

LAW NO. 03/L-051

ON CIVIL AVIATION

Based on Chapter IV article 65 item 1, chapter XI item 130 of the Constitution of Republic of Kosovo, to otherwise provide the proper technical and economic regulation and promotion of civil aviation in Kosovo and to foster its safe development in accordance with international norms,

The Assembly of the Republic of Kosovo,

Hereby approves:

LAW ON CIVIL AVIATION

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**TITLE I
GENERAL PROVISIONS**

**Article 1
Scope of Application**

1.1 The provisions of the present law shall apply in the field of all civil aviation activities carried out in the territory and airspace of Kosovo.

1.2 The provisions of the present law shall also apply outside the territory and air space of Kosovo to aircraft registered in Kosovo.

1.3 The present law shall not apply to military aircraft, military air personnel and military air operations carried out in the territory and air space of Kosovo.

**Article 2
Kosovo Air Space**

2.1 Kosovo shall have complete, exclusive and inviolable sovereignty over the airspace above its territory and shall have the exclusive authority to organize and regulate civil aviation activities in its territory and air space.

2.2 The use of Kosovo's air space shall be open to all civilian aircraft registered in Kosovo; provided, however, that such use must comply with all applicable conditions and/or restrictions established by or pursuant to a law of Kosovo. Foreign civilian aircraft shall only be permitted to use Kosovo's air space to the extent such use is permitted or authorized by (i) an international agreement that is binding on Kosovo, and (ii) the decisions issued by the Civil Aviation Authority of Kosovo and the Ministry of Transport and Telecommunication.

**Article 3
Rules and Standards for Civil Aviation in
Kosovo**

3.1 Civil Aviation activities in Kosovo air space shall be carried out in accordance with the provisions of the present law, the Convention on International Civil Aviation of 7 December 1944, and the Agreement on the Establishment of a European Common Aviation Area.

3.2 Any directly applicable provision of the Agreement on the Establishment of a European Common Aviation Area shall prevail over any provision or aspect of Kosovo law that is inconsistent therewith.

3.3 Any element of the EU's *acquis communautaire* that is referred to or contained in Annex I or II of the Agreement on the Establishment of a European Common Aviation Area shall be directly applicable in Kosovo and shall prevail over any provision or aspect of Kosovo law that is inconsistent therewith.

3.4 The Civil Aviation Authority of Kosovo shall have the duty and authority, within the competencies of the CAA referred to in paragraph 1 Article 15 of the present law, to (i) issue implementing regulations transposing the Standards issued by ICAO and (ii) issue implementing regulations transposing the Recommended Practices issued by ICAO to the extent that such Recommended Practices are practicable and relevant for civil aviation in Kosovo. Notwithstanding the requirement specified in item (i) of the foregoing sentence, if the CAA determines that compelling reasons exist to avoid the transposition of an ICAO Standard, the CAA shall not be required to transpose that Standard; in such event, the CAA shall immediately notify ICAO in writing of the resulting differences between such implementing regulations and the Standards of ICAO.

3.5 In order to facilitate and expedite the regulatory process and to ensure European standardization, the Civil Aviation Authority of Kosovo, the Ministry of Transport and Telecommunication and the Ministry of Internal Affairs are hereby authorized, within their respective areas of competence as specified in the present law, to issue implementing regulations that incorporate by reference (i) the Joint Aviation Requirements and the EU regulations that supersede them and/or (ii) the civil aviation regulations of other EU and ICAO compliant states.

3.6 If the Civil Aviation Authority of Kosovo, the Ministry of Transport and Telecommunications or the Ministry of Internal Affairs issues any implementing regulation that incorporates by reference a document issued by an international organization, a foreign state, or an authority or sub-unit of an international organization or foreign state, and such document has not been translated into the official languages of Kosovo, that public authority shall immediately make the English version of such document available to any person requesting such document. The concerned public authority may satisfy this obligation by establishing a publicly accessible web-site providing a link to the English language version of such document.

Article 4 Definitions

4.1 For the purposes of interpreting and applying the present law, the following defined terms shall - whenever used in the present law - have the assigned meaning unless the context within which such term appears clearly intends another meaning:

-“**AAIIC**”- means the Aeronautical Accidents and Incidents Investigation Commission established by Article 31 of this Law.

-“**Aerodrome**”- means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure, and surface movement of aircraft; the term “aerodrome” includes, but is not limited to, any airport, airfield and/or gliding field.

-“**Aerodrome Operator**”- means:

- a) a natural person who is engaged as, or who serves in the capacity of, a director or manager of an airport, an aerodrome, an airfield or an air traffic service unit, if such airport, aerodrome, airfield or air traffic service unit provides or maintains aerodrome and/or air navigation facilities for public transport aircraft operations;
- b) a natural person in charge of the inspection, maintenance, overhauling, or repair of an aerodrome, and any individual in charge of the inspection, maintenance, overhauling, or repair of air navigation service unit facilities, radio navigation aids, equipment or appliances.

-“**Aerodrome Certificate Holder**”- means a natural person who is a citizen of Kosovo, identified in an Aerodrome Certificate issued by the CAA, whose duties (i) are concerned with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft or (ii) require them to have access to the aerodrome maneuvering area or apron.

-“**Agreement on the Establishment of a European Common Aviation Area**”- means the Multilateral Agreement between the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the European Community, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, Serbia and Montenegro, Romania and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area, which became binding on Kosovo on 30 November 2006.

-“**Air carrier**”- means a person who is a Citizen of Kosovo or a citizen of a state within the ECAA who provides or undertakes to provide, by any means directly or indirectly, air transportation.

-“**Aircraft**”- means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface. The term “aircraft,” when used in the present law or in the implementing regulations issued pursuant to the present law, shall refer to civil aircraft only, and will not include aircraft used for state or public purposes.

-“**Airfield**”- means an aerodrome that has no hard runways and is not utilized for international services.

-“**Airman**”- refers to:

- a) any individual (i) who serves as the person in command of or as the pilot of an aircraft, (ii) who serves as a mechanic or a member of the crew of an aircraft, or (iii) who navigates an aircraft while the aircraft is underway;
- b) any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; and
- c) any individual who serves in the capacity of flight operations officer.

-“**Air navigation facility**”- means any facility used in, available for use in, or designed for use in aid of air navigation. Air navigation facilities include: airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

-“**Air navigation services**”- means, in respect of Kosovo airspace or any other airspace in respect of which Kosovo has responsibility for the provision of air traffic control services: (i) aeronautical communication services, (ii) aeronautical information services, (iii) aeronautical radio navigation services, (iv) air traffic control services, (v) aviation weather services, (vi) emergency assistance services, and (vii) flight information services.

-“**Air Operator**”- means any person that undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement.

-“**Air Operator’s Certificate**”- or “**AOC**” means a certificate authorizing an operator to carry out specified commercial air transport operations.

-“**Airport**”- means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

-“**Annexes to the Chicago Convention**”- means the documents issued by the International Civil Aviation Organization containing the Standards and Recommended Practices applicable to civil aviation.

-“**CAA**”- means the Civil Aviation Authority of Kosovo.

-“**Cargo**”- means property (except passenger baggage) and/or mail.

-“**Chicago Convention**”- means the international basis for civil aviation agreements, formally known as the Convention on International Civil Aviation.

-“**Citizen of Kosovo**”- means (i) a natural person who is a citizen of Kosovo, or (ii) a business organization that is established and registered in Kosovo if more than 50% of the ownership interests in such business organization is directly and beneficially held by one or more natural persons who are citizens of Kosovo.

-“**Civil aircraft**”- means any aircraft other than aircraft used for state or public purposes.

-“**Civil aircraft of Kosovo**”- means an aircraft registered under the applicable laws of Kosovo.

-“**Civil aviation**”- means the operation of any civil aircraft for the purpose of general aviation operations, aerial work, or commercial air transport operations.

-“**Commercial air transport operation**”- means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration, hire, or reward.

-“**Crew Member**”- means a person assigned to perform duties on an aircraft in flight.

-“**Dangerous goods**”- means articles or substances that are capable of posing significant risks to health, safety or property when transported by air.

-“**Director General**”- means the Director General of the CAA.

-“**Domestic air commerce**”- means the transportation of passengers or property by aircraft for compensation, the transportation of mail, or the operation of aircraft in furthering a business or vocation: between any two places within Kosovo when any aspect of the transportation or operation involves the use of aircraft.

-“**Domestic air transportation**”- means engaging in domestic air commerce.

-“**EASA**”- means the European Aviation Safety Agency.

-“**ECAA**”- means the European Common Aviation Area.

-“**ECAC**”- means the European Civil Aviation Conference.

-“**Flight crew**”- means the operating crew of an aircraft and operating personnel.

-“**Foreign air carrier**”- means a person that is not a Citizen of Kosovo or of the ECAA who provides or undertakes to provide, by any means directly or indirectly, foreign air transportation.

-“**Foreign air commerce**”- means the transportation of passengers or property for compensation, the transportation of mail, or the operation of aircraft in furthering a business or vocation: between a place in Kosovo and a place outside Kosovo when any aspect of the transportation or operation involves the use of aircraft.

-“**Foreign air operator**”- means any operator, other than an air operator established in Kosovo or in a state within the ECAA that engages or undertakes to engage, whether directly or indirectly or by lease or any other arrangement, in commercial air transport operations within the borders or airspace of Kosovo.

-“**Foreign air transportation**”- means engaging in foreign air commerce.

-“**General aviation operation**”- means a civil aircraft operation that is not a commercial air transport operation or an aerial work operation.

-“**ICAO**”- means the International Civil Aviation Organization.

-“**IFR**”- means Instrument Flight Rules.

-“**International commercial air transport**”- means the carriage by aircraft of persons or property, or the carriage of mail between any two or more countries, for remuneration, hire or reward.

-“**JAA**”- means the Joint Aviation Authorities.

-“**JAR**”- means the Joint Aviation Requirements.

-“**A key aviation-related position**”- is a position that (i) is clearly and directly necessary for the proper implementation of the present law, (ii) is highly professional or technical, and not administrative, in nature, (iii) requires very substantial prior experience in the aviation-related subject matter to be handled by the person holding such position, and (iv) requires international certification in such subject matter or an advanced graduate degree from an internationally recognized university in such subject matter. Such positions may include, but are not limited to, safety and security inspectors, technical personnel, air traffic controllers, aviation economists and aviation lawyers.

