shall be disallowed.

Article 59

(1) The disposal of any objects from an aircraft in flight shall be prohibited.

(2) Should safety of flight necessitate the disposal of either objects or fuel from board an aircraft, this may be effected solely in strict compliance with the terms and procedures prescribed by the Minister of Transport, Information Technology and Communications.

(3) (New, SG No. 52/2004) Ejection of objects or cargo from aircraft during flight shall be allowed for purposes of providing aid to the population in natural calamities, disasters or industrial accidents as well as for providing assistance to passengers having sustained a flight accident, and only subject to prior coordination with the Civil Aviation Administration Directorate General.

Article 60

(1) (Amended, SG No. 85/1998, previous Article 60, supplemented, SG No. 52/2004, amended, SG No. 81/2011, effective 19.08.2012) Parachute jumps and dropping off cargo by means of a parachute from aircraft located within the controlled airspace or over populated areas, exclusive of the cases under Paragraph (2), shall be performed according to the terms and procedure stipulated by the Director General of the Civil Aviation Administration Directorate General.

(2) (New, SG No. 52/2004) Parachute jumps and dropping of cargo by means of a parachute from aircraft shall be allowed for purposes of providing aid to the population in natural calamities, disasters or industrial accidents as well as in providing assistance to passengers having sustained a flight accident, and only subject to prior coordination with the Civil Aviation Administration Directorate General.

Article 61

(Amended, SG No. 85/1998)

(1) Flights of unpowered or unmanned aircraft in the airspace of the Republic of Bulgaria, inclusive of those intended for sports, pleasure or training, shall be sanctioned by the authority specified in Article 50, paragraph (4) hereof.

(2) Flights of aircraft not carrying radio equipment shall be authorised by the authority specified in Article 50, paragraph (5) hereof.

Article 62

(Amended, SG No. 85/1998)

(1) Any aircraft which has entered the airspace of the Republic of Bulgaria without authorisation, or has violated the flight regulations, or bears no distinctive nationality and registration mark, or disobeys flight control authorities' instructions shall be regarded as a transgressor and forced to land.

(2) (Amended, SG No. 85/1998) An aircraft that has been ordered to make a landing shall be required to do so at an appropriate airport. Its flight may be continued solely by the permission of the air traffic control authorities.

(3) (New, SG No. 85/1998, amended and supplemented, SG No. 109/2007) The mode of procedure for forcing an aircraft which has transgressed the regulations of this Act to make a landing, as well as the mode of procedure for allowing such aircraft to continue its flight shall be prescribed in an ordinance enacted by the Minister of Transport, Information Technology and Communications, the Minister of Defence, the Minister of Foreign Affairs and the Chairperson of the State Agency for National

Security.

(4) (Previous paragraph (3) - SG No. 85/1998) Any damages resulting from a forced landing shall be sustained by the transgressor.

Article 62a

(New, SG No. 81/2011)

(1) Directing laser beams or other light of high intensity towards an aircraft in a way blinding the crew or creating conditions for the damage of the aircraft and/or injury of its personnel or passengers on board shall be prohibited.

(2) The Director General of the Civil Aviation Administration Directorate General shall determine the areas in the vicinity of airports where the use of laser beams or other directed light of high intensity is prohibited or restricted.

Article 63

(Repealed, SG No. 85/1998).

Article 64

(Amended, SG No. 85/1998)

(1) (Amended, SG No. 52/2004, supplemented, SG No. 10/2007, amended, SG No. 66/2008, effective 25.07.2008) An aircraft operator is an entity registered pursuant to the Commerce Act or registered as a merchant under the legislation of an European Union member state or another country signatory to the European Economic Area Agreement, in possession of an aircraft operator's certificate attesting to the fact that the operator has the professional competence and logistical capacity to ensure the safe operation of aircraft in the performance of the air navigation activities listed in the said licence.

(2) (New, SG No. 66/2008, effective 25.07.2008) The right to perform specialized aviation operations, other than commercial air carriage, shall be evidenced by an aircraft operator's license for the performance of specialized aviation operations. An aircraft operator performing specialized aviation operations shall be an entity registered under the Commerce Act or registered as a merchant under the relevant legislation of a European Union member state, or another country signatory to the European Economic Area Agreement.

(3) (Renumbered from Paragraph 2, SG No. 66/2008, effective 25.07.2008, supplemented, SG No. 63/2010) Aircraft operators shall be required to guarantee favourable conditions for continual and comprehensive control on the part of the Civil Aviation Administration Directorate General for the purpose of ensuring the safety and security of flights.

(4) (Renumbered from Paragraph 3, SG No. 66/2008, effective 25.07.2008) In the exercise of their controlling functions the Civil Aviation Administration Directorate General shall be governed by the principle of equality of all aircraft operators.

(5) (Amended, SG No. 52/2004, renumbered from Paragraph 4, SG No. 66/2008, effective 25.07.2008) Aircraft operators shall be required to insure:

1. their flight personnel against accident, and
2. their liability:
 - a) in respect of their passengers in case of accident;
 - b) in the event of loss or damage to luggage, cargo and mail;
 - c) in respect of third parties.

(6) (Amended, SG No. 52/2004, renumbered from Paragraph 5, SG No. 66/2008, effective 25.07.2008) Certificates to foreign aircraft operators shall be issued by the Civil Aviation Administration Directorate General.

(7) (Renumbered from Paragraph 6, SG No. 66/2008, effective 25.07.2008) The Civil Aviation Administration Directorate General shall recognize the validity of a foreign aircraft operator's certificate provided it has been issued by the aviation administration of a state where the applicable requirements are either equivalent to this country's national requirements or surpass them.

(8) (Renumbered from Paragraph 7, SG No. 66/2008, effective 25.07.2008) The terms and procedures for issuing certificates and licenses shall be laid down by the Minister of Transport, Information Technology and Communications.

Article 64a

(New, SG No. 85/1998, supplemented, SG No. 34/2001, amended, SG No. 52/2004)

- (1) Commercial air flights shall be carried out by air carriers that are found to meet the provisions and requirements of this Act.
- (2) The provision of Paragraph (1) shall not apply to commercial air transportation of passengers, luggage, cargo or mail performed by gliders or by ultra light self-propelled aircraft or flights not involving transportation between airports.
- (3) Bulgarian air carriers are commercial entities registered pursuant to the Commerce Code or entities established by an act of the Council of Ministers possessing an aircraft operator's certificate and an air carrier's license.
- (4) Each air carrier shall have in its possession, at all time, its own capital in the amount of no less than BGN 160,000.
- (5) A Bulgarian air carrier's license is issued for an indefinite term to an entity which:
 1. is registered pursuant to the Commerce Code or established by an act of the Council of Ministers for the performance of special-purpose flights;
 2. has commercial air transportation as its main subject of activity, performed separately or in conjunction with other operation of aircraft, or repairs or technical servicing thereof;
 3. has presented a thoroughly grounded business plan for the performance of its activity;
 4. is in possession of a duly and properly issued aircraft operator's certificate;
 5. has submitted proof of possession of its own capital as per Paragraph (4) and of its financial stability.
- (6) In case where an air carrier fails to observe the requirements to supply information regarding its financial stability or is unable to fulfil its current or special duties for a period of 12 months, the Director of the Civil Aviation Administration Directorate General shall suspend its operation or shall withdraw its license, or shall issue to it a temporary license, valid until restoration of the air carrier's financial stability, provided that flight safety of is not jeopardized.
- (7) The Director of the Civil Aviation Administration Directorate General shall withdraw the license of an air carrier that has been declared bankrupt or is in liquidation.
- (8) The Director of the Civil Aviation Administration Directorate General shall issue a temporary license to an air carrier which is subject to bankruptcy proceedings, for the period of adoption or implementation of a rehabilitation plan and subject to the conditions that flight safety is not jeopardized and that there is a realistic possibility for rehabilitation of the enterprise.
- (9) The Director of the Civil Aviation Administration Directorate General shall suspend the operation or withdraw the license of an air carrier whose aircraft operator's license has been revoked or withdrawn.

Article 64b

(New, SG No. 34/2001)

- (1) (Amended and supplemented, SG No. 66/2008, effective 25.07.2008, amended, SG No. 63/2010, supplemented, SG No. 15/2013, effective 1.01.2014, amended, SG No. 12/2014) Special purpose flights shall be carried out by a special aircraft operator, Aviation Unit 28, a legal entity - an authorizer by sub-delegation with a budget attached to the Minister of Transport, Information Technology and Communications whose means of support shall be raised from budget subsidies and

own revenues from business operations. The provisions of the Administration Act shall not apply to Aviation Unit 28.

(2) Special purpose flights shall be all flights carrying and serving:

1. the President of the Republic of Bulgaria;
2. the President (Speaker) of the National Assembly of the Republic of Bulgaria;
3. the Prime Minister of the Republic of Bulgaria;
4. (repealed, SG No. 52/2004);
5. (new, SG No. 37/2006) Vice President of the Republic of Bulgaria;
6. (amended, SG No. 52/2004, renumbered from Item 5, amended, SG No. 37/2006) foreign heads of state counterpart in rank to those listed under Items 1, 2, 3 and 5;
7. (renumbered from Item 6, SG No. 37/2006) persons included in the delegation, accompanying teams, security, and their luggage - in all cases pursuant to items 1 to 5.

(3) (New, SG No. 53/2010) For special purpose flights, Aviation Unit 28 may use wet-leased aircraft of aircraft operators that hold an aircraft operator licence which authorises them to carry out passenger transportation operations.

(4) (Renumbered from Paragraph 3, amended, SG No. 63/2010) When operating special purpose flights and in all cases where Aviation Unit 28 operates flights serving purposes of ministries and agencies, the payment shall be made from the budget of the relevant administration, ministry or agency.

(5) (New, SG No. 66/2008, effective 25.07.2008, renumbered from Paragraph 4, SG No. 63/2010) For the purpose of performing its operation, the Aviation Unit 28 shall award public procurement contracts subject to the provisions of the Public Procurement Act, except in cases of an insurmountable force where the statutory time limits for conducting a public procurement procedure render impossible the performance of special purpose flights as per Paragraph (2) above.

(6) (Renumbered from Paragraph 4, SG No. 66/2008, effective 25.07.2008, renumbered from Paragraph 5, amended, SG No. 63/2010, SG No. 12/2014) The nature of business, functions, and strength of Aviation Unit 28 shall be laid down in a by-law endorsed by the Council of Minister on advice of the the Minister of Transport, Information Technology and Communications.

(7) (Renumbered from Paragraph 5, SG No. 66/2008, effective 25.07.2008, renumbered from Paragraph 6, amended, SG No. 63/2010, repealed, SG No. 38/2012, effective 1.07.2012).

(8) (Renumbered from Paragraph 6, SG No. 66/2008, effective 25.07.2008, renumbered from Paragraph 7, amended, SG No. 63/2010, SG No. 12/2014) Staff members of Aviation Unit 28 in service or under an employment agreement shall also be paid food allowances that shall be tax-exempt and shall not be included in their gross monthly remuneration. The amount of such food allowances shall be determined annually by the General Director of Aviation Unit 28 in coordination with the Minister of Transport, Information Technology and Communications or an official authorised by the the Minister of Transport, Information Technology and Communications.

Article 64c

(New, SG No. 15/2016) Air carriers shall be obliged to submit reservation data of the passengers they carry to, in and from the territory of the Republic of Bulgaria to the National Unit for receiving and processing reservation data of passengers in the Republic of Bulgaria carried by air under terms and procedures specified in the State Agency for National Security Act.

Chapter Six

CONTRACT OF CARRIAGE OF PASSENGERS

Article 65

(Supplemented, SG No. 52/2004)

Under the contract of carriage of passengers by air a professional carrier shall engage to transport a passenger and his baggage from one place to another in consideration of a fare agreed upon between them, either with an aircraft of his own or with a hired or leased one.

Article 66

(1) A contract of carriage of passengers shall be evidenced by a passenger ticket and the registration of baggage - by a baggage check.

(2) The irregularity of the passenger ticket, its absence during the carriage, or its loss shall not affect the existence or the validity of the contract of carriage whereas the relations between the carrier and the passenger shall be subject to the rules of this Act.

Article 67

(1) (Amended, SG No. 85/1998) An airfare shall cover also the carriage of baggage in such amounts or of such size as fixed by the carrier.

(2) Baggage exceeding the fixed amount/size shall be accepted for carriage by the same aircraft in consideration of an additional price.

Article 68

The employees of an air-transport undertaking travelling on business, as well as other persons travelling in connection with the fulfilment of tasks directly related to such air-transport undertaking's business, or in accordance with international conventions, agreements and regulations, shall be entitled to complimentary tickets for gratuitous carriage providing there are free seats available on board the aircraft.

Article 69

(1) Each party shall be entitled to cancel the contract on account of a declared or raging war representing danger to the carriage, or because of a blockade of either the departure or the destination airport, or in view of the aircraft's detention by the competent authorities, or due to the closure of either the departure or the destination airport on the order of the authorities, or on account of other suchlike obstacles.

(2) In the event of contract cancellation for any of the reasons specified in the preceding paragraph, the passenger shall be entitled to request refund of the full fare providing the cancellation preceded the commencement of carriage, and where the cancellation was made in the course of carriage - of the difference between the ticket fare and the price of the carriage effectively performed.

Article 70

(Amended, SG No. 52/2004, repealed, SG No. 37/2006).

Article 70a

(New, SG No. 85/1998, repealed, SG No. 52/2004).

Article 71

(Amended, SG No. 85/1988, SG No. 70/2004, SG No. 89/2015) A passenger shall be entitled to cancel the contract of carriage and receive a refund on the airfare in the event of illness certified by a medical establishment, including illness of a member of his family who is to travel with him.

Article 72

(Supplemented, SG No. 85/1998)

In the event no carriage has been performed on account of the demise of a passenger, or of a family member, or of a parent, a brother or a sister, as well as of a collateral kinsman up to the second degree, the carrier shall be required to refund the full airfare.

Article 73

(1) (Supplemented, SG No. 63/2010) No passenger in an intoxicated condition or ill with an communicable disease, nor mentally ill individuals representing danger to the other passengers or to the flight security and passengers who have refused screening, including of their baggage, shall be admitted to carriage.

(2) Any passenger violating the existing rules of travel and manners on board an aircraft, or disobeying the aircraft commander, may be forced to leave the aircraft at the destination or stopover airport with no right to ask refund of the airfare paid.

