

CIVIL AVIATION ACT

*Prom. SG. 94/1 Dec 1972, amend. SG. 30/13 Apr 1990, amend. SG. 16/21 Feb 1997, amend. SG. 85/24 Jul 1998, amend. SG. 12/11 Feb 2000, amend. SG. 34/6 Apr 2001, amend. SG. 111/28 Dec 2001, amend. SG. 52/18 Jun 2004, amend. SG. 70/10 Aug 2004, amend. SG. 88/4 Nov 2005, amend. SG. 102/20 Dec 2005, amend. SG. 30/11 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 37/5 May 2006, amend. SG. 105/22 Dec 2006, amend. SG. 108/29 Dec 2006, amend. SG. 10/30 Jan 2007, amend. SG. 41/22 May 2007, amend. SG. 109/20 Dec 2007, amend. SG. 36/4 Apr 2008, amend. SG. 66/25 Jul 2008, amend. SG. 67/29 Jul 2008, amend. SG. 35/12 May 2009, amend. SG. 47/23 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 102/22 Dec 2009, amend. SG. 63/13 Aug 2010, amend. SG. 73/17 Sep 2010, amend. SG. 94/30 Nov 2010, amend. SG. 41/31 May 2011, amend. SG. 81/18 Oct 2011, amend. SG. 99/16 Dec 2011, amend. SG. 38/18 May 2012, amend. SG. 60/7 Aug 2012, amend. SG. 82/26 Oct 2012, amend. SG. 15/15 Feb 2013, amend. SG. 66/26 Jul 2013, amend. SG. 12/11 Feb 2014, amend. SG. 53/27 Jun 2014, amend. SG. 98/28 Nov 2014, amend. and suppl. SG. 28/17 Apr 2015, amend. and suppl. SG. 89/17 Nov 2015, suppl. SG. 15/23 Feb 2016, amend. SG. 95/29 Nov 2016, amend. SG. 58/18 Jul 2017, amend. and suppl. SG. 96/1 Dec 2017, amend. SG. 56/6 Jul 2018, amend. and suppl. SG. 1/3 Jan 2019, amend. SG. 62/6 Aug 2019, amend. SG. 60/7 Jul 2020, **amend. and suppl. SG. 16/23 Feb 2021***

Chapter one. GENERAL PROVISIONS

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

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

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

Art. 2a. (new – SG 85/98; amend. and suppl. - SG 37/06) (1) (amend. SG 34/01, amend. SG 88/05, amend., SG 102/05; amend. – SG 82/09) The organisation and the control for use of the civil airspace, as well as the management and the control of aviation in the serviced airspace of the Republic of Bulgaria shall be implemented by an order, determined by the Minister of Transport, Information Technology and Communications.

(2) (amend. SG 34/01, amend. SG 88/05; amend. - SG 37/06; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications in coordination with the Minister of Defence shall determine the order for introduction and the rules for work of the

unified system for civil and military management of the airspace.

(3) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09, amend. – SG 1/19) The Minister of Transport, Information Technology and Communications and the Minister of Defence shall determine the order for use of the airspace in the state of emergency, martial law and/or in the state of war.

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

1. transport of passengers, luggage, loads and post by the air;
2. servicing of the agriculture, the forestry and other sectors of economy;
3. geologic, geographic and other scientific investigations;
4. rendering of urgent medical aid;
5. culture – educational needs, photography and advertising;
6. fight with fires and other disasters;
7. training, sport etc.

(2) The civil aircrafts shall be all the aircrafts except the state ones.

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

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

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

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

(4) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall issue an ordinance for the order of determining and affixing the registration signs.

Art. 6. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09; amend. – SG 81/11) The Bulgarian aviation operators shall implement commercial operations by aircraft in the country and abroad on the basis of a commercial contract and if there is no such contract – under conditions and by order determined with an ordinance by the Minister of Transport, Information Technology and Communications.

(2) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09; amend. – SG 81/11) The foreign aviation operators shall be able to implement commercial operations by aircraft in the country by force of an international agreement in which the Republic of Bulgaria is a party and if there is no such contract – under conditions and by order determined with an ordinance by the Minister of Transport, Information Technology and Communications.

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

of Bulgaria is a party.

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

(3) (new, SG 52/04, amend. SG 88/05; amend. – SG 82/09) Not allowed shall be a monopolistic status on the market of air carriers on a line of regular air destinations, unless stipulated otherwise by an international agreement which the Republic of Bulgaria is party to. Where an international contract contains restrictions for the number of Bulgarian air carriers, for the frequencies of operation of the line or for the offered capacity the choice shall be made by the Minister of Transport, Information Technology and Communications on the grounds of a competition or through assignment when only one candidate appears for participation in the competition for a line. The conditions and the order of holding a competition for access to the market of air carriers shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

Art. 8. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09, amend. – SG 60/20, in force from 07.07.2020) The Minister of Transport, Information Technology and Communications conducts the state policy in the field of civil aviation.

(2) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09, amend. – SG 60/20, in force from 07.07.2020) The regulatory and control functions in the field of civil aviation are performed by the Civil aviation administration. The Civil aviation administration shall be a corporate body at budget maintenance at the Ministry of Transport, Information Technology and Communications with headquarters in Sofia.

(3) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine with a regulation the structure, the activity and the functions of the Civil aviation administration.