-“**Kosovo**”- means the Republic of Kosovo and the land and water territory of the Republic of Kosovo, and the superjacent airspace.

-“**Minister**”- means the Minister of Transport and Communications.

-“**Ministry**”- means the Ministry of Transport and Telecommunications.

-“**Navigation of aircraft**”- means a function that involves aircraft navigation, including the piloting of aircraft.

-“**Operator**”- means a person, organization or enterprise engaged in or offering to engage in an aircraft operation. Any person who causes or authorizes the operation of aircraft, whether with or without the control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the present law.

-“**Parts**”- means any appurtenances and accessories (i) of aircraft (other than aircraft engines and propellers), aircraft engines (other than propellers), propellers and appliances, and (ii) that are maintained for installation or use in an aircraft, aircraft engine, propeller or appliance, but that are not yet installed therein or attached thereto.

-“**Person**”- means any natural person, business organization, firm, partnership, corporation, company, association, joint-stock association, societies, government or public authority, and includes any trustee, receiver, assignee, or other similar representative of any such entity.

-“**Primary normative act**”- means a law adopted by the Assembly of the Republic of Kosovo and promulgated pursuant to article xx of the Constitution of the Republic of Kosovo.

-“**Propeller**”- is an inclusive term for all parts, appurtenances, and accessories of a propeller.

-“**SRP**”- means the Standards and Recommended Practices of ICAO.

-“**Special aircraft jurisdiction of Kosovo**”- includes:

a) civil aircraft of Kosovo; and

b) any other aircraft within the jurisdiction of the Republic of Kosovo while the aircraft is in flight; for the purposes of this definition an aircraft shall be deemed to be “in flight” from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or, in case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property aboard.

-“**State aircraft**”- means an aircraft used exclusively in the service of any government, or of any political jurisdiction thereof, including the Government of Kosovo, but not including any government owned aircraft engaged in operations that meet the definition of commercial air transport operations.

-“**VFR**”- means Visual Flight Rules.

-“**Visual Traffic Pattern**”- means (i) the aerodrome traffic zone of the aerodrome, or (ii) in the case of an aerodrome that has not been notified in accordance with the implementing aviation regulations of Kosovo, the airspace that would comprise the aerodrome traffic zone of the aerodrome if it had been so notified.

4.2 References in the present law to any other law or regulation shall be interpreted as including any amendments or successor legislation thereto.

4.3 References in the present law to any specific public authority shall be interpreted as including and applying to any successor public authority having responsibility for the concerned subject matter.

TITLE II CIVIL AVIATION AUTHORITIES

CHAPTER I General

Article 5 Civil Aviation Authorities in the Republic of Kosovo

5.1 Public authorities with responsibilities and functions in the field of civil aviation in Kosovo shall be:

- a. the Ministry of Transport and Telecommunication;
- b. the Civil Aviation Authority of Kosovo;
- c. the Ministry of Internal Affairs; and
- d. Aeronautical Accidents and Incidents Investigation Commission.

5.2 The Ministry, the Civil Aviation Authority of Kosovo, the Ministry of Internal Affairs, and the Aeronautical Accidents and Incidents Investigation Commission shall perform functions assigned to them by the present law and any international agreement referred to in Article 3.

CHAPTER II Ministry of Transport and Telecommunication

Article 6 Basic Responsibilities of the Minister and the Ministry

6.1 The Ministry, shall be responsible for (i) developing national policies on air transport, (ii) issuing implementing regulations governing the economics of air transport, other than aviation safety or the economics of airports or air navigation services, and (iii) organizing, carrying out and undertaking measures for the development of civil aviation in Kosovo and international cooperation in the field of civil aviation.

6.2 The Minister shall duly coordinate the activities of the Ministry with the CAA and any other domestic or foreign public authority with responsibilities in the field of civil aviation.

6.3 The Minister shall:

- a. provide leadership in the development of civil aviation policies and programs, and make recommendations to the Government of the Republic of Kosovo for its consideration and adoption;
- b. regulate the economics of air transport other than the economics of airports and air navigation services;
- c. issue air carriers Operating Licenses;
- d. promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to civil aviation;
- e. carry out other duties assigned to the Minister by the Government of the Republic of Kosovo in accordance with the present law; and
- f. be responsible for the exercise and discharge of the powers and duties assigned to the Ministry by the present law.

Article 7 Priorities of the Ministry

In carrying out the present law, the Ministry shall (i) accord the highest priority to the maintenance of safety in air commerce and (ii) otherwise advance the public interest by, inter alia:

- a. promoting, throughout the industry, the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices;
- b. encouraging, throughout the industry, fair wages and working conditions;
- c. encouraging the development and maintenance of an air transportation system that (i) relies on and is subject to actual and potential competitive market forces, (ii) provides needed air commerce services; and (iii) permits efficient, innovative, competitive and well-managed air carriers to earn adequate profits and to attract capital;
- d. developing and maintaining a sound and transparent regulatory system that is responsive to the needs of the public;
- e. encouraging the development of an economically viable air transportation network in Kosovo that fosters internal as well as regional economic development;

- f. preventing unfair, deceptive, or anticompetitive practices in domestic and foreign air transportation;
- g. encouraging entry into air transportation markets by new and existing air carriers to promote a more effective and competitive airline industry; and
- h. encouraging the provision, by market participants, of inter-modal transportation services, including business arrangements and facilities that will increase efficiency and convenience and lower costs for consumers.

Article 8 International Negotiations, Agreements, and Obligations

8.1 The Minister shall inform and consult with the Director General and, as may be necessary or appropriate, the heads of other concerned public authorities about any negotiations leading or intending to lead to an agreement with a government of a foreign country relating to air transportation.

8.2 In carrying out the present law, the Minister shall (i) act in a manner that is consistent with obligations of the Republic of Kosovo under international agreements, and (ii) be accountable under the law applicable in the Republic of Kosovo and requirements under contracts with foreign countries that have been freely entered into by the Republic of Kosovo.

Article 9 Conflict of Interest

The Minister shall have no direct or indirect monetary, financial or other interest in any aeronautical enterprise.

Article 10 Ministry Staffing

10.1 The Ministry shall recruit professional and experienced staff, as needed, to ensure effective and efficient implementation of the functions and responsibilities vested in the Ministry by the present law. Recruitment of staff responsible for aviation-related functions shall be on grounds of merit, documented competence and experience in carrying out such functions.

10.2 In order to ensure that key aviation-related positions within the Ministry are filled with suitably qualified persons, the Ministry may – if necessary - procure the services of up to seven (7) qualified outside professional and/or technical experts to fill such positions in a procurement procedure that strictly complies with the requirements of the Law on Public Procurement in Kosovo (the “Procurement Law”); provided, however, that (i) the conduct of such procurement shall be done using the restricted procedures provided for in Article 31 of the Procurement Law; (ii) the minimum qualifications for each such position shall be established in a manner that ensures that only qualified candidates will be invited to submit a tender; (iii) the contract value for each such procurement shall be established at a level that can reasonably be expected to attract a substantial number of tenders from qualified candidates; and (iv) the concerned contract notice shall be published (a) in accordance with the publication requirements established by or pursuant to Article 40 of the Procurement Law, and (b) in an English language publication enjoying wide circulation in the European Union.

Article 11 Accountability and Authority

11.1 The activities of the Minister and the Ministry shall comply with the policies, legislation, standards and international agreements applicable to civil aviation in Kosovo.

11.2 Subject to the foregoing, the Minister may take any action that is reasonably necessary to implement the present law, including conducting investigations; prescribing regulations, standards, and procedures; awarding air carrier Operating Licenses; and issuing orders, and may take steps necessary to ensure compliance and to penalize non-compliance with such action.

Article 12 Administrative Disputes

12.1 Except as provided in paragraph 2 of this Article, any person who has a specific interest in and is aggrieved by any procedural or substantive act or omission of the Minister or the Ministry, and who believes that such act or omission is contrary to the requirements of the present law or any other applicable normative act, may challenge such act or omission in accordance with the general law on administrative procedures.

12.2 If the dispute relates to an alleged violation of the Procurement Law, the review and appeal procedures of that law, and not in paragraph 1 of this Article, shall apply.

Article 13 Delegation of Functions

The Minister may, in writing, delegate the duties and powers of the Minister to any subordinate of the Minister; provided, however, that the Minister shall remain principally responsible for ensuring that such subordinate properly and lawfully exercises any duty or power that has been so delegated.

CHAPTER III Civil Aviation Authority of the Republic of Kosovo

Article 14 Civil Aviation Authority of the Republic of Kosovo

14.1 The Civil Aviation Authority of the Republic of Kosovo (the "CAA") shall be established as an independent regulatory agency. The CAA shall be responsible for the regulation of civil aviation safety and the economic regulation of airports and air navigation services in the Republic of Kosovo. The CAA shall have full legal capacity. The CAA shall be a budget organization and a public authority and shall be subject to the provisions governing budget organizations and public authorities found in other laws and normative acts applicable in the Republic of Kosovo.

14.2 The CAA shall be headed by a full-time Director General of Civil Aviation (the "Director General"), who shall be the officer of the CAA responsible for the overall day-to-day management and decision-making of the CAA.

14.3 The CAA shall have such professional and administrative staff as may be necessary for the CAA and the Director General to fulfill the functions and responsibilities assigned to them by the present law.

14.4 The activities of the CAA shall be supervised by a Supervisory Board (hereinafter the "Board") comprised of five members. The members of the Board shall be appointed as provided for in Article 16 of this law.