Article 74

(1) A carrier shall be held liable for any damage caused in the event a passenger is injured or dies where the accident that caused such damage occurred on board the aircraft, or while boarding or leaving it, or during any action related thereto.

(2) (Amended, SG No. 85/1998) Such liability shall be discharged in accordance with the laws of the Republic of Bulgaria and in compliance with all the international conventions and agreements to which the Republic of Bulgaria is a signatory.

Article 75

A carrier shall be held liable for the loss of or damage to the registered baggage provided that the occurrence that caused the prejudice took place during the time the baggage was in the charge of the carrier.

Article 76

(Amended, SG No. 85/1998, SG No. 89/2015)

When carriage of baggage is performed, the carrier's liability shall conform to the requirements of the Convention for the unification of certain rules for international carriage by air, elaborated in Montreal on 28 May 1999 (ratified by law, SG No. 67/2003) (SG No. 6/2004) and of Council Regulation (EC) No. 2027/97 of 9 October 1997 on air carrier liability in the event of accidents.

Article 77

(Supplemented, SG No. 52/2004)

A carrier shall be relieved from liability for damages caused due to a delay if he proves that he had taken all the necessary measures to avoid the damage or that it was impossible for him to take such measures.

Article 78

The loss of or damage to a passenger's baggage or personal effects shall be evidenced by a written statement of findings drawn up in compliance with the rules and procedures set forth in Chapter XI of this Act.

Article 79

In case a passenger fails to notify the carrier in writing of the loss of or damage to his baggage within the time limits prescribed in Chapter XI hereof, it shall be deemed that the baggage was delivered to him in good shape and in accordance with the passenger ticket or the baggage check.

Article 80

A carrier shall be relieved from liability for loss or damage to a passenger's baggage resulting from:

- a) the peculiar nature of the baggage (inherent vice);
- b) faulty packing that could not possibly be noticed at the time of registration;
- c) failure to indicate in the document of carriage the peculiar nature of the baggage requiring special storage conditions.

Article 81

Applicable to mixed-carrier transportation and to carriage by two or more air-carriers shall be the provisions of Articles 108 and 109 hereof.

Article 81a

(New, SG No. 66/2008, effective 25.07.2008)

- (1) Air carriers shall cause the relevant measures to be undertaken and shall provide assistance to a person of disability or reduced mobility in accordance with Regulation No. 1107/2006 (EC).
- (2) Where the measures undertaken or the assistance provided to such person of disability or reduced mobility do not comply with Regulation No. 1107/2006 (EC), the air carrier shall owe compensation to such person for damages caused.
- (3) A claim for damages shall be filed against the air carrier before the relevant court.

Chapter Seven

CONTRACT OF CARRIAGE OF CARGO

Article 82

(1) (Supplemented, SG No. 52/2004) Under the contract of carriage of cargo by air a carrier shall engage to haul to a determined place the cargo lawfully delivered or to be delivered to him by a shipper in consideration of a price, either with an aircraft of his own or with a leased or hired one, and to deliver such cargo to its destination.

(2) Upon receipt of the cargo the carrier shall issue an air waybill.

Article 83

(Repealed, SG No. 85/1998).

Article 84

(1) The absence, irregularity or loss of the air waybill shall not affect the existence or validity of the contract of carriage.

(2) Cargo belonging to air-transport undertakings or shipped by them ex officio may be carried gratuitously by ex officio air waybills.

Article 85

(1) (Amended, SG No. 85/1998) A shipper shall be required to indicate in the air waybill the precise name of cargo and its peculiar qualities, if any, as well as the type of packing.

(2) (Supplemented, SG No. 70/2004, effective 1.01.2005) The shipper shall submit the cargo along with all documents required by the healthcare, customs and other authorities.

Article 86

The shipper shall owe compensation to the carrier or to third parties for damages resulting from untrue, incorrect or incomplete data entered in the air waybill.

Article 87

(1) A shipper shall be entitled to request cancellation of the contract of air carriage within the following time limits:

a) minimum seven (7) days prior to the day of the flight whereas he shall be required to pay a penal sum of ten (10) percent on the determined or agreed price;

b) minimum three (3) days prior to the day of the flight whereas he shall be required to pay a penalty of thirty (30) percent on the determined or agreed price.

(2) The parties shall have the right to agree on shorter terms as well.

Article 88

(1) In the case a shipper fails to deliver the cargo for shipment, he shall pay the full tariff or the agreed haulage price. If another shipper's cargo was carried on the same flight instead of the undelivered one, the failing shipper shall be required to pay fifty (50) percent of the haulage charge.

(2) A shipper shall not be answerable if the failure to deliver cargo for shipment was due to irresistible force or to an accident in the manufacturing enterprise resulting in cessation of manufacture for more than three (3) days and nights.

Article 89

Improperly packed cargo shall be accepted for shipment for the account and risk of the consignor of which there shall be a note in the air waybill.

Article 90

(1) A consignor shall be allowed to make a statement as to the value of the cargo delivered for shipment. The stated value shall not exceed the actual value of the cargo. Making a statement of the value shall be mandatory with respect to cargo whose actual value is impossible to estimate in case of loss or destruction.

(2) A fee shall be charged on the statement of value in accordance with a tariff.

(3) No statement of value shall be allowed with respect to cargo accepted for shipment with faulty packing for the account and risk of the consignor, to perishable and dangerous goods, as well as to attended cargo.

Article 91

(Supplemented, SG No. 73/2010, effective 17.09.2010)

Dangerous goods excluded from concurrent carriage with passengers, as well as the regulations for the carriage of explosives, ammunition, pyrotechnical products, toxic and inflammable substances, perishable goods, animals, birds and insects, deceased and mortal remains, radioactive material, filming and photographic cameras, radio equipment, unpacked cargo, etc. shall be determined by the Minister of Transport, Information Technology and Communications in concert with the heads of the respective ministries and administrations.

Article 92

(1) In the event of a breakdown of the aircraft or its equipment in the course of the carriage jeopardising the cargo or the progression of the flight the carrier shall be under the obligation to notify the consignor.

(2) In case that giving notification as per the preceding paragraph proves impossible, or in case instructions have been received from the consignor that could not be possibly carried out, the carrier may transfer the cargo to another aircraft of his own or to one hired by him, or to another carrier's aircraft.

Article 93

While carrying a cargo a carrier shall be bound to follow the particular route that has been established or agreed. A deviation from such route for reasons of safety of flight or for the purpose of extending assistance on the part of the aircraft commander shall not be treated as a breach of contract and the carrier shall not be answerable for any damages resulting therefrom.

Article 94

A carrier shall be under the obligation to deliver the cargo to the destination within the prescribed period of time, if such period of time has been stipulated in the contract.

Article 95

(1) The cargo along with the air waybill shall be delivered to the consignee specified in the waybill or to his lawful agent.

(2) Delivery of cargo to customs or other authorities effected in compliance with statutory provisions shall be treated as delivery to the consignee.

Article 96

(1) In the event the consignee refuses to take delivery of the cargo or fails to appear within three (3) days, and in the case of perishable goods within forty eight (48) hours, the carrier may return the cargo to the origin airport or to deliver it in safekeeping for the account and risk of the consignor of which he shall be notified.

(2) In the event delivery of the cargo is not taken within forty five (45) days or if no instructions are received from the consignor in the meanwhile, the appropriate measures shall be taken to dispose of the cargo.

(3) Expenses incurred in connection with the safekeeping, disposal and other incidentals shall be recovered from the proceeds from the disposal and the remainder shall be transferred to the consignor.

(4) Disposal of cargoes shall be carried out under such terms and procedures as laid down by the Minister of Transport, Information Technology and Communications and the Minister of Justice.

Article 97

In case that the consignee has failed to notify the carrier in writing of any loss or damage to the cargo before its delivery has been completed, it shall be considered, unless the contrary has been proved, that he has taken delivery of the cargo in conformance with the air waybill.

Article 98

In any event of loss or damage to the cargo ascertained up to the time of its delivery to the consignee, a written statement of findings shall be drawn up, a copy of which shall be handed to the consignee.

Article 99

The Minister of Transport, Information Technology and Communications shall determine the types of cargo that must be carried with an attendant person. In all such cases the attendant person must be provided with a full-fare passenger ticket.

Article 100

A carrier shall be under liability for the safety of the cargo from the time it is delivered to him for shipment until the cargo has been delivered to the consignee or in safekeeping.

Article 101

(1) A carrier shall be relieved from liability if he proves that he had taken all the necessary measures to avoid the damage or that it was impossible for him to take such measures.

(2) A carrier shall be relieved also from liability when the damage has resulted from:

- a) fault of the consignor (shipper) or of the consignee;
- b) the natural properties of the cargo and the natural reduction in its weight within the established norms;
- c) faulty packing that could not possibly be noticed at the time of taking the cargo;
- d) faulty packing where the cargo has been accepted as improperly packed and a note has been made thereof in the air waybill to the effect that the carriage will be performed for the account and risk of the consignor;
- e) failure of the attendant person to secure the safety of the cargo;
- f) failure to indicate in the air waybill the peculiar nature of the cargo requiring special storage conditions.

Article 102

A carrier shall be relieved from liability for failure to provide an aircraft if that was the result of irresistible force, acts of warfare, meteorological and other reasons outside of his control.

Article 103

For damages caused during carriage of cargo a carrier shall be required to pay compensation in the following amounts:

- a) in case of loss of cargo delivered for shipment with a statement of value - the value stated. If the carrier can prove that the stated value exceeded the actual one, compensation shall be paid in the amount of the actual value;
- b) (amended, SG No. 85/1998) in the event of loss or damage to cargo - the actual value of the lost or damaged cargo, but not to exceed BGN 40 (forty) per kilogram of gross weight.

Article 104

In addition to the compensation under Article 103 the carrier shall be obliged to refund also any haulage and additional charges that have been paid for the lost or irrecoverably damaged portion of the cargo.

Article 105

(1) For failure of the carrier to deliver the cargo within the prescribed time, if such time has been agreed upon, he shall pay to the consignee compensation in the amount of ten (10) percent on the haulage charges for each day of delay, but no more than fifty (50) percent of the carriage price.

(2) In case the consignee fails to take delivery of the shipped cargo within one day and night after he has been notified thereof, and where under the contract such notification had to be given by the consignor - within two days and nights following the receipt of the cargo in the destination airport, he shall be required to pay to the carrier compensation in the amount of ten (10) percent on the haulage charges for each day of delay, but no more than fifty (50) percent of the carriage price.

(3) It may be stipulated in a contract of carriage that the carrier should incur a heavier measure of liability for delay in delivery than the liability laid down in this Act.

Article 106

In case a cargo has not been delivered within ten (10) days after the day it should have been delivered, it shall be treated as lost.

Article 107

Air carriage of cargo shall not cover carriage by land, sea or inland water outside of airports. If such carriage has been effected under a contract of air carriage for the purpose of loading or re-loading cargo on board an aircraft, or for the purpose of delivery to the consignee, it shall be considered, unless otherwise proved, that the damage was caused during the air carriage.

Article 108

In the event of mixed-carrier transportation in which the cargo is carried in portion by air and in portion by other means of transport, the provisions of this Act shall apply to the portion of air carriage and to that portion only.

Article 109

In case of carriage by two or more air carriers, as well as in the case of mixed-carrier transportation, all carriers shall be held solidarily liable should it prove impossible to ascertain who is answerable for the damage.

Chapter Eight

(Repealed, SG No. 85/1998)

CONTRACT FOR AIR SERVICES

Article 110

(Repealed, SG No. 85/1998).

Article 111

(Repealed, SG No. 85/1998).

Article 112

(Repealed, SG No. 85/1998).

Chapter Nine

(Repealed, SG No. 85/1998)

AVIATION SPORTS

Article 113

(Repealed, SG No. 85/1998).

Article 114

(Repealed, SG No. 85/1998).

Article 115

(Repealed, SG No. 85/1998).

Article 116

(Repealed, SG No. 85/1998).

Article 117

(Repealed, SG No. 85/1998).

Article 118

(Repealed, SG No. 85/1998).

Article 119

(Repealed, SG No. 85/1998).

Article 119a

(New, SG No. 52/2004, repealed, SG No. 81/2011).

Article 119b

(New, SG No. 52/2004, supplemented, SG No. 10/2007, repealed, SG No. 81/2011).

Article 119c

(New, SG No. 52/2004, repealed, SG No. 81/2011).

Article 119d

(New, SG No. 52/2004, repealed, SG No. 81/2011).

Chapter Nine "a"

(New, SG No. 81/2011, effective 19.08.2012)

NON-COMMERCIAL FLIGHTS

Article 119e

(New, SG No. 81/2011, effective 19.08.2012)

(1) A non-commercial flight shall be any flight, different from a flight to perform commercial operation by aircraft, including sports flights, flights to pull gliders, flights to make parachute jumps, as well as training flights performed free of charge.

(2) The Minister of Transport, Information Technology and Communications, on a motion by the Director General of the Civil Aviation Administration Directorate General, shall stipulate the terms and procedure to perform the flights referred to in Paragraph (1).

Article 119f

(New, SG No. 81/2011, effective 19.08.2012)

(1) All persons in possession of a certificate issued by the Director General of the Civil Aviation Administration Directorate General or by an official authorized by him shall be entitled to perform one or more of the following activities:

1. exercise of control over the maintenance of airworthiness and issuance of airworthiness review certificates for superlight aircrafts performing non-commercial flights;
2. provision of training to acquire and maintain qualification of pilots and of the persons who conduct training of pilots of superlight aircrafts performing non-commercial flights in conformity with programmes approved by the Director General of the Civil Aviation Administration Directorate General, as well as issuance of certificates of completed training;
3. exercise of control over the persons providing training of pilots of superlight aircrafts performing non-commercial flights;
4. provision of training to acquire and maintain qualification of technical servicing personnel and of the persons who conduct training of personnel for technical maintenance of superlight aircrafts to perform non-commercial flights, as well as issuance of certificates of completed training;
5. exercise of control over the persons providing training of personnel for technical maintenance of superlight aircrafts performing non-commercial flights;
6. exercise of control with regard to pilots performing non-commercial flights by superlight aircraft;
7. exercise of control over the personnel that provide technical servicing of superlight aircrafts to perform non-commercial flights;
8. conduct of training and/or exercise of control over the persons engaged in air sporting activities, as well as approval of and control over the persons conducting training of sportsmen participating in air sporting activities.