(4) (new – SG 89/15, amend. – SG 1/19, amend.and suppl. - SG 16/21) Directorate General "Civil Aviation Administration" is the competent authority under Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and amending Regulations (EC) № 2111/2005, (EC) № 1008/2008, (EU) № 996/2010, (EU) № 376/2014, and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing regulations (EC) № 552/2004 and (EC) № 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) № 3922/91 (OJ, L 212/1 of 22 August 2018) hereinafter referred to as "Regulation (EU) 2018/1139", as well as on the implementing regulations and delegated regulations adopted on the basis thereof and the rules for their implementation.

(5) (New - SG 16/21) The Directorate General "Civil Aviation Administration" is the competent authority for the implementation of Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OB, L 122/18 of 24 April 2014), hereinafter referred to as "Regulation (EU) № 376/2014".

Art. 9. (revoked – SG 30/90)

Art. 10. (amend. SG 85/98) (1) (amend., SG 52/04; supp. – SG 81/11) The aircrafts can be ceded for using under leasing on the basis of a written contract in the country or abroad with or without a crew following the approval of the Chief Director of Chief Directorate “Civil Aviation Administration”.

(2) (amend., SG 52/04; amend. – SG 66/08, in force from 16.07.2008; amend. – SG 81/11) The Chief Director of Chief Directorate “Civil Aviation Administration” shall consider the submitted application referred to in Para 1 within 10 days from the date of its submission, and where a Bulgarian aviation operator provides to a foreign aviation operator an aircraft under a dry leasing contract and there is no stipulation for writing off the aircraft from the register of the civil aircrafts of the Republic of Bulgaria – within 20 days.

(3) (amend., SG 52/04; revoked – SG 81/11)

(4) (new, SG 52/04; revoked – SG 81/11)

(5) (new, SG 52/04; revoked – SG 81/11)

(6) (new, SG 52/04; revoked – SG 81/11)

(7) (new, SG 52/04; revoked – SG 81/11)

(8) (new, SG 52/04; revoked – SG 81/11)

(9) (new, SG 52/04; revoked – SG 81/11)

(10) (new, SG 52/04; revoked – SG 81/11)

(11) (new, SG 52/04, amend. - SG 30/06, in force from 12.07.2006; revoked – SG 81/11)

(12) (new - SG 37/06; revoked – SG 66/08, in force from 16.07.2008)

(13) (new, SG 52/04, amend. SG 88/05; prev. text of para 12 – SG 37/06; amend. – SG 82/09; amend. – SG 81/11) The Minister of Transport, Information Technology and Communications shall issue an ordinance on the conditions and order for providing of aircrafts under leasing.

Art. 10a. (new – SG 63/10) General rules of civil aviation security are settled in Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OB, L 97/72 of 9 April 2008).

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

(2) (amend. SG 34/01, amend. SG 88/05; amend. and suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 82/09; amend. – SG 63/10) Terms and procedures for achieving civil aviation security shall be determined through measures and procedures, described in details in the National Programme for Civil Aviation Security.

(3) (new – SG 63/10) The National Programme for Civil Aviation Security shall be approved by the Chief Director of the General Directorate " Civil Aviation Administration" after coordination with the Co-Chairpersons of the Council for Security in the Civil Aviation.

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

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

b) (amend. and suppl. SG 85/98; amend. – SG 81/11) all aircrafts, entered in the

register of the civil aircrafts of the Republic of Bulgaria, including when they are abroad, as well as to the sport and training aircrafts;

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

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

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

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

Art. 16. (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The individuals and the corporate bodies using aircrafts, managing airfields or servicing air traffic in connection with the implementation of civil aviation, shall concede to the Ministry of Transport, Information Technology and Communications statistical information, connected with their activity, under conditions and by an order determined by the Minister of Transport, Information Technology and Communications.

Art. 16a. (new – SG 85/98, amend. SG 34/01; suppl. SG 52/04, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall manage and control the civil aviation by:

1. organising the participation of the Republic of Bulgaria in the international organisations for aviation where the Republic of Bulgaria is a party;

2. (revoked - SG 16/21)

3. (amend., SG 52/04) coordinating the issuing of permissions for construction of sites of the infrastructure of aviation;

4. (revoked, SG 52/04)

5. (revoked – SG 63/10)

6. (amend. - SG 16/21) determining standards and rules in the sphere of civil aviation, including the conditions and the order for transport of dangerous loads;

7. (amend., SG 52/04, amend. - SG 16/21) determining by ordinances the terms and the order of issuing, amendment, restriction, stopping and withdrawal of documents, letters, approvals, permits, certificates and licenses under this Act;

8. determining the conditions for keeping the respective registers and of the data base about the certified sites and persons;

9. (amend. - SG 96/17, in force from 02.01.2018) ruling the management of the airfields for public use for which no concession has been awarded;

10. (amend. SG 34/01; amend., SG 52/04; amend. - SG 37/06) issuing ordinance for the general rules for indemnification and assistance to passengers upon refusal of an air carrier to admit them aboard of the aircraft in case of cancellation or delay of flight;

11. (amend., SG 52/04) determining by ordinances the requirements regarding the tariffs for regular a chartered air transportations, as well as the general rules for introduction and use of computerised systems for reservation;

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

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

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

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

16. (new – SG 10/07, in force from 30.01.2007; amend. – SG 81/11) issue an ordinance on the rules of inspection of the platform of aircrafts not registered in the civil register of the aircrafts, taking off from or landing in airports on the territory of the Republic of Bulgaria;

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

18. (new - SG 16/21) determines by an ordinance the conditions and the order for reporting, analysis and subsequent actions in connection with events in the civil aviation;

19. (new - SG 16/21) in coordination with the Minister of Interior and with the Chairman of the State Agency for National Security, determines by an ordinance the terms and conditions for operation of unmanned aerial vehicles.