14.5 The CAA shall act in the public interest and shall independently exercise the powers and carry out the functions vested in it by the present law. No other public authority or official shall seek to influence or give instructions or advice to a board member, the Director General or a staff member or consultant of the CAA with respect to any pending or completed operational or regulatory decision or action of the

CAA, except (i) as may be specifically and explicitly provided for in the present law, or (ii) as may be clearly necessary for such other public authority or official to properly discharge a duty assigned by a primary normative act applicable in Kosovo

Article 15 Powers and Responsibilities of the CAA

15.1 The CAA shall be responsible for:

- a. implementing civil aviation legislation and giving effect to policies adopted by the Ministry or the Government in the field of civil aviation;
- b. providing advice and proposals to the Ministry, the Government and the Assembly regarding policies and legislation for the civil aviation sector;
- c. issuing implementing regulations and air navigation orders, in accordance with the present law and the ECAA Agreement, to implement civil aviation policies adopted by the Ministry and relevant legislation related to civil aviation;
- d. issuing licenses, certificates and permits in accordance with the CAA's competencies and responsibilities referred to in Article 14 and this Article;
- e. regulating the safety of air transportation in the Republic of Kosovo;
- f. regulating the economics of airports and air navigation services;
- g. providing advice to the Minister in connection with the Minister's development of proposed policies for the use of Kosovo airspace that meet the needs of users, taking into account national security, economic and environmental factors, and the need for a high standard of safety;
- h. supervising and ensuring effective implementation of civil aviation legislation, standards, rules, procedures and orders, except where the present law or another primary normative act specifically and exclusively assigns such a function to the Ministry or another public authority;
- i. disseminating information to the public about matters relevant to the functions and activities of the CAA;
- j. to the extent consistent with the provisions and intent of the present law: performing such acts, conducting such investigations and inspections, and issuing such orders, rules, regulations, and/or procedures as the CAA may deem reasonably necessary to properly and lawfully (i) implement the applicable provisions of the present law or (ii) discharge the powers and duties assigned to the CAA by the present law; and
- k. performing any other functions pertaining to civil aviation in Kosovo assigned to it by the present law or another primary normative act.

15.2 No later than March 31 of every calendar year, the Director General shall develop, finalize and provide to the Board, the Ministry, the Government and the Assembly, a comprehensive annual report providing detailed information for the immediately preceding calendar year on: (i) the organization, operations, staffing and salary levels of the CAA, (ii) the procurements, financial management and budgetary matters of the CAA, (iii) all administrative complaints, disputes and procedures filed or taking place during such calendar year; and (iv) all executive, regulatory and licensing decisions and actions of the CAA. Such annual report shall include as an annex the business and finance plan for that calendar year referred to in paragraph 3 of Article 19 of this Law.

Article 16

Supervisory Board

16.1 A Supervisory Board (the "Board") shall be established to supervise and review (i) the administrative, executive, regulatory and licensing activities and decisions of the CAA and (ii) all aspects of the financial management, revenues and expenditures of the CAA. If a majority of the members of the Board determine that there are reasons to believe that the CAA is not complying or has not complied with one or more provisions of the present law or another normative act applicable in Kosovo, the Board shall identify the suspected area of non-compliance in a written report and provide such report to the Auditor General and the Assembly. The Board shall have no executive, enforcement or regulatory powers

16.2 The Board shall be part-time and shall meet at least once every calendar quarter. One week prior to each such meeting, the Director General shall provide each and every member of the Board with an up-to-date written report summarizing the matters described in paragraph 1 of this Article.

16.3 Board members shall be appointed by the Government after receiving the proposals and advice of the Minister. A person shall not be a member of the Board if he/she is an official, employee or consultant of (i) the CAA, (ii) the Ministry, (iii) the Ministry of Internal Affairs, or (iv) an aviation enterprise regulated by any of the foregoing.

16.4 The initial members of the Board shall have the following terms of office: (i) the initial Chairman and one other initial member, two years; and (ii) the other three initial members, four years.

16.5 At the expiration of his/her term, any member may be reappointed for an additional four-year term; provided, however, that no person may serve on the Board for more than a total of ten (10) years.

16.6 Board members shall: (i) have at least a university degree in aeronautics, management, law, economics, finance or engineering, (ii) have at least five (5) years of substantial professional experience in one or more such fields, and (iii) be persons of high moral and professional integrity.

16.7 Board members shall have no direct or indirect monetary, financial or other interest in any aeronautical enterprise.

16.8 The Board members shall be compensated for their service. The amount of such compensation shall be established by the Government in accordance with the sub-legal acts of the Government governing such compensation. Such compensation shall be paid out of dedicated revenue of the CAA.

16.9 A person shall cease to be a Board member prior to the expiration of his/her term, if he/she submits his/her resignation to the Government or is dismissed by the Government. The Government may dismiss a Board member only if the respective Board member:

- a. has breached his/her professional duties;
- b. is convicted of a criminal offence by a court of competent jurisdiction and in accordance with due process;
- c. has or acquires a direct or indirect interest in any business organization that is engaged in the civil aviation sector;
- d. becomes mentally or physically incapable of performing his/her duties for a period longer than three consecutive months;
- e. fails to attend two or more meetings in a 12-month period; or
- f. fails to comply with the laws or policies applicable to the civil aviation sector.

16.10 A Board member who believes he/she has been unlawfully dismissed may seek legal remedies directly before a competent court.

Article 17
Organization of the Board and Decision-making Procedures

17.1 The Chairman shall represent the Board in public and shall manage and organize the work of the Board.

17.2 Board meetings shall be convened by the Chairman on a quarterly basis. Such meetings may be conducted through electronic means. No meeting may be convened unless all members have been given at least 72 hours prior written notice of such meeting. A Board member shall have the right to attend any such meeting either (i) by being present in the location where the meeting takes place or (ii) by electronic, including telephonic, means from another location. A Board member may not delegate or assign his right to participate in or vote at a Board meeting to any other person.

17.3 The Board shall make decisions by majority vote. The Board shall have a quorum to make a decision if at least three Board members are present at a duly called and noticed meeting at the time the decision is made.

17.4 The Chairman shall chair the Board meetings. If it becomes necessary for the Board to meet in the absence of the Chairman, the eldest member in attendance shall chair the meeting.

17.5 The Board shall prepare and adopt its rules and procedures.

Article 18
Competencies of the Chairman

The Chairman shall be responsible for:

- a. performing all functions vested in him/her by law and delegated to him/her by the Board;
- b. conducting the ordinary business of the Board in accordance with any decisions or instructions duly adopted by the Board; and
- c. calling and preparing meetings of the Board.

Article 19
Functions of the Supervisory Board

19.1 In order to ensure that the Board is able to carry out its core functions and responsibilities as specified in paragraph 1 Article 16 of this law, the Director General shall timely provide the Board with the reports required by paragraph 2 Article 15, paragraph 2, Article 16 and paragraph 2 Article 22 of this law.

19.2 The Board shall review and approve or reject any report prepared by the Director General. If the Board rejects such a report, it shall provide the Director General with a detailed written explanation of the reasons for such rejection and a clear indication of the deficiencies that must be corrected.

Article 20
Director General of the CAA

20.1 A person may be appointed as the Director General if he/she possesses all of the following qualifications: (i) he/she shall have a university degree, (ii) he/she has five or more years of substantial management and related professional experience in the field of civil aviation; (iii) he/she has substantial fluency in the English language; (iv) he/she has not been convicted of a criminal offence; (v) he/she has

no direct or indirect monetary, financial or other interest in any business organization that is engaged in the civil aviation sector, and (vi) he/she is a person of high moral and professional integrity.

20.2 The Government shall establish the compensation that shall be paid to the Director General. In establishing the compensation of the Director General, the Government shall (i) give serious consideration to the great importance of the position of the Director General for the proper and safe conduct of civil aviation activities in Kosovo, (ii) take into consideration the compensation paid to civil aviation professionals in other European countries who are responsible for similar functions, and (iii) establish such compensation at a level that can reasonably be expected to attract and retain a highly professional person who has the expertise needed to competently discharge the functions of the position.

20.3 The Minister shall make reasonable efforts to identify persons who possess the qualifications specified above and who are interested in being appointed as the Director General. The Minister shall provide to the Government (i) the name and c.v. of each candidate who possesses the required qualifications, and (ii) the Minister's recommendation with respect to each such candidate. After receiving the foregoing from the Minister, the Government shall appoint the Director General.

20.4 The position of the Director General is a full-time position. The Director General shall be appointed for a term of five (5) years. The Director General may be re-appointed by the Government for successive terms of the same duration. Prior to the expiration of any such term, the Government may, acting on its own initiative or upon a proposal of the Minister, dismiss the Director General only if he/she:

- a. has seriously breached his/her professional duties;
- b. is convicted of a criminal offence by a court of competent jurisdiction and in accordance with due process;
- c. acquires a direct or indirect monetary, financial or other interest in any business organization that is engaged in the civil aviation sector; or
- d. becomes mentally or physically incapable of performing his/her duties for a period longer than three consecutive months; or
- e. engages in any other business, vocation or employment.

20.5 If the General Director believes he/she has been unlawfully dismissed, he/she may seek legal remedies directly before a competent court.

Article 21 General Authority of the Director General

21.1 Except as otherwise specifically provided for in the present law, and notwithstanding any other provision of law, the Director General shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of any public authority or official on any matter over which the present law gives the CAA final or exclusive authority.

21.2 The Director General shall have the power to perform such acts, to conduct such investigations and inspections, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedures pursuant to and in accordance with the provisions of the present law, as the Director General may reasonably deem necessary to carry out the provisions of, and the exercise and performance of the powers and duties assigned under, the present law.

21.3 The Director General is authorized to issue, rescind, and revise such rules, regulations and procedures as may be reasonably necessary to carry out those functions. If another primary normative act establishes or contains provisions governing the notice and issuance of such rules, regulations and/or procedures, the Director General shall comply therewith.

21.4 The Director General shall provide for the publication of all reports, orders, decisions, rules, and regulations issued under the present law in such form and manner as may be best adapted for public information and use.

21.5 In the conduct of any investigations authorized by the present law, the Director General shall have the power to take evidence, and to issue an order to any person to appear at the CAA and to provide documents and/or testimony regarding any matter that the Director General considers, in the exercise of his/her reasonable discretion, relevant to the subject matter of such investigation. If another primary normative act establishes or contains provisions governing such matters, the Director General shall comply therewith.

Article 22 Financial Management and Reporting

22.1 The Director General shall comply with the reporting requirements specified in paragraph 2 Articles 15 and paragraph 2 Article 16 of this law.