(2) The certificate referred to in Paragraph (1) shall be issued to a person who:

1. has been registered under the provisions of the Commerce Act or has been registered as a trader under the legislation of a European Union member state or of another country signatory to the European Economic Area Agreement, under the Non-Profit Legal Entities Act, or constitutes a non-profit legal entity under the legislation of a European Union member state;
2. has submitted a handbook of activities approved by the Director General of the Civil Aviation Administration Directorate

General;

3. has presented a list of the managerial staff approved by the Director General of the Civil Aviation Administration Directorate General;

4. has at one's disposal personnel possessing qualification and experience necessary to perform the activities;

5. has presented a description of the quality control system and has designated a quality manager, both approved by the Director General of the Civil Aviation Administration Directorate General.

(3) The Minister of Transport, Information Technology and Communications shall determine by an ordinance the terms to prove conformity of the persons under Paragraph (1) with the requirements and procedure to issue the certificate referred to in Paragraph (1), as well as the terms and procedure to perform the activities under Paragraph (1).

(4) The Director General of the Civil Aviation Administration Directorate General shall refuse to issue the certificate under Paragraph (1) in case the candidate fails to meet any of the conditions provided for in Paragraph (2) and regulated extensively in the ordinance as per Paragraph (3).

(5) The persons referred to in Paragraph (1) shall keep the insurance coverage of their responsibility for damages inflicted with regard to the activities they perform.

(6) A charge shall be collected for the issuance of the certificate under Paragraph (1) to an amount, according to terms and in conformity with a procedure laid down in an act by the Council of Minister.

Article 119g

(New, SG No. 81/2011, effective 19.08.2012)

(1) Organization and conduct of sports events in the field of aerial sports, as well as of public aviation events, shall be performed in the presence of conditions for the safe conduct of the said activities and for third parties' safety according to the terms and procedure elaborated by the organizers and approved by the Director General of the Civil Aviation Administration Directorate General.

(2) The persons engaged in aerial sports activities and in public aviation events shall insure the seats on board the aircraft, as well as the aviation personnel and their responsibility as regards third parties in the case of accidents.

Chapter Ten FEES

Article 120

(Amended, SG No. 85/1998)

(1) (Amended, SG No. 52/2004) In airports open to public use, airport fees shall be collected for:

1. landing of aircraft;

2. parking;

3. (amended, SG No. 81/2011) passengers;

4. (new, SG No. 37/2006) use of airbridge;

5. (new, SG No. 81/2011, effective 19.04.2012) security;

6. (new, SG No. 81/2011, effective 19.04.2012) noise (fee of ecological character).

(2) (Amended, SG No. 34/2001, effective 1.01.2001, SG No. 37/2006) The "Air Traffic Control" State-owned Enterprise shall collect:

1. fees for air navigation services and use of navigation facilities of Air Traffic Control State-owned Enterprise within airport zones and regions;
2. travel fees for flight through the controlled airspace of the Republic of Bulgaria.

(3) (Amended, SG No. 63/2010) Exempted from payment of fees under paragraphs 1 and 2 shall be:

1. aircraft in search and rescue flights;
2. aircraft engaged in humanitarian missions;
3. governmental aircraft engaged in governmental flights;
4. (repealed, SG No. 34/2001, effective 1.01.2001);
5. aircraft in distress or subjected to unlawful intervention;
6. (repealed, SG No. 63/2010);
7. aircraft engaged in control flying over the air navigation facilities;
8. aircraft flying in special circumstances specified in an enactment of the Council of Ministers.

(4) (Supplemented, SG No. 52/2004) The Civil Aviation Administration Directorate General shall charge and collect fees for administrative services and procedures for:

1. issuance of certificates to airports and flight pads;
2. (amended, SG No. 52/2004) issuance of licenses to airport operators and ground service operators;
3. (supplemented, SG No. 60/2012) issuance of aviation personnel certificates and of security personnel certificates;
4. issuance of licenses to carry out technical servicing or repair of aircraft and aviation equipment;
5. issuance of licenses to objective control laboratories;
6. issuance of certificates of aircraft airworthiness;
7. issuance of certificates of airworthiness for aircraft and aviation equipment;
8. (amended, SG No. 52/2004) issuance of certificates to aviation training centres;
9. issuance of aircraft operators' certificates;
10. aircraft registration or registration of changes in the Civil Aircraft Register and issuance of certificates of registration;
11. provision of information related to air navigation excluding the information provided for the purposes of the civil service administration;
12. (new, SG No. 34/2001, effective 1.01.2001, amended, SG No. 52/2004, SG No. 99/2011, effective 1.01.2012) issuance of certificates of operability to visual air navigation facilities;
13. (new, SG No. 52/2004) issuance of operability certificates to systems and equipment for passenger service, for service and provision of aircraft, and for the handling of luggage, cargo and mail;
14. (new, SG No. 52/2004) issuance of permanent ground passes to the security restricted areas of civilian airports for public use, and of ID cards to personnel and motor vehicles;
15. (new, SG No. 52/2004) issuance of air carrier's licenses;

16. (new, SG No. 52/2004) issuance of aviation noise certificates to aircraft;
 17. (new, SG No. 52/2004) issuance of certificates of gaseous emission from aircraft engines;
 18. (new, SG No. 52/2004) issuance of certificates of airworthiness of newly-built aircraft or aviation equipment;
 19. (new, SG No. 52/2004) issuance of export certificates of airworthiness;
 20. (new, SG No. 52/2004) issuance of certificates of airworthiness to the respective type of aircraft;
 - 20a. (new, SG No. 37/2006) issuance of certificate of performance of air navigation services;
 21. (new, SG No. 52/2004) recognition of licenses and certificates by means of issuance of a document of recognition;
 22. (new, SG No. 52/2004, supplemented, SG No. 37/2006) validation or amendment of licenses and certificates;
 23. (new, SG No. 81/2011) amendments and supplements to the flight and technical documentation;
 24. (new, SG No. 81/2011) issuance of permits to perform flights;
 25. (new, SG No. 81/2011) provision of the co-ordinated opinions under Article 16b, Paragraph 1, Item 6, exclusive of those given for the needs of the state administration bodies;
 26. (new, SG No. 81/2011, repealed, SG No. 60/2012);
 27. (new, SG No. 81/2011) issuance of certificates for aeromedical centres or aeromedical experts.
- (5) (New, SG No. 52/2004, supplemented, SG No. 66/2008, effective 25.07.2008) Airport fees as per Paragraph (1), in respect of civilian airports constituting public state property, shall be collected:
1. (supplemented, SG No. 81/2011) by the Civil Aviation Administration Directorate General, if not provided otherwise pursuant to this Act, to a concession agreement or an international treaty duly ratified, promulgated and effective in the Republic of Bulgaria;
 2. (amended, SG No. 96/2017, effective 1.01.2018) by the concessionaire, under terms and according to a procedure established in the concession contract;
 3. in cases of an international treaty duly ratified, promulgated and effective in the Republic of Bulgaria, subject to the terms and conditions as provided therein;
 4. (new, SG No. 81/2011) by the airport operator of an airport with an annual traffic of more than 5 million transported passengers or by the airport operator of an airport with the greatest number of passenger carriages on the territory of the Republic of Bulgaria.
- (6) (New, SG No. 52/2004) In cases as per Paragraph (5) item 2, the concessionaire may be given the right to collect, for its own benefit, the fees, whether in full or a portion thereof, as per Article 122.
- (7) (Renumbered from Paragraph 5, supplemented, SG No. 52/2004, SG No. 94/2010, effective 1.01.2011) Fees collected under this Article shall be tax-exempt, with the exception of cases as per Paragraph (2) and Paragraph (5) item 2.
- (8) (New, SG No. 66/2008, effective 25.07.2008) In cases other than those as per Paragraph (5) above, airport fees shall be collected by the owner of the airport.

Article 120a

(New, SG No. 53/2010, repealed, SG No. 81/2011).

Article 121

(Repealed, SG No. 85/1998).

Article 122

(1) (Amended, SG No. 85/1998, previous Article 122, supplemented, SG No. 81/2011, SG No. 60/2012) The Council of Ministers, on advice of the Minister of Transport, Information Technology and Communications and the Minister of Finance, shall determine by ordinance the fee amounts and lay down the tax-charging procedures, as well as all cases where such taxes shall be charged, exclusive of the cases under Paragraph (2).

(2) (New, SG No. 81/2011, supplemented, SG No. 60/2012) The airport operator of an airport with an annual traffic of more than 5 million transported passengers, the airport operator of an airport with the greatest number of passenger carriages on the territory of the Republic of Bulgaria, or the Director General of the Civil Aviation Administration Directorate General shall decide on the amount of airport charges abiding by the procedure referred to in Articles 122f through 122q. Upon entry into force of the decision under Article 122j the amount of the airport charges under the first sentence shall be included into the Ordinance under Paragraph 1.

Chapter Ten "a"

(New, SG No. 16/1997)

FINANCING THE OPERATIONS OF THE "AIR TRAFFIC CONTROL" STATE-OWNED ENTERPRISE

Article 122a

(1) (Repealed, SG No. 34/2001, effective 1.01.2001).

(2) (Amended, SG No. 85/1998, SG No. 34/2001, effective 1.01.2001) The operations of the "Air Traffic Control" State-owned Enterprise shall be financed from:

1. (amended, SG No. 85/1998, SG No. 34/2001, effective 1.01.2001, SG No. 37/2006) fees collected pursuant to Article 120 (2) hereof;

2. funds under credit agreements;

3. (new, SG No. 85/1998) interests on deposits of own funds and on overdue receivables;

4. (new, SG No. 85/1998, amended, SG No. 34/2001 - effective 1.01.2001) grants, donations, fees for training and qualifications courses;

5. (new, SG No. 34/2001 - effective 1.01.2001) provision of services pursuant to Article 53, paragraph (3) hereof.

(3) (Amended, SG No. 85/1998, 34/2001 - effective 1.01.2001) Funds raised pursuant to paragraph (2), item 1 above shall be expended for:

1. financing the operations of the "Air Traffic Control" State-owned Enterprise whereas salaries shall be computed as percentage of the fees collected for the provision of aerial navigation services;

2. (amended, SG No. 34/2001 - effective 1.01.2001) acquisition of long term assets;

3. large-scale construction and expenditures for procurement of technical equipment for the purpose of integrating and harmonising the national air traffic system with the European system and with the international conventions to which the Republic of Bulgaria is a signatory;

4. (new, SG No. 85/1998) search and rescue operations;

5. (new, SG No. 85/1998) repayment of credits;

6. (new, SG No. 34/2001, effective 1.01.2001) implementation of training programs and programs to maintain and enhance

professional qualifications, for rehabilitation, preventive and health recovery measures for the payroll staff of the "Air Traffic Control" State-owned Enterprise;

7. (new, SG No. 34/2001, effective 1.01.2001) implementation of programs and fulfilment of obligations under international agreements in the field of air traffic whereto the Republic of Bulgaria is a signatory;

8. (new, SG No. 34/2001, effective 1.01.2001) property management expenses pursuant to Article 53, paragraph (5) hereof;

9. (new, SG No. 34/2001, effective 1.01.2001) payment of fees pursuant to Article 120, paragraph (4) hereof;

10. (new, SG No. 52/2004) payment of premiums under third-party civil liability insurance policies.

(4) (Amended, SG No. 34/2001- effective 1.01.2001, SG No. 52/2004, SG No. 37/2006) The Air Traffic Control State Enterprise may refuse air navigation service to aircraft operators or to owners of aircraft in case these have failed to pay the fees due pursuant to Article 120 (2) and shall duly inform the Civil Aviation Administration Directorate General and the debtors.

Article 122b

(New, SG No. 16/1997, repealed, SG No. 102/2009, effective 22.12.2009).

Chapter Ten "b"

(New, SG No. 85/1998)

FINANCING OPERATIONS RELATIVE TO ENSURING SAFETY AND SECURITY OF FLIGHTS AND TO MAINTAINING AND DEVELOPING AIRPORTS FOR PUBLIC USE

(Title supplemented, SG No. 63/2010)

Article 122c

(Amended, SG No. 12/2000)

(1) (Supplemented, SG No. 52/2004, amended, SG No. 36/2006, supplemented, SG No. 66/2008, effective 25.07.2008, SG No. 63/2010, amended, SG No. 96/2017, effective 1.01.2018) Financing operations relative to flight safety and security and to maintenance and development of airports open to public use, constituting public state property, shall be provided through the budget of the Ministry of Transport, Technology and Communications, except where otherwise provided pursuant to an international treaty or where an airport for public use constituting State property wherefor a concession has been awarded and the concession contract provides otherwise, in compliance with the Council of Ministers' decision for opening a concession procedure.

(2) Funds for the operations referred to in paragraph (1) above shall be raised from:

1. (supplemented, SG No. 52/2004) fees as per Article 120, paragraph (1), collected by the Civil Aviation Administration Directorate General, and in cases where otherwise provided by an international treaty or concession agreement, pursuant to the provisions thereof;

2. (repealed, SG No. 34/2001, effective 1.01.2001);

3. fees collected pursuant to Article 120, paragraph (4);

4. interests on deposits of own funds and on overdue receivables.

(3) Funds raised pursuant to paragraph (2) shall secure expenditures for:

1. financing the operations of the Civil Aviation Administration Directorate General;
2. (supplemented, SG No. 12/2000, amended, SG No. 34/2001, effective 1.01.2001, repealed, SG No. 81/2011);
3. (supplemented, SG No. 52/2004, amended, SG No. 36/2006, SG No. 96/2017, effective 1.01.2018) airports assigned with the fulfilment of governmental functions as per Article 48a, paragraph (3), item 1;
4. (amended, SG No. 66/2008, effective 25.07.2008, repealed, SG No. 38/2012, effective 1.07.2012, new, SG No. 96/2017, effective 1.01.2018) other activities laid down in the concession contract, where a concession has been awarded for the civil airport for public use.

(4) (New, SG No. 12/2000, repealed, SG No. 111/2001).

(5) (New, SG No. 52/2004, amended, SG No. 36/2006, supplemented, SG No. 66/2008, effective 25.07.2008, amended, SG No. 96/2017, effective 1.01.2018) The activities for ensuring flight security and safety, the construction, maintenance, development and upkeep of civil airports for public use constituting State property, for which a concession has been awarded and the concessionaire has been granted the right to collect the whole or part of the charges under Article 120 (1) for the benefit thereof, shall be financed under terms and according to a procedure established in the concession contract.