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

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

2. (amend. - SG 16/21, in force from 24.02.2022) controlling the civil aviation, the civil airports, the civil aircrafts, the aero-navigation and other installations related to the civil aviation on the territory of the country, regardless of their ownership;

2a. (new - SG 16/21) organizing and coordinating the use of airspace for the needs of civil aviation;

3. controlling the observance of this Act and of the acts of secondary legislation by issuing obligatory prescriptions in the cases stipulated by an Act;

3a. (new – SG 81/11) implement and develop the National Programme for Safety of the Civil Aviation;

4. (suppl. – SG 63/10) controlling the activities of the individuals and corporate bodies in connection with the security and safety of the civil aviation, including such on execution of the National Programme for Civil Aviation Security, through implementation of the National Programme for Control over the Quality for Achievement of the Civil Aviation Security;

4a. (new – SG 66/08, in force from 26.07.2008) controlling the performance of the duties of the air operators and of the air carriers under Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, further referred to as

"Regulation (EC) No 1107/2006" as a national authority responsible for performance of the said Regulation;

5. keeping the registers stipulated by the law;

6. (amend. – SG 82/2012, in force from 26.11.2012) coordinating development plans including terrains of airports and the investment projects for construction of sites within the region of the airports and their vicinity, within the range of the normative easement zones and zones of influence, as well as of the airways in connection with providing the safety and security of the aviation;

7. (amend. – SG 66/08, in force from 25.07.2008; amend. – SG 81/11, amend. – SG 62/19, in force from 06.08.2019) investigating incidents with aircrafts in the country or order the investigation to be carried out by the air carrier, the aviation operator, the airport administration or the air traffic control, as related to the incident; upon conclusion of the investigation notifying about the results the National Air, Water and Rail Accident Investigation Board under art. 16g;

7a. (new - SG 16/21) establishing rules for the independent collection, evaluation, processing, analysis and storage of event information in accordance with Regulation (EU) No 376/2014;

8. (amend. SG 88/05; amend. – SG 82/09) proposing for issuance by the Minister of Transport, Information Technology and Communications by laws in the sphere of the civil aviation;

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

10. (revoked – SG 63/10);

11. (amend. – SG 63/10) maintaining a united database and issuing identification cards for the light crews and passes to individuals who perform their service obligations in the security restricted areas, after they have successfully completed background check, which shall be carried out by the National Security State Agency, as well as to motor vehicles - for access to the restricted security areas of the civil airports for public using;

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

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

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

15. organizing the gathering, maintaining updated and submitting specialized data for the sites under art. 32, para 1, item 1 of the Cadastre and Property Register Act and the creation of specialized maps, registers and informational databases;

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

17. carrying out other functions stipulated by a law.

18. (new - SG 16/21) creating and maintaining an electronic system for:

a) registration of unmanned aerial vehicle operators;

b) electronic submission of documents related to the activities of unmanned aerial vehicle operators;

c) flying certificates of remote control pilots;

d) geographical areas with operating conditions for unmanned aerial vehicles.

(2) (amend. – SG 81/11) The control functions of Chief Directorate "Civil aviation administration" shall be carried out by inspectors of aviation appointed by an order of the Chief Director of Chief Directorate "Civil aviation administration".

(3) The inspectors shall have the right:

1. to free access to the persons and sites controlled by them for carrying out inspection

regarding the security and safety of the aviation;

2. (new - SG 105/06, in force from 01.01.2007; amend. - SG 90/15) to access all documents directly or indirectly related to infringement of this Act or the legislation of the Member States of the European Union implementing the provisions of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, hereinafter referred to as "Regulation (EC) No 261/2004", regardless of the form of the document.

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

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

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

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

7. (prev. text of item 05 - SG 105/06, in force from 01.01.2007, suppl. - SG 16/21) to make proposals for stopping, termination, withdrawal and restriction of the rights under the issued licenses, permits, attestations, certificates, and approvals.

(4) (amend. – SG 81/11) The inspectors shall draw up statement of findings to which the gathered evidence shall be enclosed. The statement shall be presented to the inspected person who will have the right to give explanations and objections at the moment its presentation.

(5) (new – SG 89/15) Directorate General "Civil Aviation Administration" shall supervise the fulfilment of the obligations of air carriers under Regulation (EC) No 261/2004 in its capacity as a national authority responsible for the implementation of this Regulation.