22.2 Ninety (90) days prior to the commencement of any calendar year, the Director General shall also prepare and submit to the Board a Business and Finance Plan for the CAA for that upcoming calendar year.

22.3 The Director General shall also ensure that the CAA complies with all applicable provisions of the Law on Public Financial Management and Accountability.

Article 23 Delegation of Functions

23.1 The Director General may, subject to such regulations, supervision, and review as may be prescribed, assign to any officer, employee, or administrative unit of the CAA the authority to perform any of the functions of the CAA or the Director General specified in the present law.

23.2 The Director General may, when reasonably necessary to ensure the proper discharge of the functions assigned to the CAA by the present law, authorize the CAA to engage a qualified contractor to carry out any such function. The selection of such contractor shall be done through a competitive procurement process that strictly complies with the Law on Public Procurement. The Director General shall ensure that no such function is carried out in such a way that air operators, aerial work or general aviation operators and maintenance facilities, in effect, regulate themselves.

23.3 The Director General shall remain principally responsible for the proper performance of any function, power or duty assigned or contracted pursuant to Article 24 of this law.

Article 24 CAA Staff

24.1 The Director General shall recruit professional and experienced staff to ensure effective and efficient implementation of the functions and responsibilities vested in the CAA under the present law. Recruitment of staff shall be on grounds of merit, documented competence and experience relevant for civil aviation.

24.2 The Director General may, subject to the review and approval of the Minister of Economy and Finance, establish a salary scale for the members of the professional staff of the CAA that compensates each such professional staff member at a level that is consistent with (i) the degree of his/her demonstrated competence, (ii) the quality of his/her education, (iii) the degree of educational

achievement, and (iv) his/her demonstrated professional knowledge and experience. In establishing such salary scale, consideration shall be given to the compensation of positions in the civil aviation industry requiring similar competence, education, knowledge and experience.

24.3 If clearly necessary to ensure that key aviation-related positions within the CAA are filled with suitably qualified persons, the CAA may procure the services of up to nine (9) qualified outside professional and/or technical experts to fill such positions in a procurement procedure that strictly complies with the requirements of the Law on Public Procurement in Kosovo (the "Procurement Law") and the other specific conditions established in paragraph 2 Article 10 of this law.

Article 25 Budget of CAA

25.1 The dedicated revenues of the CAA shall consist of:

- a. aviation-related taxes, charges and fees;
- b. a percentage of air navigation services provided within the Republic of Kosovo's air space;
- c. passenger safety charges, and certificate and licensing charges; and
- d. donations, grants and any other financial or technical support designated for the CAA.

25.2 For each fiscal year, the Director General shall develop a proposed budget and appropriations request for the CAA and submit such proposed budget and appropriations request to the Supervisory Board. The Supervisory Board shall review, modify as it deems necessary or appropriate, and approve such documents and submit them to the Minister of Economy and Finance. The preparation and submission of such documents shall (i) be done in accordance with the applicable requirements of the Law on Public Financial Management and Accountability and the provisions of the CAA Business and Finance Plan as approved by the Supervisory Board, and (ii) take into account the level of the CAA's current and reasonably expected amount of dedicated revenues.

Article 26 Accountability and Liability

The Director General shall be accountable to the Assembly for the CAA's compliance with civil aviation policies, and all applicable legislation and standards in the Republic of Kosovo.

Article 27 Administrative Disputes

27.1 The CAA shall issue decisions, licenses, certificates or permits in accordance with the relevant Kosovo law and other legislation in force, unless otherwise determined in the present law.

27.2 Except as provided in paragraph 3 of this Article, any person who has a specific interest in and is aggrieved by any procedural or substantive act or omission of the Director General or the CAA, and who believes that such act or omission is contrary to the requirements of the present law or any other applicable normative act, may challenge such act or omission in accordance with the general law on administrative procedures.

27.3 If the dispute relates to an alleged violation of the Procurement Law, the review and appeal procedures of that law, and not in paragraph 2 of this Article, shall apply.

CHAPTER IV
Ministry of Internal Affairs

Article 28
Ministry of Internal Affairs

28.1 The Ministry of Internal Affairs shall be responsible for the creation and maintenance of civil aviation security in the Republic of Kosovo. The Ministry of Internal Affairs shall receive technical support from the CAA regarding aviation safety implications. In order to ensure proper coordination between the CAA and the Ministry of Internal Affairs, the CAA shall make an office within its headquarters available for the use of two (2) civil aviation security personnel from the Ministry of Internal Affairs.

28.2 The Ministry of Internal Affairs shall be responsible for implementation of, and adherence to, the international conventions and those aspects of the EU's *acquis communautaire* as may apply to civil aviation security.

28.3 The Ministry of Internal Affairs shall recruit professional and experienced staff to ensure effective and efficient implementation of the functions and responsibilities vested in the Ministry of Internal Affairs by the present law. Recruitment of staff shall be on grounds of merit, documented competence and experience relevant for civil aviation.

28.4 In order to ensure that key aviation-related security positions within the Ministry of Internal Affairs are filled with suitably qualified persons, the Ministry of Internal Affairs may – if necessary - procure the services of up to two (2) qualified outside professional and/or technical experts to fill such positions in a procurement procedure that strictly complies with the requirements of the Law on Public Procurement in Kosovo (the “Procurement Law”) and the other specific conditions established in Article 10.2.

Article 29
Accountability and Liability

The Minister of Internal Affairs shall be accountable to the Assembly for the Ministry of Internal Affairs' compliance with this Law.

Article 30
Administrative Disputes

30.1 Except as provided in paragraph 2 of this Article, any person who has a specific interest in and is aggrieved by an act or omission of the Minister of Internal Affairs or Ministry of Internal Affairs, and who believes that such act or omission is contrary to the requirements of the present law or any other applicable normative act, may challenge such act or omission in accordance with the general law on administrative procedures.

30.2 If the dispute relates to an alleged violation of the Procurement Law, the review and appeal procedures of that law, and not in paragraph 1 of this Article, shall apply.

CHAPTER IV
Aeronautical Accident and Incident Investigations Commission

Article 31
Aeronautical Accident and Incident Investigations Commission

31.1 The Aeronautical Accidents and Incidents Investigation Commission (AAIIC) is hereby established as a unit within the Office of the Prime Minister.

31.2 The AAIC shall not be a separate budget organization. The Chairman of the AAIC shall serve as the chief administrative officer of the AAIC. The other financial officers (the procurement officer, chief financial officer, internal auditor and certifying officer) of the AAIC shall be the persons holding those positions in the Office of the Prime Minister. In all other respects, the operations, investigations and decision-making activities of the AAIC shall be independent of the Government and the Office of the Prime Minister. The term “financial officers” as used in this Article shall have the meaning assigned to that term by the Law on Public Financial Management and Accountability.

31.3 The AAIC shall be completely independent of the aviation industry, the CAA, the Ministry, the Ministry of Internal Affairs and other public authorities and officials. Notwithstanding the foregoing, the AAIC shall comply with all primary normative acts governing public authorities and public officials. The AAIC shall also be subject to audits and investigations conducted by the Ministry of Internal Affairs, the Auditor General and other public authorities aimed at ascertaining or ensuring the compliance of the AAIC with such primary normative acts.

31.4 The AAIC shall be responsible for aviation-related accident and incident investigations within Kosovo or affecting Kosovo registered aircraft wherever they may be. Whenever required or advisable, the AAIC shall work in association with other national and international bodies engaged in the same function. Whenever the AAIC conducts or participates in such an investigation, the AAIC shall prepare a detailed report on that investigation and submit such report to the Government and the Assembly as soon as possible but no later than six (6) months after such investigation has been completed.

31.5 The AAIC shall, as may be reasonably necessary, prepare information and recommendations on flight safety and submit these to the CAA, the Government and the Assembly.

31.6 The AAIC shall have the authority to require any public authority of Kosovo and/or any private person or organization in Kosovo to provide the AAIC with assistance needed by the AAIC in connection with the conduct of an investigation that is referred to in paragraph 4 of this Article or that is required by an international agreement or international aviation organization.

31.7 The AAIC shall be comprised of three (3) natural persons. Each such person shall (i) have substantial fluency in the English language, (ii) have substantial technical experience in the aviation industry, (iii) not have been convicted of a penal offence; (iv) have no direct or indirect monetary, financial or other interest in any business organization that is engaged in the civil aviation sector, and (v) be a person of high moral and professional integrity.

31.8 The three (3) members of the AAIC shall be selected and appointed by the Government after receiving the recommendations of an ad hoc panel of senior civil servants and advisors appointed by the Government to identify and recommend candidates for the AAIC. The panel shall adopt and observe strict conflict of interest rules that, inter alia, prevent a member of the panel from voting or participating in or influencing the selection process with respect to any candidate who is known to or associated with that panel member (whether through family, business, institutional or political connections).

31.9 Each member of the AAIC shall be appointed for, and shall agree in writing to serve for the entire duration of, a term of five (5) years. A member may be re-appointed for one or more additional terms if he/she agrees in writing to serve for the entire duration of such additional term. The Government shall appoint one of the three (3) members of the AAIC to act as its Chairperson. The Chairperson shall be responsible for representing the AAIC outside the Government and for organizing and conducting the day-to-day administrative business of the AAIC. Decisions of the AAIC on the conduct of investigations and the preparation and adoption of reports shall be taken by a majority of its members.

31.10 The permanent secretary of the Office of the Prime Minister shall ensure that the AAIC is provided with whatever secretarial and administrative staff it may reasonably require. In addition the AAIC may recruit and hire no more than three (3) technical and/or professional staff to help the AAIC ensure the effective and efficient implementation of the functions and responsibilities vested in the AAIC

by the present law. Recruitment of such staff shall be on grounds of merit, documented competence and experience relevant for civil aviation.

31.11 As soon as possible after the three (3) initial members of the AAIC are appointed by the Government, the members of the AAIC shall have an immediate and ongoing obligation to identify and enroll in training courses covering all aspects of internationally accepted aviation accident/incident investigation techniques and methods. The AAIC shall ensure that such training is only provided by internationally recognized authorities and organizations having substantial experience conducting such training. If such training is to be provided by a public authority outside Kosovo or by a recognized international organization, and such training must be paid for at the standard published rates charged by such public authority or international organization, the Law on Public Procurement in Kosovo shall not apply to the selection of or the training contract with such public authority or international organization.