Article 122d

(Amended, SG No. 52/2004)

An airport operator performing the functions of an airport administration funded with proceeds from airport fees as per Article 120, paragraph (2), shall develop and submit for approval by the Civil Aviation Administration Directorate General a financial plan stating the expenditures necessary for repayment of outstanding credits, for coverage of investment costs for infrastructure development and for support of the airport administration.

Article 122e

(New, SG No. 12/2000)

All funds allocated from the budget of the Ministry of Transport, Information Technology and Communications pursuant to this chapter for funding operations relative to securing and maintaining safety of flight, as well as fees collected pursuant to Article 120, paragraph (4) shall be tax-exempt.

Chapter Ten "c"

(New, SG No. 81/2011)

PROCEDURE TO DETERMINE THE AMOUNT OF AIRPORT CHARGES AT AIRPORTS WITH AN ANNUAL TRAFFIC OF MORE THAN 5 MILLION TRANSPORTED PASSENGERS OR AT AIRPORTS WITH THE GREATEST NUMBER OF PASSENGER CARRIAGES ON THE TERRITORY OF THE REPUBLIC OF BULGARIA

Article 122f

(New, SG No. 81/2011)

(1) The airport operator of an airport with an annual traffic of more than 5 million transported passengers or of an airport with the greatest number of passenger carriages within the territory of the Republic of Bulgaria shall:

1. hold consultations with the airport users or with representatives of airport users' associations on the amount of airport charges and, if appropriate, on the quality of services rendered at the airport;

2. hold the consultations referred to in Paragraph (1) at least once a year, unless otherwise decided at the recent consultation.

(2) In the presence of an agreement of long standing between the airport operator and the airport users, the consultations under Paragraph 1, Item 1 shall be held according to the terms and procedure provided for in the said agreement.

Article 122g

(New, SG No. 81/2011)

(1) In case of necessity to change the airport charges, the airport operator referred to in Article 122f, Paragraph 1 shall present an offer to the airport users to change the amount of airport charges alongside argumentation of the proposed amendments within four (4) months prior to their becoming effective.

(2) It is possible for the time limit stipulated in Paragraph (1) to be shorter than four (4) months provided that there are extraordinary circumstances subject to explanation on behalf of the airport operator referred to in Article 122f, Paragraph 1 to the airport users.

(3) The airport operator referred to in Article 122f, Paragraph 1 shall hold consultations with the airport users on the proposed changes and shall discuss their positions prior to making the final decision.

(4) The airport operator referred to in Article 122f, Paragraph 1 shall announce publicly his decision taken in conformity with Paragraph (3) by mass media, by sending it to the interested parties' organizations or by other appropriate means.

(5) There shall be a time limit mandatorily determined in the decision under Paragraph (3) on its entry into force, which shall not be shorter than two (2) months.

Article 122h

(New, SG No. 81/2011)

(1) When holding the consultations on the suggestions to amend the amount of airport charges the airport operator referred to in Article 122f, Paragraph 1 shall provide each airport user or representative of an airport user association with information about the components serving as ground to determine the amount of airport charges.

(2) The information under Paragraph (1) shall contain:

1. list of the services, infrastructure and facilities at the airport, the usage of which requires payment of airport charges;
2. methodology applied to determine the amount of airport charges;
3. structure of expenses incurred for the services, infrastructure and facilities at the airport, the usage of which requires payment of airport charges;
4. income gathered from airport charges and general expenditure for the services, infrastructure and facilities at the airport to be included when setting the amount of airport charges;
5. information on funding on behalf of public bodies as regards the services, infrastructure and facilities at the airport, the usage of which requires payment of airport charges;
6. prognoses about the airport with regard to the proposed airport charges, the increase in traffic and the investment offers;
7. factual usage of infrastructure and facilities at the airport for a given period of time;
8. anticipated results from the proposed significant investments with a view to their impact on the airport capacity.

Article 122i

(New, SG No. 81/2011)

(1) Prior to commencing consultations on the changes in the amount of airport charges, airport users shall give the airport operator referred to in Article 122f, Paragraph 1 information containing:

1. prognoses by the airport user about traffic, number and type of aircraft taking off and landing at the airport, as well as about their planned operation;
2. projects proposed by the user for the airport development;
3. requirements on behalf of the airport user as regards the airport infrastructure and facilities necessary for his activities to be performed at the respective airport.

(2) All correspondence between the airport operators and airport users with regard to setting the amount of airport charges shall be confidential and shall constitute industrial and trade secret.

Article 122j

(New, SG No. 81/2011)

(1) The airport operator referred to in Article 122f, Paragraph 1 shall determine the amount of airport charges by a decision and shall announce them publicly by mass media, by sending the decision to the interested parties' organizations or by other appropriate means.

(2) The decision under Paragraph (1) shall constitute an individual administrative act which shall be subject to appeal before the Director General of the Civil Aviation Administration Directorate General on grounds of non-expediency and non-conformity with the law.

(3) Any user or association of users of the respective airport, envisaged in Article 122f, Paragraph 1, shall be entitled to file the complaint referred to in Paragraph (2).

(4) The complaint shall be lodged within 14 days as from the announcement of the decision under Paragraph (1). The complaint shall state all evidence and the concrete circumstances to be substantiated by this evidence. The complaint shall be accompanied by written proof and a document for the fee charged to review the complaint.

(5) The Director General of the Civil Aviation Administration Directorate General shall announce on the Internet site of the Civil Aviation Administration Directorate General that a complaint has been lodged, the evidence substantiating it and the date it has been filed. Within 3 days as of its filing, a copy of the complaint shall be sent to the airport operator that has made the decision, as well as to the parties referred to in Paragraph (3). The complainant shall indicate expressly all data constituting trade or industrial secret, which shall not be revealed.

(6) Within 7 days as of notification the parties referred to in Paragraph (1) are entitled to present an opinion on the complaint accompanied by evidence.

Article 122k

(New, SG No. 81/2011)

(1) The decision referred to in Article 122j, Paragraph 1 shall not be implemented until the time limit for its appeal has expired, and in the case of a filed complaint, until settlement of the dispute by the Director General of the Civil Aviation Administration Directorate General under the terms of Paragraph (2) and Article 122p.

(2) Within four (4) weeks as of filing the complaint the Director General of the Civil Aviation Administration Directorate General shall adopt a provisional decision to amend the amount of airport charges, unless the final decision has been adopted within the same time limit.

(3) The Director General of the Civil Aviation Administration Directorate General is entitled, by virtue of the provisional decision, to:

1. confirm the decision of the airport operator referred to in Article 122f, Paragraph 1;

2. adopt a decision different from that of the airport operator referred to in Article 122f, Paragraph 1.

(4) The provisional decision shall not be subject to appeal and shall be implemented until entry into force of the final decision adopted by the Director General of the Civil Aviation Administration Directorate General.

Article 122i

(New, SG No. 81/2011)

(1) Within 14 days as of receiving the complaint, the Director General of the Civil Aviation Administration Directorate General shall pronounce on its admissibility by examining:

1. whether it has been filed by an entity envisaged in Article 122j, Paragraph 3;

2. whether it has been filed within the time limit set in Article 122j, Paragraph 4.

(2) In the absence of any of the conditions under Paragraph (1) the Director General of the Civil Aviation Administration Directorate General shall adopt a motivated decision by virtue of which he shall refuse to act on the complaint.

(3) The motivated decision referred to in Paragraph (2) shall be announced publicly on the date of its adoption by mass media, by sending it to the interested parties' organizations or by other appropriate means.

Article 122m

(New, SG No. 81/2011)

(1) Within seven (7) days as of making the decision to allow the complaint, the Director General of the Civil Aviation Administration Directorate General shall hold a hearing of the parties to the dispute.

(2) In the course of the hearing the Director General of the Civil Aviation Administration Directorate General is entitled to appoint independent outside experts who to facilitate the parties in reaching an agreement.

(3) Upon conduct of the hearing the Director General of the Civil Aviation Administration Directorate General shall send recommendations to the parties to the dispute.

(4) In case the airport operator referred to in Article 122f, Paragraph 1 and airport users reach an agreement, they shall inform in writing the Director General of the Civil Aviation Administration Directorate General thereof.

(5) Within three (3) days as of the date of the written notification under Paragraph (4), the Director General of the Civil Aviation Administration Directorate General shall take a decision to discontinue dispute proceedings.

Article 122n

(New, SG No. 81/2011)

(1) In case the parties to the dispute fail to reach agreement according to the procedure under Article 122m, Paragraph 4, the Director General of the Civil Aviation Administration Directorate General shall advise them in writing to present further opinions stipulating a time limit to that end. The time limit shall not exceed 14 days.

(2) The airport operator referred to in Article 122f, Paragraph 1 and airport users shall send to the Director General of the Civil Aviation Administration Directorate General their opinions under Paragraph (1) substantiated by evidence.

(3) The Director General of the Civil Aviation Administration Directorate General shall review the opinions and gather additional data and information by giving instructions to present further data and information.

(4) The Director General of the Civil Aviation Administration Directorate General is entitled to appoint experts according to the terms and procedure provided for in the Code of Administrative Procedure.

(5) The Director General of the Civil Aviation Administration Directorate General shall, in the course of the procedure, send

documents to each party and shall give them the opportunity to present written opinion.

Article 122o

(New, SG No. 81/2011)

(1) The Director General of the Civil Aviation Administration Directorate General shall hold at least two hearings of the parties to the dispute, of which he shall inform them in advance and give them the questions for discussion.

(2) All proof gathering, holding of hearings and submitting information and data by the parties to the dispute shall end 30 days before the date the Director General of the Civil Aviation Administration Directorate General pronounces on the matter. Opinions, data and information sent after that date shall not be considered.

Article 122p

(New, SG No. 81/2011)

(1) The Director General of the Civil Aviation Administration Directorate General shall pronounce on the complaint by a decision within four (4) months as from the date the complaint was filed.

(2) The period of time stipulated in Paragraph (1) can be extended by two (2) months in extraordinary and duly grounded cases.

(3) The decision by the Director General of the Civil Aviation Administration Directorate General can:

1. confirm the decision of the airport operator;
2. confirm the provisional decision under Article 122k, Paragraph 2;
3. contain conclusions and conditions different from those in the decisions under Items 1 and 2.

(4) All grounds corresponding or not to the methodology accepted by the ordinance under Article 122 shall be indicated and considered in the decision as per Paragraph (1).

(5) The decision by the Director General of the Civil Aviation Administration Directorate General shall constitute an individual administrative act subject to appeal according to the terms and procedure provided for in the Code of Administrative Procedure.

Article 122q

(New, SG No. 81/2011)

(1) The airport operator referred to in Article 122f, Paragraph 1 shall consult the users of the respective airport before the plans for new infrastructure projects for the airport have been considered at the stage of preliminary design.

(2) At the end of each calendar year airport users shall inform the airport operator under Paragraph (1) about their operation anticipations, development plans, requirements and suggestions.

Article 122r

(New, SG No. 81/2011)

(1) The airport operator referred to in Article 122f, Paragraph 1 and the users or associations of users of airport are entitled to negotiate and conclude agreements on the quality of services rendered at the airport.

(2) The quality of services rendered by the airport operator under Article 122f, Paragraph 1, which airport users are entitled to receive in return for their payment of airport charges, shall be determined in the agreement under Paragraph (1).

(3) The airport operator referred to in Article 122f, Paragraph 1 is entitled to offer a different kind and quality of airport services, terminals or parts of terminals with a view to rendering personalized service or specialized terminals or parts of terminals.

(4) The amount of airport charges is subject to differentiation depending on the quality and scope of services rendered at the airport, their prime cost, or on any other objective and transparent factors.

(5) Any airport user under Article 122f, Paragraph 1 is entitled to have access to personalized services or specialized terminals or parts of terminals.

(6) In case the capacity of the airport referred to in Article 122f, Paragraph 1 disallows access of all desiring users to personalized services and/or specialized terminals or parts of terminals, access shall be granted according to the terms and procedure stipulated by the airport operator referred to in Article 122f, Paragraph 1 and approved by the Director General of the Civil Aviation Administration Directorate General.

Chapter Eleven

STATEMENTS OF FINDINGS, COMPLAINTS AND PRESCRIPTION

Article 123

A statement of findings shall be made out in the following cases:

- a) in the presence of circumstances whereunder carriers incur liability;
- b) discrepancy between baggage or cargo and the name or weight, or amount, or number of pieces indicated in the document of carriage;
- c) loss or damage to baggage or cargo;
- d) for baggage or cargo without document of carriage or for document of carriage without baggage or cargo.

Article 124

Where the person entitled to delivery has not requested that a statement of findings be drawn up, it shall follow, unless otherwise proved, that the baggage or cargo have been placed at his disposal in good shape.

Article 125

A statement of findings shall be drawn up forthwith after the discovery of an irregularity, and, at the latest, at the time of placing the baggage or cargo at the disposal of the person entitled to delivery.

Article 126

(1) A statement of findings shall be drawn up by the carrier, or by a person authorised by the carrier, and shall be signed by him and by the passenger, the consignor or the person entitled to delivery of the baggage or cargo.

(2) In case the passenger, the consignor or the person entitled to delivery of the baggage or cargo fails to appear or refuses to sign the statement, it shall be signed by two (2) witnesses.

Article 127

(1) In the case of loss or damage the passenger, the consignor or the person entitled to delivery, or their lawful representatives or authorised agents, must complain to the carrier in writing at the latest within seven (7) days from the date of receipt in the

case of baggage and fourteen (14) days from the date of receipt in the case of cargo, and in the case of a loss - from the date when receipt was supposed to occur. In the case of delay the complaint must be made at the latest within twenty-one (21) days from the date on which the baggage or the cargo have been placed at the disposal of the person entitled to delivery.

(2) In the case of overcharging for the carriage the complaint must be made at the latest within three (3) months from the date of payment.

Article 128

The person entitled to delivery shall be allowed to complain to the carrier following the expiry of the time limits set forth in Article 127, if he can prove that:

- a) it had been impossible for him to complain;
- b) he had not complained as a result of having been misled by the carrier or by a carrier's agent;
- c) the carrier had been notified of the damage.

Article 129

The complaint must be made in writing and must specify the subject of complaint and the amount of compensation claimed. Attached to the complaint must be all documents certifying the claim.

Article 130

(1) A complaint must be made to the carrier or to a person duly authorised by him.