(6) (suppl. - SG 105/06, in force from 01.01.2007; amend. – SG 66/08, in force from 25.07.2008; amend. – SG 81/11; prev. text of para 5 - SG 89/15) On the grounds of the results from the inspections the Chief Director of Chief Directorate "Civil aviation administration" shall impose administrative sanctions or shall terminate, stop, withdraw or limit the rights ensuing from the issued licences, permits, certificates, letters and approvals and shall have the right to:

1. (new - SG 105/06, in force from 01.01.2007) order the infringer in writing to cease the infringement under Para 3, Item 2;

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

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

(7) (new – SG 66/08, in force from 25.07.2008; prev. text of para 6 - SG 89/15) For performing flight inspections during a flight the aviation inspectors shall be entitled to a leave grant in amount as determined for a crew member – commander of the flight.

(8) (New - SG 16/21) The Directorate General "Civil Aviation Administration" performs the functions of the National Frequency Management Authority for Civil Aviation in the

implementation of Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 (OB, L 28/1 of 31 January 2019).

(9) (New - SG 16/21) The Directorate General "Civil Aviation Administration" shall act as the competent authority for the implementation of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (OB, L 152/45 of 11 June 2019), hereinafter referred to as "Implementing Regulation (EU) 2019/947".

Edition to SG, 62/6 Aug 2019

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

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

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

3. controlling the observance of this Act and of the acts of secondary legislation by issuing obligatory prescriptions in the cases stipulated by an Act;

3a. (new – SG 81/11) implement and develop the National Programme for Safety of the Civil Aviation;

4. (suppl. – SG 63/10) controlling the activities of the individuals and corporate bodies in connection with the security and safety of the civil aviation, including such on execution of the National Programme for Civil Aviation Security, through implementation of the National Programme for Control over the Quality for Achievement of the Civil Aviation Security;

4a. (new – SG 66/08, in force from 26.07.2008) controlling the performance of the duties of the air operators and of the air carriers under Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, further referred to as "Regulation (EC) No 1107/2006" as a national authority responsible for performance of the said Regulation;

5. keeping the registers stipulated by the law;

6. (amend. – SG 82/2012, in force from 26.11.2012) coordinating development plans including terrains of airports and the investment projects for construction of sites within the region of the airports and their vicinity, within the range of the normative easement zones and zones of influence, as well as of the airways in connection with providing the safety and security of the aviation;

7. (amend. – SG 66/08, in force from 25.07.2008; amend. – SG 81/11, amend. – SG 62/19, in force from 06.08.2019) investigating incidents with aircrafts in the country or order the investigation to be carried out by the air carrier, the aviation operator, the airport administration or the air traffic control, as related to the incident; upon conclusion of the investigation notifying about the results the National Air, Water and Rail Accident Investigation Board under art. 16g;

8. (amend. SG 88/05; amend. – SG 82/09) proposing for issuance by the Minister of Transport, Information Technology and Communications by laws in the sphere of the civil aviation;

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

10. (revoked – SG 63/10);

11. (amend. – SG 63/10) maintaining a united database and issuing identification cards for the light crews and passes to individuals who perform their service obligations in the security restricted areas, after they have successfully completed background check, which shall be carried out by the National Security State Agency, as well as to motor vehicles - for access to the restricted security areas of the civil airports for public using;

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

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

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

15. organizing the gathering, maintaining updated and submitting specialized data for the sites under art. 32, para 1, item 1 of the Cadastre and Property Register Act and the creation of specialized maps, registers and informational databases;

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

17. carrying out other functions stipulated by a law.

(2) (amend. – SG 81/11) The control functions of Chief Directorate "Civil aviation administration" shall be carried out by inspectors of aviation appointed by an order of the Chief Director of Chief Directorate "Civil aviation administration".

(3) The inspectors shall have the right:

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

2. (new - SG 105/06, in force from 01.01.2007; amend. - SG 90/15) to access all documents directly or indirectly related to infringement of this Act or the legislation of the Member States of the European Union implementing the provisions of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, hereinafter referred to as "Regulation (EC) No 261/2004", regardless of the form of the document.

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

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

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

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

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

(4) (amend. – SG 81/11) The inspectors shall draw up statement of findings to which

the gathered evidence shall be enclosed. The statement shall be presented to the inspected person who will have the right to give explanations and objections at the moment its presentation.

(5) (new – SG 89/15) Directorate General “Civil Aviation Administration” shall supervise the fulfilment of the obligations of air carriers under Regulation (EC) No 261/2004 in its capacity as a national authority responsible for the implementation of this Regulation.

(6) (suppl. - SG 105/06, in force from 01.01.2007; amend. – SG 66/08, in force from 25.07.2008; amend. – SG 81/11; prev. text of para 5 - SG 89/15) On the grounds of the results from the inspections the Chief Director of Chief Directorate "Civil aviation administration" shall impose administrative sanctions or shall terminate, stop, withdraw or limit the rights ensuing from the issued licences, permits, certificates, letters and approvals and shall have the right to:

1. (new - SG 105/06, in force from 01.01.2007) order the infringer in writing to cease the infringement under Para 3, Item 2;

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

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

(7) (new – SG 66/08, in force from 25.07.2008; prev. text of para 6 - SG 89/15) For performing flight inspections during a flight the aviation inspectors shall be entitled to a leave grant in amount as determined for a crew member – commander of the flight.

Art. 16c. (new - SG 37/06) (1) (amend. - SG 99/11, in force from 01.01.2012) The Chief Directorate "Civil aviation administration" shall be the national supervisory body with regard to the safe and efficient operation of air navigation service providers. Upon implementation of its functions the national supervisory body shall be independent from the air navigation service provider.