31.12 Any training contract with any provider of such investigation training services shall contain, as a mandatory element, a requirement that the provider of such training services (i) prepare a written evaluation of the performance of each member of the AAIC and (ii) at the conclusion of the training course, provide a copy of those evaluations to the permanent secretary of the Office of the Prime Minister, who shall immediately distribute them to each member of the Government. If a member of the AAIC receives a negative overall performance evaluation, the Government may immediately terminate such member and appoint, as provided above, a new member to the AAIC. If a member of the AAIC receives, within a five (5) year period, two negative evaluations, the Government shall immediately terminate such member and appoint a new member. The term of such new member shall be for five (5) years beginning on the date of his/her appointment.

31.13 In addition, the Government may dismiss a member of the AAIC prior to the expiration of his/her term, if such member:

- a. has seriously breached his/her professional duties;
- b. is convicted of a penal offence by a court of competent jurisdiction and in accordance with due process;
- c. acquires a direct or indirect monetary, financial or other interest in any business organization that is engaged in the civil aviation sector; or
- d. becomes mentally or physically incapable of performing his/her duties for a period longer than three consecutive months; or
- e. engages in any other business, vocation or employment.

31.14 If a member of the AAIC believes he/she has been unlawfully dismissed, he/she may seek legal remedies directly before a competent court.

31.15 Immediately after the initial three (3) members of the AAIC are appointed, the AAIC shall, using the Procurement Officer of the Office of the Prime Minister, conduct a procurement leading to the award of a framework contract with an outside and highly qualified provider of aviation-related accident or incident investigation services. Such contract shall, inter alia: (i) have a four (4) year term, (ii) give the AAIC the right to require the contractor to provide such aviation-related accident/incident investigation services as and when the AAIC may require, (iii) require the contractor to have at least one professional and experienced investigator at the site of the concerned incident or accident within 24 hours after receiving notice of such incident or accident from the AAIC, (iv) generally contain such other clauses and provisions as are customary in such a contract, and (v) otherwise comply with the Law on Public Procurement. Upon the expiration or termination of that contract, if and to the extent the AAIC deems it necessary to do so, the AAIC may, again using the Procurement Officer of the Office of the Prime Minister, conduct another procurement leading to the award of a successor framework contract with an outside and highly qualified provider of aviation-related accident or incident investigations.

**TITLE III
RULES GOVERNING CIVIL AVIATION**

**PART 1
Air Operators, Carriers and Personnel**

**CHAPTER I
Air Operator's Certificate**

**Article 32
Requirement for an Air Operator's
Certificate**

Any Citizen of the Republic of Kosovo desiring to engage in air operations in Kosovo shall obtain and possess a current and valid Air Operator's Certificate ("AOC") issued by the CAA.

**Article 33
Air Operator's Certificate
Requirements**

33.1 All requirements for an AOC shall be established by the CAA in implementing regulations issued under the authority of this Law.

33.2 The CAA shall ensure that such regulations satisfy all applicable ECAA and EASA requirements.

**CHAPTER II
Air Carriers**

**Article 34
Requirement for an Air Carrier's
Operating License**

Any Citizen of the Republic of Kosovo in possession of an AOC issued by the CAA who desires to engage in the carriage by air of persons, baggage, cargo and/or mail for remuneration, hire, or reward shall obtain and possess a current and valid air carrier's operating license, issued by the Ministry. The Ministry shall only issue such a license in conformity with Council Regulation (EEC) No. 2407/92 of 23 July 1992 on licensing of air carriers.

**CHAPTER III
Foreign Air Carriers**

**Article 35
Requirement for Air Operator's
Certificate and Operating
License**

35.1 Unless the ECAA Agreement provides otherwise, a foreign air carrier shall hold a valid AOC and an operating license issued by the competent authorities in its country of nationality. Such a carrier may operate to, from and/or via Kosovo (i) on the basis of formal bilateral or multilateral air transport agreements approved and regulated by the Ministry, or (ii) on the basis of a written decision of the Ministry.

35.2 A decision of the Ministry referred to in paragraph 1 of this Article above shall be valid for the period specified in the decision, which may not be longer than one year. Such a decision may be renewed.

35.3 An agreement or Ministry decision referred to in paragraph 1 of this Article may be revoked (i) in accordance with its terms or (ii) if the foreign air carrier violates the sovereignty or public order of the Republic of Kosovo.

CHAPTER IV
Route Licenses and Permissions to Operate
Scheduled and Non-Scheduled Air Services

Article 36
Route Licenses for Non-ECAA
Carriers

36.1 The Ministry shall issue an operating license to a non-ECAA carrier on the scheduled routes that are indicated in the concerned bilateral or multilateral agreement or Ministry decision referred to in Article 35 of this Law.

36.2 To the extent that non-scheduled flights are not covered by a bilateral or multilateral agreement, such flights must have been approved by a Ministry decision, either for a single flight or a series of flights. No such decision shall be valid for longer than one year.

CHAPTER V
Aviation Personnel

Article 37
Airman License and Ratings

Any person acting as an airman shall hold an appropriate license and rating granted or rendered valid by the CAA under the present law and the relevant implementing regulations. Rating refers to an entry on a license stating special conditions, privileges or limitations. The foregoing also applies to air navigation and maintenance personnel as well as flight operations officers, aeronautical station operators and flight instructors.

Article 38
Recognition of the Licenses and Ratings of
Airmen

Licenses and ratings of airmen issued or recognized as valid in a foreign country are rendered valid if the requirements under which such licenses and ratings were issued are equal to or above the standards established under the present law.

Article 39
Suspension and Revocation of Airman's
License

39.1 Where the holder of a license does not comply with the requirements of the present law and the relevant implementing regulations, the CAA shall notify the license holder of the deficiency observed and shall set a deadline for corrective action. In the event that the holder does not correct the deficiency satisfactorily by the deadline imposed by the CAA, the CAA may suspend or revoke the license by a

written decision setting forth the factual and legal bases of such decision. A revoked or suspended license shall be promptly returned to the CAA.

39.2 In the event of an emergency affecting the public safety and in exceptional circumstances, as defined by the relevant aspects of the EU's *acquis communautaire*, the CAA may immediately suspend or revoke such a license or license privileges.

PART 2 Operation of Aircraft

CHAPTER I General Rules

Article 40 Civil Aircraft Registry

40.1 The CAA shall maintain the Civil Aircraft Register of Kosovo. Every calendar quarter, the CAA shall send an updated copy of such register to the Minister.

40.2 An aircraft may only be registered in Kosovo:

- a. if it is not registered in a foreign state;
- b. if it is owned and/or operated by a Citizen of Kosovo or by a person who is a national or citizen of an EU or ECAA member State; and
- c. in the case of short-term lease agreements to meet temporary needs of the air carrier or in the case of exceptional circumstances, the CAA may grant waivers to the requirement of Article 40.2.a, under the terms of Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers;

40.3 The CAA may establish further provisions on the registration of aircraft in implementing regulations.

Article 41 Markings and Registration Signs

Aircraft registered in Kosovo shall bear the nationality mark assigned to Kosovo by ICAO and a special registration sign granted to each aircraft when registered.

Article 42 Removal of Civil Aircraft Registry

An aircraft registered in Kosovo shall be removed from the Civil Aircraft Register of Kosovo (i) upon the written request of the owner and/or operator, (ii) when it no longer meets the requirements of the present law, or (iii) when it has been missing for three months and search and rescue have been completed.

Article 43 Applicability of Article 83bis of the Chicago Convention

In accordance with Article 83bis of the Chicago Convention, the Minister may, by agreement with a foreign state: (i) transfer responsibility for an aircraft registered in Kosovo to a foreign state, and (ii) agree to the transfer of responsibility for an aircraft registered in a foreign state to Kosovo. In the latter case,

the concerned aircraft shall become subject to the present law and the implementing regulations issued hereunder at the moment such transfer of responsibility is complete.

Article 44
Type Certificate, Certificate of
Airworthiness and Certificate of
Release

Kosovo-registered aircraft shall possess a type certificate, a certificate of airworthiness and a certificate of release to service, all issued by the CAA. They must be adequately insured. The CAA may establish further provisions on these matters in implementing regulations.

CHAPTER II
Special Rules

Article 45
Banned Aircraft

Aircraft subject to an operating ban under EU Regulations shall not be permitted to operate in the airspace of Kosovo.

Article 46
Restricted Type Certificates

In exceptional cases, the CAA may issue restricted type certificates.

Article 47
Restricted Certificates of Airworthiness

In exceptional cases, the CAA may issue restricted certificates of airworthiness.

CHAPTER III
Maintenance

Article 48
Continuing Airworthiness

The owner and operator, and - if applicable – the lessee, are jointly and severally responsible for ensuring the continuing airworthiness of an aircraft through maintenance.

Article 49
Definition of Maintenance

Maintenance means any one or combination of the following: overhaul, repair, inspection, replacement, modification or rectification of defect, with the exception of pre-flight inspection. The CAA may establish more detailed provisions on maintenance in implementing regulations.

Article 50

Ramp Inspections

50.1 Inspectors of the CAA may subject aircraft from non-EU or non-ECAA countries to ramp inspections and/or spot checks at Kosovo airports. The conduct of such inspections shall be done on a non-discriminatory basis. The CAA may establish more detailed provisions on such inspections and spot checks in implementing regulations.

50.2 The Director General shall, upon demand, be given immediate and unrestricted access at any time to any civil aircraft located within Kosovo for the purposes of ensuring that those aircraft are airworthy and being operated in accordance with the present law and the implementing regulations issued hereunder.

50.3 The Director General shall, upon demand, be given immediate access at any time to civil aircraft registered in Kosovo without restriction wherever they are located or operated in the world for the purposes of ensuring that these aircraft are airworthy and are being operated in accordance with the present law and the implementing regulations issued hereunder.

Article 51 Grounding Hazardous Aircraft

Aircraft in a condition that is clearly hazardous to flight safety may be grounded, but only after the operator has been granted the opportunity to rectify deficiencies prior to flight departure and has failed to do so. In the case of foreign aircraft, the CAA shall immediately notify the competent foreign safety authorities.