(2) In case of mixed-carrier transportation complaints shall be made to the carrier answerable for the damage, and if this proves impossible to ascertain - to the first or last carrier, in keeping with the time limits fixed for the respective means of transport.

Article 131

In the case of carriage by two or more air carriers the complaint may be made to either of them.

Article 132

(1) Where a complaint has been made without the underpinning evidence attached thereto, the carrier must notify the complainant and set a time limit, positively no less than seven (7) days, to have the irregularity rectified.

(2) In the event the irregularity has not been rectified within the time limit set therefore, it shall be treated as unmade and returned.

(3) The rectified complaint shall be reckoned valid as of the date of filing.

Article 133

The carrier shall be obliged to consider the complaint at the latest within two (2) months from the date it was lodged and notify the complainant of the outcome.

Article 134

Legal action against a carrier may be brought on condition that he has rejected a complaint either in whole or in part, or providing the complainant has not been served a notice within the time period prescribed in Article 13 hereof.

Article 135

The right to bring legal action against the carrier under a contract of international carriage shall be extinguished at the latest within two (2) years, and against the carrier under a contract of domestic air carriage - at the latest within six (6) months reckoned from the date of arrival of the aircraft at the destination airport, from the date when the aircraft was supposed to arrive, or from the date of cessation of carriage.

Article 136

(1) In the event a passenger is injured or dies, the person entitled to indemnity shall have the right to bring legal action to the competent court of justice at the latest within two (2) years from the date of the occurrence that caused the prejudice.

(2) The carrier shall be relieved from the obligation to pay court and clerk costs if sentenced to pay an indemnity in an amount not exceeding the amount proffered by him in writing at the latest within six (6) months from the date of the prejudice.

Article 137

(1) The prescription periods of time fixed under Article 135 hereof shall be interrupted by the initiation of complaint proceedings and shall be resumed as of date of receipt of the carrier's response, or of the date of expiry of the time limit for giving such response.

(2) All time limits shall be calculated in accordance with the provisions of the Code of Civil Procedure.

Article 138

Any contractual provision tending to relieve the carrier from the liability stipulated in this Act, or decrease his liability, shall be null and void.

Chapter Twelve

ACCIDENTS INVOLVING AIRCRAFT. SEARCH AND RESCUE

(Title amended, SG No. 52/2004)

Article 139

(Amended, SG No. 85/1998)

(1) Upon receipt of notification or information about a state of danger or distress relating to an aircraft, as well as in case of an air accident, the "Air Traffic Control" State-owned Enterprise shall forthwith notify:

1. the search and rescue service or the emergency rescue services in the respective area;
2. the Civil Aviation Administration Directorate General;
3. (new, SG No. 52/2004) the Ministry of Transport, Information Technology and Communications;
4. (new, SG No. 52/2004, amended, SG No. 81/2011) the specialized unit as per Article 16g.

(2) (Amended, SG No. 52/2004) A distressed aircraft's operating crew shall notify the "Air Traffic Control" State-owned Enterprise, as well as the bodies specified under paragraph (1), if in a position to do so.

(3) (New, SG No. 52/2004) In the event of a serious incident or an incident, aircraft operators, airport operators and ground service operators registered in the Republic of Bulgaria shall notify the authorities as per Paragraph (1).

Article 140

(Amended, SG No. 85/1998)

In the event of an accident within the controlled airspace of the Republic of Bulgaria involving a foreign aircraft, or an aircraft on board which there are foreign citizens, the Head of the Civil Aviation Administration Directorate General shall forthwith notify the Ministry of Foreign Affairs and they shall notify the distressed aircraft's state of registry or the embassies of the states, respectively, whose nationals have been affected by the occurrence.

Article 141

(Amended and supplemented, SG No. 85/1998)

(1) The local governmental and municipal authorities in the area of an accident, and in the case of an accident within an airport's boundaries - the Head of such airport, shall be obliged to forthwith take all possible measures to extend aid and assistance to the crew and the passengers, as well as to provide security and restrict the access to the area of the accident.

(2) (New, SG No. 85/1998, amended, SG No. 53/2014) The competent bodies of the Ministry of Interior shall perform emergency rescue and evacuation operations in connection with an aircraft accident following a plan drawn up by:

1. the airport administration - with regard to accidents within airport zones;

2. the airport administration in concert with the municipalities - with regard to accidents within the five kilometre (3 mile) area around the airport control reference point;

3. (amended, SG No. 53/2014) the Civil Aviation Administration Directorate General in concert with the competent bodies of the Ministry of Interior and the municipalities - with regard to accidents outside the five kilometre (3 mile) area around the airport control reference point.

(3) (New, SG No. 52/2004) Emergency rescue and evacuation operations in airports and within a 5-kilometer radius therefrom shall be supervised by the airport emergency situation centre.

(4) (New, SG No. 52/2004, amended, SG No. 28/2015) Rescue and salvage operations in relation to an aviation accident having arisen outside the perimeter as per Paragraph (3) shall be directed by the Coordination centre at the Civil Aviation Administration Directorate General.

(5) (New, SG No. 85/1998, renumbered from Paragraph (3), SG No. 34/2001, previous Paragraph (3), SG No. 52/2004) Personnel involved in emergency rescue and evacuation activities at airports shall be subjected to proper training and periodic drills.

(6) (New, SG No. 85/1998, previous Paragraph (4), amended, SG No. 52/2004) The procedure, requirements, responsibilities and duties relevant to the provision of emergency rescue, fire control and medical assistance in respect of flights within the airport perimeter shall be prescribed by an ordinance of the Minister of Transport, Information Technology and Communications.

(7) (New, SG No. 85/1998, amended, SG No. 34/2001, effective January 1st, 2001, previous Paragraph (5), SG No. 52/2004, amended and supplemented, SG No. 109/2007) The terms and procedures as well as the requirements for the system of search and rescue in case of aviation accidents shall be prescribed in an ordinance issued jointly by the Minister of Transport, Information Technology and Communications, the Minister of Defence, the Minister of Interior and the Chairperson of the State Agency for National Security.

(8) (Renumbered from Paragraph (2), SG No. 85/1998, renumbered from Paragraph (6), SG No. 52/2004) Any telephone calls, as well as receipt and transmission of telegrams pertinent to the provision of aid to an aircraft in distress, shall be accorded due priority and shall be effected at the expense of the Civil Aviation Administration Directorate General.

Article 141a

(New, SG No. 28/2015)

(1) The Council of Ministers on proposal of the Minister of Transport, Information Technologies and Communications, the Minister of Defence and the Minister of the Interior shall adopt a National Search and Rescue Plan in case of air navigation accidents outside the area set out in Article 143, paragraph 3.

(2) The Civil Aviation Administration Directorate General shall include the costs for carrying out search and rescue operations in the efficiency plan pursuant to Commission Regulation (EU) No. 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No. 2096/2005 laying down common requirements for the provision of air navigation services (OJ, L 201/1 of 3 August 2010) and Commission Implementing Regulation (EU) No. 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions(OJ, L 128/1 of 9 May 2013).

(3) The costs for carrying out the operations pursuant to the National Search and Rescue Plan in case of aviation accidents outside the perimeter under Article 141, paragraph 3 shall be included in the national cost base of fees under Article 120, paragraph 2, item 2.

(4) (Effective 1.01.2016 - SG No. 28/2015) The funds for carrying out search and rescue operations included in the national cost-base of fees under Article 120, paragraph 2, item 2 shall be approved by the Director General of the Civil Air Navigation Administration and shall be planned as revenues and expenses in the budget of the Ministry of Transport, Information Technologies and Communications.

(5) (Effective 1.01.2016 - SG No. 28/2015) The funds not spent under paragraph 2 included in the charges under article 120, paragraph 2, item 2 furnished by the providers of air navigation services in excess of the incurred and proved expenditures for carrying out search and rescue operations at the end of the calendar year shall be planned as expenses in the budget of the Ministry of Transport, Information Technologies and Communications for performing the activities included in the National Search and Rescue Plan in case of air navigation accidents outside the area set out in Article 143, paragraph 3 within the expenditure ceiling for the respective year.

(6) (Effective 1.01.2016 - SG No. 28/2015) When the actual costs exceed the funds under paragraph 2 included in the charges under Article 120, paragraph 2, item 2 furnished by the providers of air navigation services for carrying out search and rescue operations at the end of the calendar year, the surplus shall be at the expense of the budgets of the participants in the National Search and Rescue Plan in case of air navigation accidents outside the area set out in Article 143, paragraph 3.

Article 142

(Amended, SG No. 85/1998, SG No. 52/2004)

(1) An investigation is a process conducted for the purpose of preventing accidents involving aircraft, which comprises information gathering and analysis, preparation of reports stating findings and conclusions, which are to include establishing the causes and making recommendations for providing for the safety of aerial navigation.

(2) (Supplemented, SG No. 60/2012) Aviation accidents or serious incidents having occurred in the territory of the Republic of Bulgaria shall be investigated by a committee of inquiry appointed by an order of the Minister of Transport, Information Technology and Communications upon proposal of the specialized unit under Article 16g, Paragraph 1.

(3) (Amended, SG No. 81/2011, SG No. 60/2012) Pending appointment of the committee under Paragraph 2 the investigation activities shall be performed by the specialized unit under Article 16g, Paragraph 1, which shall coordinate the work of the committee during the investigation.

(4) The terms, conditions and procedure of organizing and conducting investigations of aviation accidents or serious incidents shall be prescribed by an ordinance of the Minister of Transport, Information Technology and Communications.

(5) In the event of an aviation accident having occurred in airspace outside the jurisdiction of the Republic of Bulgaria, involving an aircraft entered in the civil aviation register of the Republic of Bulgaria, the Minister of Transport, Information Technology and Communications shall appoint one or more authorized representatives to participate in the investigation to be held in the country where the accident has occurred.

(6) (Amended, SG No. 60/2012) The safety investigation shall be conducted independently of any judicial or other administrative investigation. The written materials of the investigation and the final reports may not be used as evidence in court. The establishment and the degree of guilt or responsibility shall not be the subject of such an investigation.

Chapter Thirteen

ADMINISTRATIVE AND PENAL PROVISIONS

Article 143

(Amended, SG No. 85/1998)

(1) Penalised by a fine in the amount from BGN 3,000 up to BGN 10,000 shall be any person who:

1. has allowed or authorised the performance of a flight, or has himself performed a flight with a technically defective aircraft;
2. has allowed the performance of a flight, or has himself performed a flight with an aircraft that is not registered or has no certificate of airworthiness;
3. (amended, SG No. 52/2004) has flown or has partaken in flying or servicing an aircraft, or in the provision of passenger service, without a certificate of professional competence, as well as anyone who has ordered, caused, allowed or authorised that to happen;
4. (amended, SG No. 52/2004) has allowed or authorised, has flown or has partaken in flying or servicing an aircraft, or in the provision of passenger service, under the influence of alcohol or another intoxicating substance;
5. has served or controlled, or has partaken in the service or control of flights under the influence of alcohol or another intoxicating substance;
6. has performed, or has allowed, or has authorised the performance of a flight with unacceptable fuel or lubricants;
7. has ordered, or caused a landing to be made, or has himself made a landing at an inappropriate airport without having been force to do so;
8. has violated, or has caused or ordered to be violated the medical norms of respite of the licensed aviation personnel;
9. has performed, or has ordered, or caused, or has allowed, or authorised the performance of a flight with an aircraft in conditions not corresponding to its operational characteristics;
10. has disseminated untrue information relative to securing the safety of flight;
11. (new, SG No. 52/2004) fails to obey written instructions or orders of the competent bodies as per this Act;
12. (new, SG No. 52/2004) denies access, under equal conditions, to an aircraft that has been issued a flight permit;
13. (new, SG No. 52/2004) refuses to receive and denies service to an aircraft in distress or a state-owned aircraft;
14. (new, SG No. 52/2004) performs any other activity in violation of Article 6;
15. (new, SG No. 53/2010) allows the use of air navigation, landing and surveillance facilities without a certificate of operability;
16. (new, SG No. 53/2010) participates in the air traffic management and logistics of the air navigation systems without holding a certificate of professional competence, or if the certificate is invalid, the person who has ordered and allowed that;
17. (new, SG No. 60/2012) prevents the investigation inspectors from fulfilment of their duties, by denying free access to the accident or incident site, the aircraft, its contents or remains, personnel, equipment, hangars and any documents, records, explanations and premises, relevant to the occurrence under investigation;

18. (new, SG No. 60/2012) refuses to hand over or conceals, damages or substitutes or destroys explanations, documents, records and any information or materials, relevant to the occurrence under investigation;

19. (new, SG No. 60/2012) moves, conceals, substitutes, damages or destroys remains of any aircraft or any evidence of any aviation accident, as well as performs any actions in regard to the remains of any aircraft, which have not been approved in advance by the authority, conducting the investigation.

(2) Notwithstanding the fine imposed, the violator shall be deprived also of the privilege to practice the respective profession or air-transport activity for a period of from one (1) to three (3) years in the cases under items 1, 4, 5 and 9, and for a period of one (1) year in all other cases.