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

(3) (amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall issue an ordinance which shall determine:

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

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

3. (amend. – SG 82/09) the conditions and the order under which the checks referred to in item 2 may be implemented by other organizations recognized by the Chief Directorate "Civil aviation administration" and approved by the Minister of Transport, Information Technology and Communications, the requirements these organizations shall meet, as well as the conditions and the order of withdrawal of the assignment for implementation of the checks.

(4) (amend. - SG 99/11, in force from 01.01.2012) In respect of functional airspace blocks that extend across the airspace of the Republic of Bulgaria and a Member State or States of the European Union, the Republic of Bulgaria may conclude an agreement with the Member State of the European Union on the supervision implemented by the national supervisory body referred to in para 1 with regard to the air navigation service providers

providing air navigation services in the airspace of the functional block.

(5) (amend. - SG 99/11, in force from 01.01.2012) The Republic of Bulgaria may conclude an agreement with a Member State of the European Union on implementation of supervision by the national supervisory body referred to in para 1 with regard to the safe and efficient operation of air navigation service provider whose principle place of operation is on the territory of the European Union Member State.

(6) (amend. - SG 99/11, in force from 01.01.2012) The national supervisory body referred to in para 1 shall cooperate with the national supervisory bodies of other Member States of the European Union for compliance with the conditions for issuing of certificate for air navigation service and to provide the adequate supervision of the safe and efficient operation of the air navigation service providers holding a certificate issued by a Member State of the European Union and providing air navigation services in the serviced airspace of the Republic of Bulgaria.

(7) (new – SG 63/10) Chief Director of Chief Directorate "Civil Aviation Administration" shall issue certificates of exploitation suitability to the provider of air navigation services to use the navigation equipment for air navigation, landing and monitoring, observing conditions and under a procedure as determined with an ordinance of the Minister of Transport, Information Technologies and Communications.

(8) (new - SG 99/11, in force from 01.01.2012, amend. – SG 1/19, amend. - SG 16/21) The national supervisory body shall include the expenses made for exercising its functions in the efficiency plan in compliance with the requirements of Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (OB, L 56/1 128/1 of 25 February 2019), hereinafter referred to as "Implementing Regulation (EU) 2019/317".

(9) (new - SG 99/11, in force from 01.01.2012, amend. – SG 1/19, amend. - SG 16/21) The national expenses basis of the fees referred to in Art. 120, Para 2 shall include the expenses for exercising the functions of the national supervisory body in compliance with the requirements of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) and Commission Implementing Regulation (EU) № 2019/317.

(10) (new - SG 99/11, in force from 01.01.2012) The funds from the excess income of the national supervisory body, received from the air navigation service providers exceeding the incurred and proved expenses for exercising its functions at the end of the calendar year, shall be used during the following financial years by spending them for the needs of exercising its functions.

(11) (new - SG 99/11, in force from 01.01.2012) The funds for exercising the functions of the national supervisory body shall be approved by the Chief Director of Chief Directorate "Civil Aviation Administration" and shall be spent for specified the purposes through the budget of the Ministry of Transport, Information Technologies and Communication.

(12) (new - SG 99/11, in force from 01.01.2012) The employees of Chief Directorate "Civil Aviation Administration" occupied in its activities as a national supervisory body shall be appointed on the position "inspector of the civil aviation" under employment relationship.

Art. 16d. (new – SG 66/08, in force from 25.07.2008) (1) Chief Directorate "Civil Aviation Administration" shall be the authority responsible for the safety of the civil aviation in the Republic of Bulgaria, which shall co-ordinate the activity of the natural and legal persons for achieving safety of the civil aviation.

(2) In performance of its duties referred to in Para 1 the Chief Directorate "Civil Aviation Administration" shall:

1. (amend. – SG 82/09; revoked – SG 63/10)

2. (amend. – SG 82/09; amend. – SG 63/10, amend. – SG 1/19) draft and propose for approval by the Chief Director of the Chief Directorate "Civil Aviation Administration" the National Civil Aviation Security Programme, the National Programme for Control of the Quality of Achieving Security in the Civil Aviation and the National Programme for Training in the Field of Civil Aviation Security and the National training Programme and Civil Aviation Security certification, after coordination with the Co-Chairpersons of the Security Council in the Civil Aviation ;

2a (new – SG 63/10) develop and propose for co-ordination by the Minister of Transport, Information Technologies and Communications, the Minister of Defense, the Minister of Interior, the Minister of Finance and the Chairperson of National Security State Agency action plan in event of unlawful acts of unlawful interference in the civil aviation; the plan shall be adopted by a decision of the Council of Ministers;

3. control and co-ordinate the action plans for crisis situations caused by acts of illegal intervention in the civil aviation;

4. assess the analysis of the risk of acts of illegal intervention in the civil aviation, mark and propose concrete actions;

5. control the functioning of the check-in system in the airports and the other civil aviation sites;

6. co-ordinate together with the competent state authorities the decision making and grant, where necessary, practically feasible and set forth in an international treaty, to which the Republic of Bulgaria is party, requests of other states for application of increased safety measures regarding flights of foreign air operators;

7. co-operate with other states for exchange of information for threats against the civil aviation, including after co-ordination with the competent state authorities where necessary determine the risk countries, to which flights are carried out by Bulgarian air operators;

8. monitor and co-ordinate the supervision on application and performance of the National Programme for Safety in the Civil Aviation.