CHAPTER IV Crew and Pilot-in-Command

Article 52 Sufficient Flight and Cabin Personnel

The operator of an aircraft shall employ sufficient flight and cabin personnel, adequately trained and checked. The CAA may establish more detailed provisions on such matters in implementing regulations.

Article 53 Minimum Number of Crew

The number and composition of crews shall not be less than specified in the flight manual and other operational instructions that are associated with the certificate of airworthiness of that particular aircraft.

Article 54 Pilot-in-Command

The pilot-in-command shall at all times during the flight be responsible for the operations of the aircraft under national and international rules. The pilot-in-command shall, in an emergency situation that requires immediate decision and action, take any action he/she considers necessary under the circumstances. In such cases he/she may, in the interest of safety, deviate from otherwise applicable rules, operational procedures and methods.

CHAPTER V Documentation

Article 55
Aircraft Documentation

The CAA may establish, in implementing regulations, the mandatory documentation that each aircraft registered in Kosovo shall be obligated to carry.

Article 56
Minimum Equipment List

An operator shall establish a "minimum equipment list" for each aircraft that it operates on the basis of the "master minimum equipment list" for the aircraft type in question. There may be inoperative equipment or other restrictions, but the list must be approved by the CAA and the aircraft must be operated in accordance with such approved list.

CHAPTER VI
Transportation of Dangerous Goods

Article 57
CAA Permission

Weapons and munitions, including explosives and noxious or toxic gasses, shall only be carried on board an aircraft (i) with the express written permission of the CAA, (ii) under the supervision of the pilot-in-command, and (iii) in strict conformity with national and international regulations.

Article 58
Inaccessibility to Passengers

Weapons shall be inaccessible to passengers during flight. All firearms shall be unloaded. Sporting weapons, intended to be carried on board aircraft, shall be reported to the carrier or operator.

Article 59
Other Dangerous Goods

Other dangerous goods, such as noxious or toxic gasses, nuclear fuel and radioactive materials may only be carried (i) with the express written permission of the CAA, and (ii) only under the conditions set by the CAA in implementing regulations, which shall take into account existing international rules and regulations in the area.

PART 3
Aerodromes, Airports, Airfields
and Gliding Fields

CHAPTER I
General rules

Article 60
Aerodromes

The provisions of this Part 3 shall apply to any aerodrome, as previously defined, except when it is clear that the concerned provision is specifically limited to a specific type of aerodrome.

Article 61 Aerodrome Certificates

61.1 Any person desiring to operate an aerodrome shall apply for an aerodrome operating certificate from the CAA. The CAA shall establish, in implementing regulations, all criteria that an applicant must meet in order to qualify for such a certificate. All such criteria shall have an objective and rational basis that is clearly related to advancing or protecting the public interest.

61.2 The CAA shall also establish, in implementing regulations, minimum safety standards for the operation of aerodromes that serve any scheduled or unscheduled passenger operations.

61.3 If the CAA finds, after investigation, that an applicant meets the criteria referred to in paragraph 1 of this Article and is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of the present law and the rules and standards established in the implementing regulations issued hereunder, the CAA shall issue an aerodrome operating certificate to such person.

61.4 Each aerodrome operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in commercial air transport. Unless the CAA determines that it would be contrary to the public interest, such terms, conditions, and limitations shall include - but not be limited to - terms, conditions, and limitations relating to:

- a. The operation and maintenance of adequate safety equipment, including fire fighting and rescue equipment capable of rapid access to any portion of the aerodrome used for landing, takeoff, or surface maneuvering of aircraft; and
- b. The condition and maintenance of primary and secondary runways as the Director General reasonably determines to be necessary.

61.5 The CAA shall provide a copy of each aerodrome certificate to the Ministry.

Article 62 Aerodrome Services and Operations

Manual

Each aerodrome operator shall prepare issue and maintain an “aerodrome services and operations manual”. The aerodrome operator shall submit such manual to the CAA, which shall review such manual. The CAA shall have the authority to require any changes in such manual that the CAA reasonably determines to be necessary or advisable. The manual shall, inter alia, indicate the organization of the aerodrome and specify the take-off and landing procedures and rules concerning the use of the aerodrome. The CAA shall publish the manual in aeronautical information publications.

Article 63 Concessions

63.1 The Government can and is authorized to award to a third party a concession for either (i) the management and operation of a publicly owned enterprise engaged in aerodrome and/or aviation-related activities, or (ii) those elements of aerodrome and/or aviation-related infrastructure that are publicly-owned and/or under the administration or ownership of a publicly owned enterprise, including, but not limited to, any aerodrome or air navigation service or facility. Any such concession shall be awarded through a procedure that complies with the Law on the Procedure for the Award of Concessions.

63.2 If the subject matter of the concession is the management and operation of a publicly owned enterprise engaged in aerodrome and/or aviation-related activities, the concession agreement may –

under the authority granted by the present law - vary or avoid any otherwise applicable provisions found in a law that specifically governs publicly owned enterprises.

63.3 If the concession is for elements of aerodrome and/or aviation-related infrastructure that are publicly owned and/or under the administration or ownership of a publicly owned enterprise, (i) any and all rights of a publicly owned enterprise in or to the concerned infrastructure shall be, as may be appropriate, either terminated or subordinated to the rights of the concessionaire under the concession agreement, (ii) the publicly owned enterprise shall have no right whatsoever to claim or receive any compensation whatsoever for the loss or subordination of such rights, and (iii) any rights and obligations of the concerned publicly owned enterprise arising under a contract with a third party shall, as matter of law, be assigned to and assumed by the concessionaire if such rights/obligations relate to the use or operation of the infrastructure being concessioned.

CHAPTER II Airports

Article 64 Airport Protective Zones

64.1 The CAA may determine that an airport requires a protective zone around it. The CAA may make such a determination (i) because of the scale of traffic of the airport, (ii) to ensure the safety and security of the airport, (iii) to ensure the integrity of customs and immigration operations conducted at the airport, and/or (iv) for other circumstances specific to that airport that raise compelling public interest concerns.

64.2 If the CAA determines that an airport requires a protective zone, the CAA shall establish the parameters of such protective zone, and shall have the authority to impose restrictions (i) on the classes of persons who may have access to the zone and (ii) on the activities, including construction activities, that may take place in the zone. In establishing the parameters of a protective zone, the CAA shall consult with the Ministry of Internal Affairs to ensure that such parameters are sufficient to ensure airport security.

64.3 Interference with aeronautical navigation services shall be avoided in a protective zone. Aviation obstacles, such as buildings, trees, wires, poles, dams and the like, shall also be prohibited in a protective zone. Only the public, a public authority or a publicly owned enterprise may own buildings or other immovable property within a protective zone.

Article 65 Expropriation

Where expropriation measures are necessary to create, expand and/or maintain a protective zone or to otherwise implement the requirements of Article 64, the provisions of the law applicable in Kosovo on expropriation shall apply; provided, however, that the determination of the CAA under Article 64 of this law on the need for, and the parameters of, the concerned protective zone shall, by itself, serve as compelling evidence that the creation, expansion or maintenance of such a zone within the specified parameters serves a legitimate and compelling public purpose.

Article 66 Noise Related Operating Restrictions

Noise-related operating restrictions may apply within and around the protective zone, based upon ICAO and EU / ECAA rules. Until 28 March 2012, exemptions may be given by the CAA on the basis of the aforementioned rules.

Article 67

Implementing Regulations

The CAA may establish implementing regulations for the provisions of this Part 3; provided, however, that the CAA shall not have the authority to, and shall not, establish implementing regulations for Articles 63 and 65 of this law.

Article 68 Slot Allocation Rules

Slot allocation rules at airports shall be governed by Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community Airports.

Article 69 Ground Handling

Ground handling at airports shall be governed by Council Directive 96/67/EC of 15 October 1996 on access to the ground-handling market at Community airports, and any amendments thereto. Exemptions may be granted by the CAA on the basis of Council Directive 96/67/EC.

Article 70 Suspension of Ground-Handling Obligations

Where a non-EU/ECAA country does not grant Kosovo air carriers and operators reciprocal ground-handling treatment abroad, the CAA may wholly or partially suspend the obligations arising from Council Directive 96/67/EC of 15 October 1996 in respect of suppliers of ground-handling services and airport users from that non-EU/ECAA country.

CHAPTER III Airfields

Article 71 Airfield Protective Zones

Unless the CAA specifically makes another determination on the basis of the factors specified in Article 64 of this law, an airfield, as previously defined, shall not require a protective zone. An airfield may be used for general or for specific traffic purposes.

Article 72 Special Rules for Airfields

The CAA may issue implementing regulations establishing special rules governing the operation of airfields.

CHAPTER IV Gliding fields

Article 73 Definition of Gliding Field; Extension of Operating Certificate

73.1 For the purposes of this Chapter 4, a “gliding field” means an aerodrome dedicated for use by gliders and motor gliders that are not capable of taking off by their own means.

73.2 The operating certificate issued by the CAA for such a field may be extended by the CAA to permit its use (i) by motor gliders that are capable of taking off by their own means, (ii) by balloons, (iii) by hauling aircraft, (iv) by hang-gliders and/or (v) for parachuting activities. The CAA shall have the authority to require a gliding field operator to have a certificate authorizing such uses even though some of these uses do not constitute the “use of aircraft” within the meaning of Chicago Convention on International Civil Aviation.

Article 74 Special Rules for Gliding Fields

The CAA may issue implementing regulations establishing special rules governing the operation of gliding fields.

PART 4 Rules of the Air

Article 75 Compliance with Visual or Instrument Flight Rules

Subject to Article 2 of the present law, aircraft operating in Kosovo air space or at Kosovo aerodromes shall comply with the international rules of the air, in particular with respect to visual flight rules (VFR) or instrument flight rules (IFR). The CCA may authorize deviations from these rules for domestic flights.

Article 76 International Flights

International flights shall only use airports with customs and immigration facilities. All such airports shall be designated by the CAA. The CAA may make exceptions to this rule in accordance with the applicable provisions of the EU’s *acquis communautaire*.

Article 77 Negligent or Reckless use of Aircraft

Aircraft shall not be operated in a negligent or reckless manner that endangers the life or property of any person.