(3) (New, SG No. 66/2008, effective 25.07.2008) A pecuniary sanction in the amount of BGN 2,000 to BGN 10,000 shall be imposed upon:

1. an airport operator, a ground service operator, a provider of air navigation services or an aircraft operator that fails to submit to the Civil Aviation Administration Directorate General, within a time limit set by the relevant security inspectors, its security, quality control and training programmes, or its unlawful interference response action plans;

1a. (new, SG No. 60/2012) an airport operator, a ground service operator, who assigns to work a member of the security personnel, who does not hold certificate, issued by the Civil Aviation Administration Directorate General;

2. an airport operator that has installed and operates physical protection, video surveillance or access control systems or technical equipment for detection of forbidden objects or substances without prior approval by the Civil Aviation Administration Directorate General;

3. an airport operator, a ground service operator, a provider of air navigation services or an aircraft operator that fails to implement the measures provided for in its security programme;

4. an airport operator, a ground service operator, a provider of air navigation services or an aircraft operator who fails to submit an action plan aimed at rectifying non-compliances established as a result of inspections performed on the site;

5. (supplemented, SG No. 63/2010) airport operator that allows unauthorized access of an individual or motor vehicle into the airport security areas;

6. (amended, SG No. 63/2010) an airport operator that admits or allows into a security restricted area any individual, as well as items and personal effects carried thereby, without performing security screening;

7. (new, SG No. 53/2010) an airport operator, a ground service operator, a provider of air navigation services or an aircraft operator that fails, within the prescribed time limit, to rectify any non-conformities in the action plan submitted for approval to the Civil Aviation Administration Directorate General concerning actions to be taken in order to rectify non-conformities upon audits, inspections or tests conducted;

8. (new, SG No. 53/2010) a provider of training services carrying out its operations without an aviation training centre licence and with no endorsed training programmes, and using teachers and instructors who do not hold the proper certificate; any person who orders or allows the aforementioned shall also be liable to the said penalty;

9. (new, SG No. 53/2010) an airport operator, an aircraft operator or a provider of air navigation services that obstructs any inspection or check of the competent authorities under this Act or fails to comply with any order given by such authorities related to ensuring flight safety; any person who orders or allows the aforementioned shall also be liable to the said penalty;

10. (new, SG No. 53/2010) an aircraft operator that allows any passing into the take-off and landing field which has not been authorised by the relevant provider of air navigation services; any person who orders the aforementioned shall also be liable to the said penalty;

11. (new, SG No. 53/2010) an aircraft operator that allows passing into prohibited, temporarily restricted or dangerous areas, as well as controlled zones or areas of the airport, which has not been authorised by the relevant provider of air navigation services; any person who orders or allows the aforementioned shall also be liable to the said penalty;

12. (new, SG No. 63/2010, amended, SG No. 99/2011, effective 1.01.2012, SG No. 28/2015) a provider of air navigation services that fails to comply with the relevant time limits or allows any deviation when implementing corrective actions

prescribed in the course of a regulatory audit, and accepted by the National Supervisory Authority; any person who orders or allows the aforementioned shall also be liable to the said penalty.

(4) (New, SG No. 66/2008, effective 25.07.2008) A fine in the amount of BGN 500 to BGN 2,000 shall be imposed upon:

1. (amended, SG No. 63/2010) an employee of an airport operator, a ground service operator, a provider of air navigation services or an aircraft operator who fails to perform, or allows the discharge of service duties by personnel who have not passed the necessary training at a security training centre accredited by the Civil Aviation Administration Directorate General;
2. (supplemented, SG No. 63/2010) an employee who fails to carry on his/her personal valid ground pass or identification card within security areas, or fails to observe the requirements of accompanied access;
3. an employee who enters or attempts unauthorised access into a security area, without proper authorization;
4. an employee who fails to notify the airport authorities or the Civil Aviation Administration Directorate General of a loss, theft or destruction of a ground pass/identity card or fails to turn in such pass/identity card upon expiry of its term of validity;
5. an employee who violates the established in-flight procedure and security rules of an aircraft operator during flight.

(5) (New, SG No. 66/2008, effective 26.07.2008) A pecuniary sanction in the amount of BGN 2,000 to BGN 10,000 shall be imposed upon:

1. an air carrier or an agent thereof that denies air carriage to a person of disability or reduced mobility on account of his/her disability or reduced mobility, unless there are valid grounds for denial of carriage to such a person in accordance with Article 4 of Regulation No. 1107/2006 (EC);
2. an air carrier or an agent thereof that fails to provide free of charge and in accessible form the information as per Article 4 (3) of Regulation No. 1107/2006 (EC);
3. an air carrier or an agent thereof that fails to perform its duties as per Article 4 (4) of Regulation No. 1107/2006 (EC);
4. an air carrier or an agent thereof that fails to designate places as per Article 5 of Regulation No. 1107/2006 (EC), or fails to provide information about such places in accessible form to persons of disability or reduced mobility;
5. an air carrier or an agent thereof that fails to provide to an airport operator information regarding the need to provide assistance to a person of disability or reduced mobility in accordance with Article 6 of Regulation No. 1107/2006 (EC);
6. an airport operator that fails to provide assistance to a person of disability or reduced mobility in accordance with Article 7 of Regulation No. 1107/2006 (EC);
7. an air carrier or airport operator that charges an extra fee for assistance provided to a person of disability or reduced mobility;
8. an airport operator that fails to perform its duties as per Article 9 of Regulation No. 1107/2006 (EC) regarding the established quality standards of the assistance specified in Appendix I of Regulation No. 1107/2006 (EC);
9. an airport operator or air carrier that fails to perform its duties as per Article 11 of Regulation No. 1107/2006 (EC).

(6) (New, SG No. 89/2015) A pecuniary sanction to the amount of BGN 2,000 to BGN 5,000 shall be imposed upon:

1. an air carrier that fails to perform its duties pursuant to Article 4 (4) of Regulation (EC) No. 261/2004 in the event of denied boarding;
2. an air carrier that fails to perform its duties pursuant to Article 4 (3) of Regulation (EC) No. 261/2004 to compensate passengers in the event of denied boarding against their will;
3. an air carrier that fails to perform its duties pursuant to Article 5 (1), Letters "a", "b" and "c" of Regulation (EC) No. 261/2004 in the event of cancellation of a flight;
4. an air carrier that fails to perform its duties pursuant to Article 6 (1), Letters "i", "ii" and "iii" of Regulation (EC) No. 261/2004 to offer the corresponding assistance to passengers in the event of a flight delay;

5. an air carrier that refuses the right to a compensation provided for in to Article 7 (1) of Regulation (EC) No. 261/2004;
6. an air carrier that fails to perform its duties pursuant to Article 8 of Regulation (EC) No. 261/2004 to pay the compensation within 7 days;
7. an air carrier that refuses the right to care provided for in Article 9 (1), (2) and (3) of Regulation (EC) No. 261/2004;
8. an air carrier that fails to perform its duties to reimburse within 7 days the corresponding part of the ticket pursuant to Article 10 (2), Letters "a", "b" and "c" of Regulation (EC) No. 261/2004;
9. an air carrier that fails to perform its duties pursuant to Article 14 (1), (2) and (3) of Regulation (EC) No. 261/2004 to inform passengers of their rights;
10. an air carrier that fails to respond to a passenger's complaint within 6 weeks as of its filing;
11. an air carrier that fails to answer questions within the stipulated time posed to it by a national authority under Article 16 (1) of Regulation (EC) No. 261/2004.

Article 143a

(New, SG No. 28/2015)

Persons under Article 1, paragraph 3 of Commission Regulation (EC) No. 255/2010 laying down common rules on air traffic flow management of 25 March 2010 (OJ 80/10 of 26 March 2010) who fail to comply with or delay the fulfilment of their obligations ensuing from the provisions of this Regulation shall be penalised with a fine from BGN 3 000 to BGN 10 000.

Article 143b

(New, SG No. 89/2015)

A pecuniary sanction to the amount of BGN 100 to BGN 1,000 shall be imposed upon an air carrier that fails to perform its duties to inform of the final price inclusive of all fares and rates pursuant to Article 23 of Regulation (EC) No. 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293/3, 31.10.2008).

Article 144

(Amended, SG No. 85/1998)

Penalised by a fine in the amount from BGN 1,000 up to BGN 10,000 shall be any person who:

1. has allowed or authorised the use of an airport or of an airfield (landing field) prior to their registration;
2. has failed to comply with the time limit for registration and deletion of aircraft in the register kept by the Civil Aviation Administration Directorate General;
3. has caused, or ordered, or allowed, or authorised any modification of an aircraft or any employment of equipment without the prior authorisation of the Civil Aviation Administration Directorate General;
4. has ordered the performance, or has performed himself an undermanned flight;
5. has violated the flight regulations;
6. has not been complying with the manufacturer's requirements and the prescriptions of the competent authorities relating to the maintenance of the aircraft's airworthiness;
7. (amended, SG No. 52/2004) has been violating the regulations for ground movement within airport limits;
8. with his manners or acts has infringed on the safety of flight or has endangered people's lives;

9. has withheld or misrepresented information about an occurrence or a circumstance relating to an aircraft, thus conducing to deterioration of the safety of flight;
10. has failed to obey a bidding of the Civil Aviation Administration Directorate General as per Article 47, paragraph (3) hereof to remove an obstruction having a bearing on the safety of flight;
11. has performed a flight without carrying on board the aircraft all the documents set forth in Article 30 hereof as well as in other enactments;
12. (amended, SG No. 81/2011) has ordered the performance of air carriage, or has performed air carriage or another commercial operation by aircraft without the right to do so;
13. operates a facility, a building, machinery or equipment that do not conform to the safety requirements;
14. (new, SG No. 53/2010) orders or allows a significant hardware and/or software change in the air navigation service systems with no authorization by the Civil Aviation Administration Directorate General;
15. (new, SG No. 81/2011) deliberately directs or allows for a laser beam or other straight light of high intensity to be directed towards an aircraft in a way provoking threats to aviation safety, and leading to damage of the aircraft or to injury of its personnel or passengers on board;
16. (new, SG No. 60/2012) possess information and fails to inform of any aviation accident or serious incident;
17. (new, SG No. 60/2012) allows circulation of information, protected according to the requirements of Regulation (EU) No. 996/2010 and the Ordinance under Article 142, Paragraph 4.

Article 145

(Amended, SG No. 85/1998)

Any person failing to comply with the existing rules and manners on board an aircraft or at an airport shall be penalised by a fine in the amount from BGN 50 to BGN 200.

Article 146

(Amended, SG No. 85/1998, SG No. 105/2006)

In case of a repeat offence under Articles 143 and 144 the fine shall be BGN 4,000 to 13,000.

Article 147

(1) (Renumbered from Article 147, amended, SG No. 85/1998) Unless expressly provided otherwise, for any other violation of this Act, or of the Rules and Regulations for the implementation thereof, the culpable persons shall be penalised by a fine in the amount from BGN 100 to BGN 500.

(2) (New, SG No. 85/1998) A manager, an executive or any other official who has either ordered or has knowingly allowed any violation of this Act to be committed by a subordinate of his, shall be punishable by the same penalty envisaged for the violation committed.

Article 147a

(New, SG No. 52/2004, supplemented, SG No. 66/2008, effective 26.07.2008)

In cases where a violation as per Articles 143 (1), 144, 145, 146 or 147 has been perpetrated by a legal entity, the party at fault shall be subject to a material sanction in the amount of the fine applying to the same violation.

Article 147b

(New, SG No. 105/2006)

(1) (Amended, SG No. 89/2015) In case of a failure to execute an order as per Article 16b, Paragraph 3, Item 3 and Paragraph 6, the culpable persons shall be sanctioned to pay a fine in the amount of BGN 250 to 1,000, while sole traders and legal persons shall be sanctioned to make a penalty payment in the amount of BGN 500 to 2,000.

(2) In case of a repeat offence under Paragraph 1, the culpable persons shall be sanctioned to pay a fine, while sole traders and legal persons shall be sanctioned to make a penalty payment in a double amount.

Article 148

(1) (Supplemented, SG No. 85/1998, amended, SG No. 66/2008, effective 26.07.2008, supplemented, SG No. 60/2012) Any and all violations, except for such under Article 143, points 17-19 and Article 144, points 16 and 17, shall be ascertained by written statements drawn up by persons designated by the Director General of the Civil Aviation Administration Directorate General, and in the cases set forth in Article 145 hereof - by the aircraft commander providing the violation has been committed on board his aircraft.

(2) (Amended, SG No. 85/1998, SG No. 66/2008, effective 26.07.2008) On the grounds of the written statements thus drawn up, the Director General of the Civil Aviation Administration Directorate General, or a person duly authorised by him, shall issue penal decrees.

(3) (Repealed, SG No. 85/1998).

(4) (New, SG No. 60/2012) The violations under Article 143, points 17 - 19 and Article 144, points 16 and 17, shall be ascertained by written statements drawn up by persons, designated by the Minister of Transport, Information Technology and Communications.

(5) (New, SG No. 60/2012) Based on the acts, drawn up under Paragraph 4, the Minister of Transport, Information Technology and Communications or persons designated by him, shall issue penal decrees.

Article 149

The drawing of written statements for ascertainment of violations and the issuance of penal decrees relative to any administrative violations under this Act, as well as their appeal and execution shall be subject to the provisions of the Administrative Infractions and Penalties Act.

SUPPLEMENTARY PROVISIONS

(Title amended, SG No. 85/1998)

§ 1. (Previous Article 150, amended, SG No. 85/1998) Aviation inspectors and employees of the Civil Aviation Administration Directorate General in the fulfilment of their official functions shall be entitled to gratuitous carriage on board any Bulgarian aircraft under such terms and procedures as shall be laid down by the Minister of Transport, Information Technology and Communications.

§ 2. (Amended, SG No. 30/1990, previous Article 151, SG No. 85/1998) Employees of air-transport enterprises shall enjoy the privilege to travel by Bulgarian aircraft, outside of their official duties, gratuitously or at reduced airfares under the terms set forth in the Book of Rules, or in the By-laws, respectively, of the company or organisation engaged in air-carriage operations as construed hereunder.

§ 3. (New, SG No. 30/1990, previous Article 152a, amended, SG No. 85/1998) For the purposes of this Act:

1. (Repealed, SG No. 52/2004).

2. (Amended, SG No. 52/2004, SG No. 60/2012) The term "aviation accident" shall denote an event associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

a) a person is fatally or seriously injured as a result of being in the aircraft; direct contact with any part of the aircraft, including parts which have become detached from the aircraft; direct exposure to jet blast, except when the injuries are from natural causes or self-inflicted injury, or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers or crew;

b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes) or minor damages to main rotor blades, tail rotor blades, landing gear and those resulting from hail or bird strike, including holes in the radome); or

c) the aircraft is missing or is completely inaccessible.

3. "Safety of flight" shall be construed as the capacity of the aeronautical system to ensure problem-free management, conducting, guidance and accomplishment of flights, while preserving the lives and well-being of those carried on the flights, as well as the integrity of the cargo and of the aircraft.

4. "Air/aerial navigation" shall be the movement of aircraft, as well as any and all operations and actions of persons related to its management and safety both in the air and on the ground.

5. "Aircraft" shall signify any vehicle designed to be supported in the airspace by the reaction of the air against its surfaces other than the reaction of the air against the surface of the Earth.

6. (Repealed, SG No. 81/2011).

7. "Air traffic" shall be construed as all aircraft in flight or taxiing along the manoeuvring surface of an airport (into position for takeoff or parking).

8. "Governmental flight" shall be construed as a non-commercial flight conducted with a governmental aircraft.

9. "Governmental aircraft" shall mean any aircraft regardless of its nationality engaged in military, police or customs flights.