9. (new – SG, 60/2012, amend. - SG 16/21) issue certificates for:

a) (suppl. - SG 16/21) the staff of the airport operator who performs security inspection and control;

b) (suppl. - SG 16/21) the staff of the ground handling operator and of the regulated agent who performs inspection and control for security of cargo and mail;

c) (new - SG 16/21) aviation security instructors;

d) (new - SG 16/21) persons performing internal quality control in civil aviation security.

(3) (New – SG 1/19) Checks of passengers departing from the airport, transfer passengers and transit passengers, their hand luggage and check-in baggage, persons other than passengers, crews and motor vehicles, freight and mail, materials of the aviation operators, deliveries of goods destined for the flight and the airport, and the control of the access to the security zones of the civil airports for public use shall be performed by a certified person under Para. 2, item 9, letter "a" of the airport operator.

Art. 16e. (new – SG 81/11) (1) The Chief Directorate "Civil Aviation Administration" shall be the national independent supervisory authority in the sense of Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ, L 70/11 of 11 March 2009).

(2) The Chief Directorate “Civil Aviation Administration” shall:

1. consider and resolve disputes between the airport operator and the airport users on the expediency and lawfulness of the grounds for amendment of the airport fees determined by the airport operator of an airport with annual traffic exceeding 5 million transported passengers or the airport operator of the airport with the largest amount of transported passengers on the territory of the Republic of Bulgaria;

2. draft and propose for approval by the Council of Ministers by means of the ordinance referred to in Art. 122, Para 1 a methodology for setting the level of the types of airport fees; the methodology shall be based on the principles of price-cap regulation, transparency and equality of the users of an airport with annual traffic exceeding 5 million transported passengers or with the largest amount of transported passengers on the territory of the Republic of Bulgaria;

3. annually publish and update a list of the airports with annual traffic exceeding 5 million transported passengers or with the largest amount of transported passengers on the territory of the Republic of Bulgaria.

(3) (new – SG, 60/2012) In the sum of the airport charges under Art. 120, Para. 1, collected by the airport operator with an annual schedule above 5 million passengers or the airport operator of the airport with the biggest number of passenger traffic on the territory of the Republic of Bulgaria shall be included also the costs for fulfilment of the functions of the Independent supervisory authority under Para. 1.

(4) (New – SG, 60/2012) The airport operator of the airport with annual traffic above 5 million transported passengers or the airport operator of the airport with the biggest number of passenger transport on the territory of the Republic of Bulgaria shall not include in the amount of the airport fees under Art. 122, Para. 2 the costs for fulfilment of the functions of the Independent supervisory authority under Para. 1, where for these costs there is no reached agreement with the users of the airport in the procedure under Chapter X “B”.

(5) (New – SG, 60/2012) The airport operator of the airport with annual traffic above 5 million transported passengers or the or the airport operator of the airport with the biggest number of passenger transport on the territory of the Republic of Bulgaria shall produce to the Independent supervisory authority under Para. 1 the amounts, collected as a part of the airport fees under Art. 120, Para. 1 for fulfilment of its functions.

(6) (New – SG, 60/2012, suppl. - SG 16/21) The conditions and procedure for defining the part of the airport fees under Para. 5, as well as their provision shall be determined by the ordinance under Art. 122, Para. 1 as in determining its amount the decision of the airport operator under Art. 122j.

(7) (New – SG, 60/2012) The amounts from the exceeding of the revenues of the Independent supervisory authority under Para. 1, provided by the airport operator of the airport with the biggest number of passenger transport on the territory of the Republic of Bulgaria above the made and proved costs for fulfilment of its functions at the end of the calendar year shall be used during the following financial years, where they shall be spent targeted for the fulfilment of its functions.

(8) (former Para. 3 – SG, 60/2012) The Chief Directorate “Civil Aviation Administration” shall draw up an annual report of its activity as an independent supervisory authority and publish it on its [internet site](#).

Art. 16f. (new – SG 52/04; prev. text of Art. 16c – SG 37/06; prev. text of Art. 16d – SG 66/08, in force from 25.07.2008; prev. text of Art. 16e – SG 81/11) (1) (suppl. – SG 81/11, amend. – SG 1/19, amend. - SG 16/21) The applications for issuance of licences, permits,

certificates, letters, approvals or other documents shall be filed in Chief Directorate "Civil aviation administration" and shall be considered within 30 days. This period shall not apply:

1. when in a European Union regulation another term is provided for;
2. when it becomes necessary to collect additional documents and/or evidence; in this case, the 30-day time limit shall stop running until the documents/evidence have been presented;

3. in the cases referred to in Art. 10, Para 2.

(2) (amend. – SG 81/11) Where the applicant meets the requirements the Chief Director of Chief Directorate "Civil aviation administration" shall issue the respective act within 10 days from expiration of the term under para 1 unless other time limit has been specified in a European Union Regulation.

(3) (amend. – SG 81/11, amend. - SG 16/21) The Chief Director of Chief Directorate "Civil aviation administration" may authorize officials for the issuance or withdrawal of permits, certificates, letters, approvals or other documents.