PART 5 Air Navigation Services

Article 78 CAA as the National Supervisory Authority

The CAA shall be the National Supervisory Authority of Kosovo as provided for in Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004, which establish the framework for the creation of the single European sky (the “framework regulation”). Accordingly, the CAA

shall be responsible for the regulation of the safety and economics of air navigation services. The CAA shall be independent of the air navigation service providers.

Article 79 Regulation of Air Navigation Services

The regulation of air navigation services shall, where applicable, be based on ICAO, EU/ECAA, EASA and EUROCONTROL rules. The CAA shall issue implementing regulations, based on or consistent with the foregoing, governing the provision of domestic air navigation services.

Article 80 Composition of Air Navigation Services Regulations

Without limiting the generality of Article 79 of this Law, the implementing regulations referred to therein shall cover, at a minimum, the following services:

- a. air traffic management and control services;
- b. communication, navigation and surveillance activities;
- c. meteorological services; and
- d. aeronautical information services.

PART 6 Charges

Article 81 User Charges

The owners and operators of aircraft are obligated, jointly and severally, to pay user charges to the airport operator and the providers of air traffic, meteorological and other services for the aeronautical facilities and services used. The CAA shall issue implementing regulations establishing the rate to be charged for the use of each such service or facility. Such implementing regulations shall comply with the provisions enumerated in Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services, and any amendments thereto. The rates so established shall not discriminate between different users.

Article 82 User Charge Exemption

82.1 The following shall be exempt from airport and user charges:

- a. aircraft involved in search and rescue operations, as provided for hereunder in Part 7,
- b. aircraft used for humanitarian assistance in case of a natural disaster or state of emergency, and
- c. aircraft in distress

82.2 The CAA, after consulting with the Minister, may issue a decision denying such exemption, in whole or in part, to any aircraft otherwise entitled thereto. The CAA shall set forth in such decision the factual and legal basis therefore.

Article 83 Self-Help Remedies

An airport operator or its authorized representative shall have the right to delay the departure of any aircraft until the aircraft operator (i) pays the airport operator the applicable airport charges and other outstanding bills for services made available, or (ii) provides the airport operator with a payment guarantee, acceptable in form and substance to the airport operator, with respect to such charges and bills.

PART 7
Search and Rescue, and Accident Investigation

Article 84
Search and Rescue to be Conducted by Ministry of Internal Affairs

84.1 The Ministry of Internal Affairs shall be responsible conducting search and rescue activities connected with incidents involving civil aviation. In carrying out search and rescue, the Ministry of Internal Affairs shall (i) follow the applicable rules of ICAO and the EU/ECAA, and (ii) implement the ECAC recommendations.

84.2 The Ministry of Internal Affairs shall issue implementing regulations establishing rules and procedures for the conduct of search and rescue; provided, however, that such rules and procedures shall be consistent with paragraph 1 of this Article.

Article 85
Use of AAIC Reports

In a lawsuit or action for damages based on an aviation related incident or accident, no court or arbitral body shall admit into evidence or permit reference to be made to any part of any report of the AAIC that specifically relates to (i) the identification of the probable cause of an accident or (ii) an element of the accident investigation that was specifically aimed at identifying the probable cause of an accident. Findings of fact, as opposed to efforts to identify probable causality, made by the AAIC may be admitted into evidence in such a lawsuit or action.

Article 86
CAA Statistics

The CAA shall also maintain statistics, collect and disseminate data, and provide reports on the safety of civil aviation in Kosovo.

Article 87
**Conduct of Accident Investigations by
AAIC**

In carrying out incident and accident investigations, the AAIC shall (i) follow the applicable rules of ICAO and the EU/ECAA, and (ii) implement the ECAC recommendations.

PART 8
Civil Aviation Security

Article 88

Responsibility for Civil Aviation Security

The Ministry of Internal Affairs shall be responsible for the creation, maintenance, and oversight of civil aviation security in Kosovo. The CAA shall provide the Ministry of Internal Affairs with technical support and advice regarding the impact of civil aviation security measures on civil aviation safety.

Article 89 Ministry of Internal Affairs to act as the National Civil Aviation Security Committee

The Ministry of Internal Affairs shall act as the National Civil Aviation Security Committee of Kosovo in accordance with Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security, and any amendments thereto.

Article 90 Applicable International Civil Aviation Security Rules

90.1 All applicable international civil aviation security rules, i.e. those to which Kosovo has adhered, shall be applied in Kosovo.

90.2 In addition, the provisions of ECAC Doc. 30 shall be applicable in Kosovo.

90.3 The Ministry of Internal Affairs may issue implementing regulations that make international rules on aviation security applicable to domestic air services, even though such international rules on their face only apply to international air services.

PART 9 Civil Liability of Air Carriers and Air Operators

Article 91 Applicability of the Convention for the Unification of Certain Rules for International Carriage by Air

The provisions of the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 1999) shall be applicable in Kosovo for all contracts of carriage by air of passengers, baggage and cargo, whether it concerns domestic air carriage in Kosovo, or international carriage where Kosovo is the point of origin, point of destination or agreed stopping place.

Article 92 Supplemental Provisions

92.1 The provisions referred to in Article 91 of this Law shall be supplemented by (i) Regulation (EC) No. 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents, (ii) Regulation (EC) No. 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, and (iii) any amendments thereto.

92.1 Where it is necessary to convert Special Drawing Rights into the currency to be used for the payment of damages, the conversion rules of the International Monetary Fund shall be used.

Article 93
Liability for Damage on the Ground to Third Parties

93.1 An air operator's liability for damage on the ground to third parties shall be governed by the applicable ECAA provisions and Kosovo civil law.

93.2 If Kosovo adheres to an international agreement containing provisions governing an air operator's liability for damage on the ground to third parties, those provisions, and not in paragraph 1 of this Article, shall govern that subject matter.

PART 10
Consumer Protection

Article 94
General Consumer Protection
Rules

Consumer protection provisions found in the general laws of Kosovo, including but not limited to Law No.2004/17 on Consumer Protection, however named or designated, shall extend and be applicable to, as appropriate, consumers and providers of air transport and carriage services in Kosovo.

Article 95
Compensation and Assistance for Denied Boarding and Cancellation

95.1 Without prejudice to the general scope of Article 94 of this Law, it is specifically provided that the following shall apply in Kosovo: 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, and any amendments thereto.

95.2 The Ministry may, if there are exceptional circumstances justifying such action and such circumstances could not have been avoided, issue a temporary decision (having a validity period of no more than one year) that limits the rights of passengers under Regulation (EC) No. 261/2004.

TITLE IV
PUNITIVE PROVISIONS

Article 96
Administrative Fines for Interference

96.1 If a person interferes with the CAA, the Ministry, the Ministry of Internal Affairs or the AAIC in the exercise of its authority under the present law, the public authority that has been interfered with may impose an administrative fine on such person. If the person responsible for such interference is a natural person, the concerned public authority may impose an administrative fine on such natural person of up to 10,000 euros for each act of interference. If the person responsible for such interference is an organization or undertaking, the affected public authority may impose an administrative fine on such organization or undertaking of up to 25,000 euros for each act of interference.

96.2 In addition to (and not in lieu of) the imposition of an administrative fine in accordance with paragraph 1 of this Article and 97: (i) the CAA may revoke or suspend, for a definite or indefinite period, any certificate, permit or license that the CAA has previously issued to the interfering person, and (ii) the Ministry may revoke or suspend, for a definite or indefinite period, any certificate, permit or license that the Ministry has previously issued to the interfering person.

Article 97
Administrative Fines for Other Violations

97.1 If a person, other than a person conducting an operation in commercial air transport or international commercial air transport, violates any provision of the present law or any rule, regulation, or order issued hereunder, the concerned public authority may impose an administrative fine on such person in an amount not exceeding 150,000 euros for each such violation. If any such violation is a continuing one, each day of such violation shall constitute a separate violation.

97.2 If a person conducting an operation in commercial air transport or international commercial air transport violates any provision of the present law or any rule, regulation, or order issued hereunder, the concerned public authority (as defined above) may impose an administrative fine on such person in an amount not exceeding 1,000,000 euros for each such violation. If any such violation is a continuing one, each day of such violation shall constitute a separate violation.

97.3 In case a civil aircraft is involved in such a violation and the violation is by the owner or operator of the aircraft, such aircraft shall be subject to a lien for the penalty.

97.4 No person who has actual knowledge of the facts of the occurrence, or who can be imputed to have such knowledge as reasonable person exercising reasonable care in the circumstances, shall offer or accept dangerous goods for commercial air transport in violation of Annex 18 to the Chicago Convention or the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air. The CAA may impose an administrative penalty on any person who violates the foregoing prohibition in an amount not exceeding 150,000 euros for each part of the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air that has been violated.

Article 98
Administrative Fines, Considerations, Administrative Disputes

98.1 The concerned public authority shall have the power to assess any administrative fine imposed by such public authority pursuant to Article 96 or Article 97 of this law. In determining the amount of any such fine, the concerned public authority shall take into account the nature, circumstances, extent, and gravity of the violation, and, with respect to the person found to have committed such violation, the degree of culpability, history of prior offences, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

98.2 A person who has been subjected to an administrative fine and/or the revocation or suspension of a certificate, license or permit pursuant to Article 96 or 97, shall be entitled to dispute such action in accordance with the general law on administrative procedures.

Article 99
Criminal Violations

99.1 Certificate Violations. It shall be a crime for any person to:

- a. knowingly and wilfully forge, counterfeit, alter, or falsely make any certificate authorized by the present law;
- b. knowingly use or attempt to use any such fraudulent certificate; or
- c. knowingly and wilfully display, or cause to be displayed, on any aircraft any mark that is false or misleading as to the nationality or registration of the aircraft.

A person who violates any aspect of the foregoing shall be guilty of a criminal offence of the present law and shall, upon conviction by a competent court, be punished by (i) a fine not exceeding 10,000 euros for each such violation, and/or (ii) imprisonment for up to three (3) years.