10. (Amended, SG No. 52/2004, SG No. 81/2011) "Aviation inspector" shall be a person vested by the Director General of the Civil Aviation Administration Directorate General with the authority to oversee compliance with this Act and any secondary legislation enacted on the basis thereof and to issue mandatory instructions or acts of ascertainment of violations.

11. "Airport control reference point" shall signify a conventional reference point designating an airport's geographic location.

12. "Aircraft airworthiness" shall be construed as the complex of an aircraft's characteristics as specified by the designers, plus the principles embodied in its construction and its flying capabilities, allowing safe flying under the anticipated strains of flight and the established methods of aircraft operation.

13. (Amended, SG No. 52/2004) "Airport" shall be a designated area of the land or water surface (inclusive of all premises, facilities and equipment) intended, either wholly or in part, for the landing, takeoff and taxiing of aircraft on such surface and for handling the relevant passengers, cargo and mail.

14. "Landing field (Airfield)" shall signify a designated portion of a facility, or an area of land, or a tract of water prepared and maintained for the landing and takeoff of aircraft.

15. "Airport administration" shall be construed as an authority tasked with the management of an airport open to public use.

16. (Amended, SG No. 34/2001, effective 1.01.2001, SG No. 52/2004, supplemented, SG No. 66/2008, effective

- 25.07.2008) "Airport operator" shall be a sole trader whose assets are state-owned, or a trader that has been granted concession under the terms and procedures of the Concessions Act, as well as a trader, using civilian airports as per Article 43, paragraph (2), items 2 and 3 hereof, as well as a merchant using a civilian airport for public use that does not constitute public state property.
17. "International flight" shall be any flight where the points of departure, intermediate stopover, if any, and destination are located within two or more states.
18. "Ground services" shall be construed as the variety of activities and operations conducted within the protected boundaries of an airport and relating to the pre-flight and post-flight services rendered to aircraft.
19. "Controlled airspace" shall be construed as airspace within whose designated boundaries specific air-traffic-control and aeronautical rules shall be enforceable with respect to individual flights; The Republic of Bulgaria's controlled airspace shall include also the airspace delegated thereto under international agreements.
20. "Protected boundaries" shall mean all tracts encompassed by the outer enclosure (fence) of an airport for public use.
21. (Repealed, SG No. 52/2004).
22. (Amended, SG No. 34/2001, effective 1.01.2001, repealed, SG No. 52/2004).
23. "Obstructions" shall be construed as any and all immovable (temporary or permanent), as well as movable structures or portions thereof, situated within a zone designated for ground movement of aircraft, or rising above a specified height intended to secure the safety of aircraft in flight.
24. (Amended, SG No. 52/2004) "Air carrier's license" constitutes an individual administrative act authorizing an air carrier to perform commercial air transportation.
25. "Aircraft operator's certificate" shall be a document certifying that the operator holding it has the professional competence and requisite organisation to ensure safe operation of aircraft for the air-transport activities specified in such certificate.
26. (Amended, SG No. 63/2010) "Aviation Security" shall mean the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference.
27. "Standard" shall be construed as any requirement relating to the physical characteristics, configuration, materials, condition, personnel or procedures whose uniform enforcement is recognised as requisite for securing the safety or regularity of air navigation.
28. "Takeoff and landing facility/-ies" shall be a general term standing for an airport's runway(s), taxiways, (loading) apron, tarmac, and aerial navigation facilities, devices and installations.
29. "Sports and training aircraft" shall mean aircraft designed for sports or flight training purposes;
- 30 "Nationality mark" shall be the combination of letters, or of digits and letters, which is unique for every member-state of the International Civil Aviation Organisation (ICAO).
- 31 "Distinctive registration mark" shall be the combination of letters, or of digits and letters, that is unique for each and every aircraft of an ICAO member-state.
32. (New, SG No. 34/2001, effective 1.01.2001, amended, SG No. 81/2011) "Travel fees for flight through the controlled airspace of the Republic of Bulgaria" shall be expenditure-oriented fees to be determined for one en-route charge-collecting zone.
- 32a. (New, SG No. 81/2011) "Fees for air navigation services and use of navigation facilities of Air Traffic Control State-owned Enterprise within airport zones and areas" shall be expenditure-oriented fees to be determined for one charge-collecting zone in the vicinity of terminals.
33. (New, SG No. 52/2004) The term "Commercial air transportation" shall denote any flight performed by an aircraft for purposes of conveyance by air of passengers, cargo and/or mail against compensation.
34. (New, SG No. 52/2004, amended, SG No. 60/2012) "Serious incident" shall be one related to the operation of the aircraft

involving circumstances indicating that there was a high probability of an accident, which in the case of a manned aircraft takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.

35. (New, SG No. 52/2004, amended, SG No. 37/2006, SG No. 60/2012) "Incident" shall be an occurrence other than an aviation accident related to the operation of aircraft, which has had or may have had an impact on the safety of operation.

36. (New, SG No. 52/2004, amended and supplemented, SG No. 81/2011) "Airport fees" shall be fees set in compliance with the provisions of the International Civil Aviation Convention to cover the cost of providing the necessary conditions and standards ensuring the safe and secure landing and parking of aircraft, use of visual aerial navigation facilities, as well as costs pertinent to the processing and safety of passengers and cargo commencing their journey at the respective airport.

37. (New, SG No. 52/2004) "Self-service" at a public use airport shall be in evidence when an aircraft operator provides for its own benefit one or more of the activities pertinent to ground service as per Article 48e (3), whether on its own or through a hired ground service operator, without the said hired operator being allowed to provide services to third parties. Aircraft operators shall not be considered amongst themselves to constitute a third party where one operator possesses a majority stake in the other or the same entity is the owner of a majority stake in each operator.

38. (New, SG No. 52/2004) "Dry lease" shall be a leasing contract whereby the lessor (whether an aircraft operator or another entity) leases out an aircraft without crew to another operator (the lessee) and the said aircraft may be operated subject to the provisions of the aircraft operator's license or another document of equal validity of the lessee, under its trade control and in conformity with its commercial rights.

39. (New, SG No. 52/2004) "Wet lease" shall be a leasing contract whereby the lessor (an aircraft operator) leases out an aircraft with crew to another operator or entity (the lessee) and the said aircraft may be operated subject to the provisions of the aircraft operator's license or another document of equal validity of the lessor, under the trade control and in conformity with the commercial rights of the lessee.

40. (New, SG No. 52/2004, amended, SG No. 37/2006) "Financially stable" shall be a person found, as a result of an analysis and assessment of its balance sheet, cost and revenue and cash-flow reports, duly validated by a certified auditor, to be in sound financial condition, solvent and capable of providing the necessary funds to provide flight safety.

41. (New, SG No. 52/2004) "Control in the sense as per Article 48e (6) and Article 48g (1)" is in evidence where an entity:

a) controls, whether through a subsidiary or by force of an agreement with a third party, more than half plus one of the votes in the general shareholders' meeting of the company; or

b) may appoint, whether directly or indirectly, more than half of the members of the managing body of the company; or

c) may otherwise exercise decisive influence on the process of making decisions relevant to the operation of the company.

42. (New, SG No. 52/2004) "Consumer of ground services" is an entity which regularly engages in transportation of passengers, mail and/or cargo by air from or to the respective airport.

43. (New, SG No. 52/2004) "Air traffic services" is a general term which, in this specific case, shall be used to refer to providing in-flight information, emergency notification, consulting services in respect of air traffic, air traffic control: of the flight area and flight path, of the airport approach, and of taxiing activity within the airport.

44. (New, SG No. 52/2004) "Air traffic control" is the aggregate sum of on-board and ground-based functions (air traffic services, airspace control and control of air traffic) providing for the safety and effectiveness of aircraft traffic at any stage of the flight.

45. (New, SG No. 37/2006) "Management of air space" shall be an activity involving planning with a view to maximum utilization of available air space by dynamic distribution in time and at certain moments the division thereof between the different categories of users on the basis of their needs on a short-term scale.

46. (New, SG No. 37/2006) "Air traffic flow management" shall be an activity involving provision of safe, ordered and expedite air traffic flow with simultaneous provision of maximum use of capacity, inasmuch as that is possible, as well as provision of correspondence between the number of aircraft and the capacities quoted by the persons engaged in air navigation

services.

47. (New, SG No. 37/2006) "Air space users" shall be all aircraft engaged in flights as general air traffic.
48. (New, SG No. 37/2006, amended, SG No. 81/2011) "Air navigation services" shall be the servicing that encompasses air traffic control, communication, navigation and supervisory servicing, air navigation meteorological servicing and air navigation information servicing.
49. (New, SG No. 37/2006) "Communication servicing" shall be air navigation fixed and mobile servicing for land-land, air-land and air-air communication for the ends of air traffic control.
50. (New, SG No. 37/2006) "Navigation servicing" shall be facilities and services that provide the aircraft with information as regards its location and as regards astronomical time.
51. (New, SG No. 37/2006) "Servicing on supervision" shall be services, facilities and information to determine the positions of aircraft to ensure safe separation.
52. (New, SG No. 37/2006) "Meteorological servicing" shall be facilities and services that provide an aircraft with weather forecasts, short notices and observations, as well as other meteorological information and data provided by the countries for air navigation use.
53. (New, SG No. 37/2006) "Air navigation information servicing" shall be provision within a certain area of coverage of air navigation information and data necessary for the safety, regularity and efficiency of aviation.
54. (New, SG No. 37/2006) "General air traffic" shall be traffic of civil and state aircraft that has been effected in accordance with ICAO procedures.
55. (New, SG No. 37/2006) "Serviced civil air space" shall be air space that does not include the off-limit zones, activated danger zones, activated restricted zones and the temporarily reserved air space in the regions and zones of military airfields in the cases of operative air traffic.
56. (New, SG No. 37/2006) "Operative data" shall be information about all phases of a flight for which operative decision-making is required from the person that provides air navigation services, the users of air space, airport operators and other parties involved.
57. (New, SG No. 105/2006) "Repeat" offence is the one committed within a period of one year after the effectiveness date of the penalty decree imposing a penalty for a violation of the same kind.
58. (New, SG No. 66/2008, effective 25.07.2008) An "act of unlawful interference" shall mean any threat, attempt or action directed against civil aviation security.
59. (New, SG No. 53/2010) "A significant hardware and/or software change in the air navigation service systems" shall be any change which can cause an effect ranked as severity class 1 or 2 according to Commission Regulation (EC) No. 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services, or which lead to the introduction of new standards.
60. (New, SG No. 81/2011) "Airport user" shall be any natural person or legal entity performing carriage of passenger, mail and/or cargo by air to or from the respective airport.
61. (New, SG No. 81/2011) "Sports flights" shall be flights in the course of which skills are demonstrated and evaluated to pilot on a competitive principle without restrictions as regards the physical position of the aircraft or training to make such demonstrations performed by aircrafts specifically approved to that end. Sports flights shall include free flights (with no connection with the ground or another aircraft) performed by air gliders.
62. (New, SG No. 81/2011) "Superlight aircraft" shall mean all aircrafts referred to in Letters "e", "f", "g" and "j" of Annex II to Regulation (EC) No. 216/2008.
63. (New, SG No. 81/2011) "Commercial operation by aircraft" shall be construed as notion within the meaning of Regulation (EC) No. 216/2008.
64. (New, SG No. 81/2011) "Flight and technical documentation" shall mean flight performance manual, programme for

prevention of aviation accidents, instructions for incident investigation, quality guarantee programme, technical log book, programme for technical servicing of aircraft, list of minimum technical equipment, description of the organization to maintain continuous airworthiness, description/handbook regarding the organization for technical servicing, description of the organization to train and examine personnel engaged in technical servicing, handbook on technical servicing control, approval of a simulator for training and maintenance of aircraft flight suitability, working manual for the organization/training centre for instruction of flight personnel, flight programme for instruction and maintenance of flight preparedness of the flight personnel trained at the study centre.

65. (New, SG No. 81/2011) "Aerial sports" shall mean sporting activities, inclusive of aerobatics (figure pilotage), flights by free dirigible balloons, engine flying and gliding, and also air competitions by aircraft, parachute jumps, paragliding, etc.

66. (New, SG No. 81/2011) "Figure pilotage" shall mean manoeuvres that are deliberately performed by an aircraft without restrictions as regards its physical position.

67. (New, SG No. 60/2012) "Investigation inspector" shall denote an official from the staff of the specialized unit under Article 16g, Paragraph 1, whose task is to take part in and to conduct safety investigations.

68. (New, SG No. 60/2012) "Fatal injury" shall denote an injury, which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident.

69. (New, SG No. 60/2012) "Serious injury" shall denote an injury, which is sustained by a person in an accident and which involves one of the following:

a) hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received;

b) a fracture of any bone (except small fractures of fingers, toes, or nose);

c) lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;

d) injury to an internal organ;

e) second or third degree burns, or any burns affecting more than 5% of the body surface;

f) verified exposure to infectious substances or harmful radiation.

70. (New, SG No. 60/2012) "Safety investigation" shall denote a process conducted by a safety investigation authority for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and/or contributing factors and, when appropriate, the making of safety recommendation.

71. (New, SG No. 28/2015) "Controlled Airspace" shall mean an airspace with specified dimensions within which air traffic control services are provided in compliance with the airspace classification.

72. (New, SG No. 15/2016) "Reservation data of passengers" shall mean records of the requirements for the travel of every passenger, containing all information required to process and control the reservation by the air carriers performing the reservation and by the participating air carriers, for each journey booked by a passenger or on his/her behalf, regardless of whether the data is contained in reservation systems, flight control systems or in similar systems with the same functional capabilities.

§ 4. (New, SG No. 85/1998, effective 1.01.1998, supplemented, SG No. 12/2000, amended, SG No. 52/2004, repealed, SG No. 108/2006).

TRANSITIONAL AND FINAL PROVISIONS

(Title supplemented, SG No. 85/1998)

§ 5. (Previous Article 152, SG No. 85/1998) Any and all cases not regulated by this Act and by the international conventions to which the Republic of Bulgaria is a party shall be subject to the applicable Bulgarian laws.

§ 6. (Previous Article 153; amended, SG No. 85/1998) (1) The Minister of Transport, Information Technology and Communications shall be required to enact ordinances, regulations and instructions governing the enforcement of this Act and all the ratified international agreements in the field of Civil Aviation.

(2) Any regulations, norms and standards under this Act must conform to the relevant requirements of the International Civil Aviation Organisation and of the European Union.

(3) (New, SG No. 37/2006, repealed, SG No. 10/2007).