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

(5) (amend. – SG 66/08, in force from 25.07.2008; amend. – SG 81/11) For established violations of the requirements for security and safety and of the other obligations established by a law by the person to whom an act under para 1 has been issued, the Chief Director of Chief Directorate "Civil aviation administration" or an official authorized by him shall:

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

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

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

1. (amend. – SG 81/11) on withdrawal of the act by a decision of the Chief Director of Chief Directorate "Civil aviation administration" or by a decision of an official authorized by him for acts under para 3:

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

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

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

2. upon application of the holder;

3. upon termination of the activity of the person.

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

Art. 16g. (new, SG 52/04; prev. text of Art. 16d – SG 37/06; prev. text of Art. 16e – SG 66/08, in force from 25.07.2008; prev. text of Art. 16f – SG 81/11) (1) (amend. SG 88/05; amend. – SG 82/09, amend. – SG, 60/2012, repealed – SG 62/19, in force from 06.08.2019)

(2) (new – SG, 60/2012, amend. - SG 62/19, in force from 06.08.2019). The National Air, Water and Rail Accident Investigation Board shall:

1. (amend. - SG 16/21) maintain a system of obligatory and voluntary notification of aviation events: aviation accidents, serious incidents and incidents;
 2. organize, participate, direct the investigation, related to safety;
 3. keep the documentation of the investigations and maintain informational database for the aviation events;
 4. draw out and circulate an annual analysis and information bulletins for the aviation events;
 5. in investigating aviation events analyse the activities of the individuals and corporate bodies in the sphere of aviation and the functioning of the sites and facilities related to the concrete event.
 6. collect and analyse data for the aviation safety in compliance with Art. 4, Para. 4 of Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ, L 295/35 of 12 November 2010), called hereinafter "Regulation (EC) N 996/2010";
 7. have the right to dispose of the investigation or part of it to a body for investigation on safety of another state after preliminary coordination with it.
- (3) (amend. SG 88/05; amend. – SG 82/09, former Para. 2 – SG, 60/2012, repealed – SG 62/19, in force from 06.08.2019)
- (4) (Former Para. 3 – SG, 60/2012, amend. – SG 62/19, in force from 06.08.2019) The National Air, Water and Rail Accident Investigation Board and Chief Directorate "Civil aviation administration" shall inform each other on receiving an information for aviation event.
- (5) (New – SG, 60/2012, amend. – SG 62/19, in force from 06.08.2019) The functions of the National Air, Water and Rail Accident Investigation Board shall be carried out by inspectors of investigation.

Art. 16h. (new – SG 41/07; prev. text of Art. 16f – SG 66/08, in force from 25.07.2008; amend. – SG 82/09; prev. text of Art. 16g – SG 81/11) The Minister of Transport, Information Technology and Communications or an official authorized by him/her shall:

1. issue certificates of qualification to radio operators of the air mobile radio service and air mobile satellite radio service, shall issue permits for usage of radio stations on aircrafts and shall maintain public registers of issued certificates and permits;
2. carry out international coordination of radio frequencies and radio frequency bands, and also of technical parameters of radio facilities, which are using them, for radio services air mobile, air mobile-satellite, air radio navigation and air radio navigation – satellite;
3. (amend. – SG 82/09) provide to be used the distributed indicative signs for identification of radio stations on aircrafts and shall maintain a register of them under the conditions and pursuant to a procedure, set in an ordinance of the Minister of Transport, Information Technology and Communications, for the distribution of the indicative signs in the Republic of Bulgaria according to the requirements of the International telecommunication Union.

Chapter one "a".

GUARANTEEING THE SAFETY IN CIVIL AVIATION (NEW – SG 66/08, IN FORCE FROM 25.07.2008)

Art. 16i. (new – SG 66/08, in force from 25.07.2008; prev. text of Art. 16h – SG 81/11)

(1) The civil aviation safety shall be achieved by:

1. issuing normative and individual administrative acts, adopting safety programmes, action plans in case of illegal intrusion and other acts of the heads of the aviation operators, the airport operators, the land service operators and by Air Traffic Services Authority;
2. introduction of a physical defence system;
3. determining safety zones and the order of stay therein;
4. control and check of persons and articles upon entry (exit) into/from the safety zones;
5. prepared staff for performing safety tasks.

(2) The safety measures shall be taken only for achieving aviation safety by selecting those, which are going to have the least negative impact on the individual or the society;

(3) The negative result of the selected safety measure shall not be obviously disproportionate to the expected successful result thereof.

(4) The selected safety measure shall apply until its purpose is achieved or until the moment of finding that its purpose cannot be achieved.

Art. 16j. (prev. text of Art. 16i – SG 81/11) (1) (new – SG 66/08, in force from 25.07.2008; previous text of Art.16i, amend. and suppl. – SG 63/10) In order of their functions the subjects responsible for achieving the civil aviation safety shall be:

1. (amend. – SG 82/09) the Minister of Transport, Information Technology and Communications by applying and developing the National Programme for Safety in Civil Aviation;

2. the Council for Safety in Civil Aviation;

3. the Chief Directorate "Civil Aviation Administration";

4. the airport administration or the airport operators assigned the functions of airport administration;

5. the Air Traffic Services Authority;

6. the aviation operators;

7. (amend. – SG 1/19, amend. - SG 16/21) full-fledged controllers (regulated agents) and known consignors;

8. (amend. – SG 63/10) the relevant services of the Ministry of Interior;

9. (amend. – SG 63/10) the Customs Agency;

10. the relevant service of the Ministry of Foreign Affairs directly related to securing the civil aviation safety;

11. (amend. – SG 63/10) the State Agency "National Security";

12. (new – SG 63/10) the respective structure of the Ministry of Defense, the structures in direct subordination to the Minister of Defense and to the Bulgarian Army, participating in execution of control, management and use of the national air space.