99.2 Interference with Air Navigation. It shall be a crime for any person to:

- a. with intent to interfere with air navigation within Kosovo, exhibit within Kosovo any light, signal, or communication at such place or in such manner that is likely to be mistaken for (i) a true light or signal established pursuant to the present law, or (ii) a true light or signal in connection with an airport or other air navigation facility,
- b. continue to maintain such a misleading light or signal after due warning by the Director General;
or
- c. knowingly remove, extinguish, or interfere with the operation of any such true light or signal.

A person who violates any aspect of the foregoing shall be guilty of a criminal offence of the present law and shall, upon conviction by a competent court, be punished by (i) a fine not exceeding 20,000 euros for each such violation, and/or (ii) imprisonment for up to five (5) years.

99.3 Reporting and Record Keeping Violations. It shall be a crime for any air operator (or any officer, agent, employee, or representative thereof) to knowingly and wilfully:

- a. fail or refuse to make a report to the Ministry, CAA, Ministry of Internal Affairs or AICC as required by the present law or an implementing regulation issued under the authority of the present law;
- b. fail or refuse to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by any of the aforesaid public authorities;
- c. damage or alter any such report, account, record, or memorandum; or
- d. file a false report, account, record, or memorandum.

A person who violates any aspect of the foregoing shall be guilty of a criminal offence of the present law and shall, upon conviction by a competent court, be punished by (i) a fine not exceeding 20,000 euros for each such violation, and/or (ii) imprisonment for up to five (5) years.

99.4 Refusal to Testify or Produce Records. The CAA, the Ministry, the Ministry of Internal Affairs or the AAIC, in the lawful furtherance of its duties under the present law, shall have the authority to issue an order requiring a person: (i) to attend and testify at a hearing, (ii) to answer a lawful inquiry, and/or (iii) to provide the concerned public authority with books, papers, and/or documents. A person who neglects or refuses to comply with such an order shall be guilty of a criminal offence and shall, upon conviction by a competent court, be punished by (i) a fine not exceeding 5,000 euros for each such violation, and/or (ii) imprisonment for up to one (1) year.

99.5 Aircraft Piracy. It shall be a crime for any person to commit or attempt to commit an act of aircraft piracy. "Aircraft piracy" means any actual or attempted seizure of or exercise of control over an aircraft within the jurisdiction of Kosovo, by force or violence or any other form of intimidation and with wrongful intent. A person who commits or attempts to commit an act of aircraft piracy shall be guilty of a criminal offence and shall, upon conviction by a competent court, be punished:

- a. if no person's death resulted from such offence, by imprisonment for at least twenty (20) years;
or
- b. if the death of another person resulted from such offence, with the capital imprisonment as foreseen in the Criminal Code of the Republic of Kosovo

An attempt to commit aircraft piracy shall be within the special aircraft jurisdiction of Kosovo even though the aircraft is not in flight at the time of such attempt, if the aircraft is on the territory of Kosovo.

99.6 Interference with Crew members. It shall be a crime for any person, while aboard an aircraft within the special aircraft jurisdiction of Kosovo, to interfere with the performance by a crew member of his or her duties or lessen the ability of such member to perform his or her duties. A person who violates any aspect of the foregoing shall be guilty of a criminal offence of the present law and shall, upon conviction by a competent court, be punished by a fine not exceeding 20,000 euros for each such violation.

In addition to the above, it shall be a separate crime for any person to assault, intimidate or threaten any crew member. A person who violates any aspect of the foregoing shall be guilty of a criminal offence of the present law and shall, upon conviction by a competent court, be punished:

- a. if no deadly or dangerous weapon was used by the person, by imprisonment for up to twenty (20) years;
- b. if a deadly or dangerous weapon was used by the person, by imprisonment for any number of years or by capital imprisonment as foreseen in the Criminal Code of the Republic of Kosovo.
- c. if the death of another person resulted from such offence, by capital imprisonment as foreseen in the Criminal Code of the Republic of Kosovo.

99.7 General Criminal Penalty. Any person who, while on board an aircraft within the special aircraft jurisdiction of Kosovo, commits an act that - if committed in Kosovo - would be a criminal violation under any law of Kosovo shall be punished as provided for in such law.

99.8 Weapon and Explosive Violations. It shall be a crime for any person - while on board or while attempting to board any aircraft that is in operation in commercial air transport or that is intended for such operation (i) to have a concealed or dangerous weapon on or about their person or in their property that is, or would be, accessible to such person in flight; or (ii) to have any bomb or similar explosive or incendiary device on or about their person or in their property. A person who violates any aspect of the foregoing shall be guilty of a criminal offence of the present law and shall, upon conviction by a competent court, be punished by (i) a fine not exceeding 20,000 euros for each such violation, and/or (ii) imprisonment for up to twenty (20) years.

It shall be a separate crime for any person (i) to place or attempt to place any bomb or similar explosive or incendiary device on an aircraft, or (ii) to cause or encourage any other person to place any bomb or similar explosive or incendiary device on an aircraft. A person who violates any aspect of the foregoing shall be guilty of a criminal offence of the present law and shall, upon conviction by a competent court, be punished by (i) a fine not exceeding 20,000 euros for each such violation, and/or (ii) imprisonment for any number of years or capital imprisonment as foreseen in the Criminal Code of the Republic of Kosovo.

Paragraph 8 of this Article shall not apply to (i) law enforcement officers of Kosovo who have been authorised or who are required within their official capacities to carry arms, or (ii) to persons who may be authorised by the Director General to carry deadly or dangerous weapons in commercial air transport. Paragraph 8 of this Article shall also not apply to persons transporting weapons contained in baggage that is not accessible to passengers in flight if the presence of such weapons has been declared to the air operator before such baggage was placed on board the aircraft.

99.9 Interference with Aircraft Operations. A person shall be guilty of a criminal violation of the present law if such person, willfully and with reckless disregard for safety or human life, interferes or attempts to interfere with the safe operation of any aircraft in, or intended for operation in, the special aircraft jurisdiction of Kosovo. Upon conviction by a competent court, such person shall be punished by:

- a. if no person's death resulted from such offence: (i) a fine not exceeding 50,000 euros for each such violation, and/or (ii) imprisonment for up to twenty (20) years; or

- b if the death of another person resulted from such offence, by imprisonment for a minimum term of twenty (20) years or of years or by capital imprisonment as foreseen in the Criminal Code of the Republic of Kosovo.

99.10 False Information. A person who in any manner communicates or causes the communication of false information, while knowing the information to be false, concerning an act prohibited by paragraphs 5 and 9 of this Article, shall be guilty of a criminal violation of the present law.

If the offence was neither (i) willful and malicious, nor (ii) done in reckless disregard for the safety of human life, then upon conviction by a competent court, such person shall be punished by:

- a. a fine not exceeding 20,000 euros for each such violation, and/or
- b. by imprisonment for up to fifteen (15) years.

If the offence was either (i) willful and malicious, or (ii) done in reckless disregard for the safety of human life, then upon conviction by a competent court, such person shall be punished by:

- a. a fine not exceeding 50,000 euros for each such violation, and/or
- b. by imprisonment for up to twenty (20) years.

99.11 Removal of Parts of Aircraft Involved in Accidents. Any person who knowingly and without authority removes, conceals, or withholds any part of a civil aircraft involved in an accident, or any property that was aboard such aircraft at the time of the accident, shall be guilty of a criminal offence of the present law. Upon conviction by a competent court, such person shall be punished by (i) a fine not exceeding 20,000 euros for each such violation, and/or (ii) a term of imprisonment of up to fifteen (15) years.

99.12 Dangerous Goods. It shall be a criminal violation of the present law for any person to, willfully and with knowledge of the provisions of the present law, deliver or cause to be delivered to an Air Operator for commercial air transport, any of the following: cargo, baggage, or other property or shipment in violation of the provisions of Annex 18 of the Chicago Convention, the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air, or the or the JAR-OPS. It shall also be a criminal violation of the present law for any person to recklessly cause the transportation of any such item in commercial air transport.

Upon conviction by a competent court for such an offence, such person shall be punished by (i) a fine not exceeding 150,000 euros for each such violation, and/or (ii) a term of imprisonment of up to twenty (20).

99.13 Entering an Aircraft or an Airport area in Violation of Security Requirements. It shall be a criminal violation of the present law for any person to knowingly and willfully enter, in violation of security requirements, an aircraft or an airport area. Upon conviction by a competent court for such an offence, such person shall be punished by (i) a fine not exceeding 20,000 euros for each such violation, and/or (ii) a term of imprisonment of up to ten (10) years.

99.14 Interference with Security Screening Personnel. It shall be a criminal violation of the present law for any person, while in an area within a commercial service airport in Kosovo, to assault an employee who has security duties within the airport and thereby interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties. Upon conviction by a competent court for such an offence, such person shall be punished:

- a. if no deadly or dangerous weapon was used by the person, by (i) a fine not exceeding 20,000 euros for each such violation, and/or (ii) imprisonment for up to ten (10) years;
- b. if a deadly or dangerous weapon was used by the person, by (i) a fine not exceeding 50,000 euros for each such violation, and/or (ii) imprisonment for any number of years or by capital imprisonment as foreseen in the Criminal Code of the Republic of Kosovo.

**TITLE V
CONCLUDING PROVISIONS**

**Article 100
Repeal of Previous Incompatible Legislation**

100.1 The present law repeals all UNMIK Regulations and all secondary normative acts issued by UNMIK or CARO that are incompatible with it.

100.2 To the extent compatible with the present law, all secondary normative acts issued by UNMIK or CARO covering subject matter within the scope of the present law shall be deemed to be implementing regulations issued under the authority of the present law. Such secondary normative acts shall continue in effect until replaced by implementing regulations that cover the same subject matter as may be issued by the CAA, the Ministry, the Ministry of Internal Affairs or the AAIC, whichever has authority over that subject matter under this Law.

**Article 101
Implementation of Law**

The present law shall be fully implemented, at the latest, within 365 days from its coming into force. During such 365 day period, until the CAA is operational, the CARO set up by the United Nations Mission in Kosovo (UNMIK) may continue to fulfill all or some functions assigned to the CAA by the present law. CARO shall transfer such functions to the CAA when and as required by the CAA.

**Article 102
Entry Into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosova.

Adopted by the Assembly of the Republic of Kosova

Date: 13.03. 2008