§ 7. (Previous Article 154, SG No. 85/1998) This Act shall rescind the Civil Aviation Act, promulgated in the official State Gazette, issue No. 1 of January 4, 1963 and the Book of the Rules of the Air Transport in the People's Republic of Bulgaria, promulgated in the official Izvestiya publication, issue No. 93 of November 18, 1960.

The implementation and enforcement of this Act shall be hereby assigned to the Minister of Transport, Information Technology and Communications.

TRANSITIONAL PROVISION

to the Act on the Amendments

and Supplements to the Civil Aviation Act

(SG No. 16/1997)

§ 3. All funds raised in the extra-budgetary current account opened by the Council of Ministers' Decree No. 44 of 1991 (promulgated, SG No. 23/1991; corrected, SG No. 26/1991; amended and supplemented, SG No. 45 and 70/1991; 40, 43, 47 and 51/1992; 5, 96 and 104/1993; 2, 6, 24 and 33/1995; 108/1996) and under the Development of the Air Traffic Control System Fund set up by the Council of Ministers' Decree No. 102 of 1992 (promulgated, SG No. 51/1992) shall be transferred into the Air Traffic Control System Fund.

TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Amendments and

Supplements to the Civil Aviation Act

(SG No. 85/1998, effective 1.01.1999)

§ 89. Throughout the Act the wording "(the) People's Republic of Bulgaria" shall be deleted and substituted for "(the) Republic of Bulgaria"; the wording "testimonial of airworthiness" shall be substituted by "certificate of airworthiness"; the wording "(the) State Aviation Inspectorate" shall be substituted for "(the) Civil Aviation Administration; the wording "entry" shall be substituted for "registration" and the wording "(the) General Air Traffic Control Directorate" shall be substituted for "Air Traffic Control".

§ 90. (1) All airports that are public state-owned property shall be taken out of the assets of the mercantile companies holding state-owned property reckoned from the entry of this Act into force.

(2) The Minister of Transport, Information Technology and Communications exercising the ownership rights of the government in the companies referred to under the preceding paragraph (1) shall be required to take measures, at the latest within six (6) months from the date of entry of this Act into force, to diminish their capital.

(3) All facilities referred to under paragraph (1) above shall be used and operated by the mercantile companies in compliance with the Concessions Act.

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TRANSITIONAL AND CONCLUDING PROVISIONS

of the Lev Re-Denomination Act

(SG No. 20/1999, supplemented, SG No. 65/1999, effective 5.07.1999)

§ 4. (1) (Supplemented, SG No. 65/1999) As of the entry of this act into force, all figures in BGL, shown in the acts, which entered into force prior to 05 July 1999, shall be replaced by new figures in BGN, reduced 1000 times. The replacement of all figures in BGL by figures in BGN, reduced 1000 times, shall also be valid in regard to all acts, adopted prior to 5 July 1999, which entered or will enter into force after 5 July 1999.

(2) The bodies, having adopted or issued second-level regulatory acts, which entered into force prior to 05 July 1999, containing figures in Bulgarian Leva, must make the amendments, required by this act in such a manner, as to enable application of the amendments as of the date of effectiveness of the act.

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§ 7. This act shall enter into force 5 July 1999.

TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Amendments and

Supplements to the Civil Aviation Act

(SG No. 34/2001, effective 6.04.2001)

§ 21. (1) (Effective 1.01.2001) The "Air Traffic Control" State-owned Enterprise shall be the successor of all assets and liabilities of the transformed legal entity styled "Air Traffic Control" inclusive of the Development of the National Air Traffic Control System Fund, as per the Balance Sheet and the Statement of Accounts as at December 31, 2000.

(2) Employment relations with staff working in the employ of the transformed legal entity styled "Air Traffic Control" shall be settled pursuant to Article 123 of the Labour Code.

§ 22. (Effective 1.01.2001) Throughout the Act the wording "Ministry of Transportation" shall be substituted for "Ministry of Transportation and Communications"; the wording "(the) Minister of Transport" shall be substituted for "(the) Minister of Transport and Communications"; the wording "Air Traffic Control" shall be substituted for "Air Traffic Control" State-owned Enterprise"; the wording "and airfield" shall be deleted; and the wording "Directorate General" shall be added to the wording Civil Aviation Administration.

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FINAL PROVISIONS

to the Act to Amend the Civil Aviation Act

(SG No. 52/2004)

§ 62. Throughout this Act, the words:

1. "license", "the license" shall be replaced by "licence", "the licence" [in the original the word may be in the masculine or in the feminine].
2. "Minister of Agriculture, Forestry and Agrarian Reform" shall be replaced by "Minister of Agriculture and Forestry".

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend the Telecommunications Act

(SG No. 88/2005)

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§ 46. Everywhere in the Civil Aviation Act (promulgated, SG No. 94/1972, amended, SG No. 30/1990, 16/1997, 85/1998, No. 12/2000, 34 and 111/2001, 52 and 70/2004) the words "Minister of Transport and Communications" and "the Minister of Transport and Communications" shall be replaced by the words "Minister of Transport" and "the Minister of Transport", respectively, and the words "Ministry of Transport and Communications" shall be replaced by "Minister of Transport".

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TRANSITIONAL AND FINAL PROVISIONS

to the Code of Administrative Procedure

(SG No. 30/2006, effective 12.07.2006)

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§ 39. Everywhere in the Civil Aviation Act (promulgated, SG No. 94/1972, amended, SG No. 30/1990, 16/1997, 85/1998, No. 12/2000, 34 and 111/2001, 52 and 70/2004) the words "Administrative Procedure Act" shall be replaced by the words "Code of Administrative Procedure".

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TRANSITIONAL PROVISION

to the Act to Amend the Civil Aviation Act

(SG No. 37/2006)

§ 16. The provisions of § 4 (regarding Article 16c (4) through (6) shall become effective on the date when the Treaty Concerning the Accession of the Republic of Bulgaria to the European Union comes into force.

TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Amendments and

Supplements to the Civil Aviation Act

(SG No. 10/2007)

§ 15. (Effective 28.03.2007) (1) The Head of the Civil Aviation Administration Directorate General may issue an order to annul:

1. Airworthiness certificates of aircrafts which do not possess the Standard Certificate or an equivalent document issued or recognized by the European Aviation Safety Agency (EASA) when those documents are requisite for the aircraft in question.
2. Technical servicing and repair of aircrafts entered in the Civil Aircrafts Register of the Republic of Bulgaria and operated by Bulgarian aviation operators which do not possess the Standard Certificate or an equivalent document issued or recognized by the European Aviation Safety Agency (EASA) when those documents are requisite for the aircraft in question.
3. Aviation operator certificates issued to operators which operate only with aircrafts which do not possess the Standard Certificate or equivalent document issued or recognized by the European Aviation Safety Agency (EASA) when such documents are requisite for the aircraft in question.

(2) The Order under paragraph 1 shall be promulgated in the State Gazette.

(3) Upon request, the Head of the Civil Aviation Administration Directorate General shall issue:

1. Airworthiness certificates of aircrafts which possess the Standard Certificate issued or recognized by the European Aviation Safety Agency (EASA) when those documents are requisite for the aircraft in question.
2. Technical servicing and repair of aircrafts entered in the Civil Aircrafts Register of the Republic of Bulgaria which possess the Standard Certificate issued or recognized by the European Aviation Safety Agency (EASA) when those documents are requisite for the aircraft in question.
3. Aviation operator certificates issued to operators which operate only with aircrafts which possess the Standard Certificate issued or recognized by the European Aviation Safety Agency (EASA) when such documents are requisite for the aircraft in question.

(4) The Head of the Civil Aviation Administration Directorate General shall promulgate a list of certificates and licenses under paragraph 3 in the State Gazette.

§ 16. This Act shall enter into force as from the date of its promulgation in State Gazette, with the exception of § 15, which shall enter into force as of 28 March, 2008.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Fisheries and Aquacultures Act

(SG No. 36/2008)

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§ 97. In the Civil Aviation Act (promulgated in State Gazette No. 94/1972; amended, SG No. 30/1990, No. 16/1997, No. 85/1998, No. 12/2000, No. No. 34 and 111/2001, No. No. 52 and 70/2004, No. No. 88 and 102/2005, No. No. 30, 36, 37, 105 and 108/2006, No. No. 10, 41 and 109/2007) the words "Minister of Agriculture and Forests" shall be replaced throughout the text with "Minister of Agriculture and Foods".

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AMENDING AND SUPPLEMENTING ACT OF THE CIVIL AVIATION ACT

(SG No. 66/2008, effective 25.07.2008)

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Additional Provision

§ 32. Throughout the text, the words "unit as per Article 16d" shall be replaced with "unit as per Article 16f".

Transitional and Final Provisions

§ 33. (1) Within 6 months from the date of entry into force of this Act, subject to fulfilment of the conditions for that, the Director General of the Civil Aviation Administration Directorate General shall issue an order determining the number of operators performing ground services to third parties or performing one or more activities as per Article 48e (5).

(2) The Director General of the Civil Aviation Administration Directorate General shall organize a tender for access to the ground services market in respect of activities as per Article 48e (5), in compliance with the order as per Paragraph (1) above, following expiry of the terms of validity of the current contracts between the relevant civilian airport for public use and those ground service operators which have been granted access to said market, but no more than 3 years.

§ 34. Administrative penal proceedings initiated prior to the entry into force of this Act shall be completed in accordance with the procedure in force at the time of their commencement;

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§ 36. This Act shall enter into force from the date of its promulgation in State Gazette, with the exception of:

1. Paragraph 1, which shall enter into force as from 16 July, 2008;

2. Paragraph 2, regarding Article 16b, item 4a, § 21, 25 and 28 regarding Article 143 (5) and § 35, which shall enter into force as from 26 July, 2008.

SUPPLEMENTARY PROVISION

to the Amendment and Supplement Act to the Civil Aviation Act

(SG No. 82/2009)

§ 5. Elsewhere in the Act the words "Minister of Transport" and "Ministry of Transport" shall be replaced by "Minister of Transport, Information Technology and Communications" and "Ministry of Transport, Information Technology and Communications" respectively.

FINAL PROVISION

to the Act Amending and Supplementing the Civil Aviation Act

(SG No. 63/2010)

§ 25. The provision laid down in § 8 (regarding Article 16j) shall enter into force as of 1 January 2011.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Value Added Tax Act

(SG No. 94/2010, effective 1.01.2011)

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§ 34. In the Civil Aviation Act (promulgated in State Gazette, No. 94/1972; amended, SG No. 30/1990, No. 16/1997, No. 85/1998, No. 12/2000, No. No. 34 and 111/2001, No. No. 52 and 70/2004, No. No. 88 and 102/2005, No. No. 30, 36, 37, 105 and 108/2006, No. No. 10, 41 and 109/2007, No. 36, 66 and 67/2008, No. 35, 47, 82 and 102/2009 and No. 63 and 73/2010) in Article 120, paragraph 7, after the words "cases as per", shall be added "paragraph 2 and"

§ 35. The Act shall become effective from 1.01.2011, with exception of § 12, which shall become effective from 1.04.2011, and § 7, § 28, item 1, letter "d" and § 34, which shall become effective from 1.01.2012.

SUPPLEMENTARY PROVISION

to the Amendment and Supplement Act to the Civil Aviation Act

(SG No. 41/2011)

§ 5. Everywhere in this act the words "minister of agriculture and food supplies" shall be replaced with "minister of agriculture and foods".

AMENDING AND SUPPLEMENTING ACT OF THE CIVIL AVIATION ACT

(SG No. 81/2011)

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Additional Provisions

§ 35. Elsewhere in the Act the words "Head of the Civil Aviation Administration Directorate General" shall be replaced by "Director General of the Civil Aviation Administration Directorate General".

§ 36. This Act transposes the requirements of Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70/11, 14.03.2009).

Transitional and Final Provisions

§ 37. (1) "Air Traffic Control" State-owned Enterprise shall hand over to the Ministry of Transport, Information Technology and Communications all assets constituting equipment and systems of visual air navigation facilities (light technical provision) to be found in the vicinity of civilian airports for public use, in conformity with the terms and procedure laid down in an act by the Council of Ministers.

(2) The assets referred to in Paragraph (1) shall be granted for usage by the Ministry of Transport, Information Technology and Communications to the airport operator, referred to in Article 43e, of the respective airport according to the terms and procedure provided for in this Act within six (6) months as from the date of its promulgation in State Gazette.

(3) The assets under Paragraph (1) shall be granted for usage by the Ministry of Transport, Information Technology and Communications to the airport operator - concessionaire of the respective airport according to the terms and procedure provided for in the Concessions Act within six (6) months as from the date of promulgation of this Act in State Gazette.

§ 38. (1) The Minister of Transport, Information Technology and Communications shall issue the ordinance under Article 119f, Paragraph 3 within six (6) months as from the date of promulgation of this Act in State Gazette.

(2) Within six (6) months as from the date of promulgation of this Act in State Gazette the airport operator of an airport with an annual traffic of more than 5 million transported passengers or of the airport with the greatest number of passenger carriages within the territory of the Republic of Bulgaria shall take the actions under Article 122f and lay down the amount of airport charges by virtue of an effective decision.

(3) Within the 6-month period as per Paragraph (1) and until entry into force of the decision under Paragraph (2) respectively, those charges shall apply that are due according to type and amount set by virtue of the procedure existent hitherto.

§ 39. (1) The provisions of § 21 regarding Article 53, Paragraph 2, Item 2 and of § 26, Item 1, Letter "b" regarding Article 120, Paragraph 1, Items 5 and 6 shall enter into force within six (6) months following the promulgation of this Act in State Gazette.

(2) The provisions of § 22 regarding Article 60, Paragraph 1 and of § 25 regarding Chapter IX "A" "Non-commercial flights" shall enter into force within ten (10) months following the promulgation of this Act in State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash

compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

FINAL PROVISION

to the Act Amending the Civil Aviation Act

(SG No. 12/2014)

§ 2. The Council of Ministers shall prescribe the budgetary relations in connection to the determination of Aviation Unit 28 as an authorizer by sub-delegation with a budget attached to the Minister of Transport, Information Technology and Communications within one month following the entering into force of this Act.

FINAL PROVISION

to the Act Amending and Supplementing the Civil Aviation Act

(SG No. 28/2015)

§ 8. The provision of § 4 on Article 141a, paragraphs 4, 5 and 6 shall enter into force as from January 1, 2016.