(2) (new – SG 63/10) Security Council for the Civil Aviation shall be embodied by representatives of Chief Directorate "Civil Aviation Administration", Ministry of Interior, Ministry of Defense, Customs Agency and of National Security State Agency, and shall be headed by a Deputy Minister of Transport, Information technologies and Communications, a Deputy Minister of Defense, the Chief Secretary of the Ministry of Interior and by the Chairperson of the National Security State Agency, who shall be Co-Chairpersons of the Council.

(3) (new – SG 63/10) Security Council for the Civil Aviation shall be a consultative body to the Minister of Transport, Information Technologies and Communication, to the Minister of Interior, the Minister of Defense, to the Chairperson of the National Security State Agency and to the Minister of Finance, for the purposes of strategic planning and carrying out

of consultations, coordination , cooperation and harmonization between the institutions, legal and natural persons, who have duties for the achievement of security in the field of the civil aviation.

(4) (new – SG 63/10) The Council may also involve in its activity representatives of other institutions, as well as experts in the field of civil aviation.

(5) (new - SG 63/10) Administrative service of the activity of the Security Council for the Civil Aviation shall be ensured by the Chief Directorate "Civil Aviation Administration".

Art. 16k. (new – SG 66/08, in force from 25.07.2008; prev. text of Art. 16j – SG 81/11)

(1) The airport administration shall ensure the level and standards in performance of the functions to which the state is obliged, which are related to the flight safety and the guard of the airports, by developing, applying and updating an airport programme for achieving the aviation safety containing specific organisational and technical measures and procedures for safety corresponding to the requirements of the normative acts and to the National Safety Programme.

(2) The Airport Programme for Achieving Aviation Safety shall be approved by the Chief Director of Chief Directorate "Civil Aviation Administration".

(3) The Airport Programme for Achieving Aviation Safety shall take into account all changes of the legislation concerning the civil aviation safety and shall be approved by the Chief Director of Chief Directorate "Civil Aviation Administration".

(4) The aviation operators shall perform the measures provided for in the Airport Programme for Achieving Aviation Safety.

Art. 16l. (new – SG 66/08, in force from 25.07.2008; prev. text of Art. 16k – SG 81/11)

(1) The aviation operators shall develop, apply and update a safety programme for non-admission of acts of illegal intrusion in the civil aviation.

(2) The Programme referred to in Para 1 shall be drafted in compliance with the requirements of the National Safety Programme, with the airport programmes for achieving aviation safety, with the nature of the performed aviation activity and shall be approved by the Chief Director of Chief Directorate "Civil Aviation Administration".

(3) The programme referred to in Para 1 shall take into account all changes in the legislation concerning the civil aviation safety and shall be proposed for approval by the Chief Director of Chief Directorate "Civil Aviation Administration".

(4) The aviation operators shall perform the measures provided for in the programme under Para 1.

(5) (new – SG 63/10, in force from 01.01.2011) Airport operator shall carry out:

1. security check of the passengers, who start travelling from the airport, the transfer passengers and transit passengers, their hold and registered baggage;

2. security check of staff, crews and motor vehicles for access in the security restricted areas and the critical parts;

3. security check of cargo and mail;

4. security check and materials of the aviation operators;

5. security check of supplies intended for the flight and for the airport;

6. video monitoring of the restricted security areas, the critical parts and other areas;

7. control over the access and shall issuer temporary passes to persons and vehicles;

8. guarding of the aircrafts on the platform of the airport.

(6) (new – SG 63/10, in force from 01.01.2010) provider of air navigation servicing

shall develop, implement and update a security programme for prevention of acts of unlawful interference in the activities and means of the air navigation servicing. Programme in question shall be drafted in compliance with the requirements of the National Civil Aviation Security Programme and with the airport programmes for achieving aviation security and shall be approved by the Chief Director of the Chief Directorate "Civil Aviation Administration".

Art. 16m. (new – SG 66/08, in force from 25.07.2008| revoked – SG 63/10)

Art. 16n. (new – SG 66/08, in force from 25.07.2008; prev. text of Art. 16l – SG 81/11)

(1) Safety zones of restricted access shall be determined in every airport.

(2) (Amend. – SG 63/10, amend. – SG 1/19) Access of natural persons, who execute their duties, to the security restricted areas shall be performed after a successful complete check by the National security State Agency has been carried out, following criteria, as per the National Programme for Security in the Civil Aviation. Access to security zones at civil airports shall also be coordinated with the Chief Directorate "Border Police" upon criteria set out in the National Civil Aviation Security Program.

(3) (New – SG 1/19) Natural persons may carry out or be responsible for carrying out inspections, access control or other type of security control in areas other than security zones, after the completion of a successful overall inspection by the State Agency for National Security on the criteria set out in the National Civil Aviation Security Program.

(4) (New - SG 16/21) Right of access to air cargo and mail, air carrier materials, goods destined for flights and goods destined for airports have unaccompanied persons who have passed a successful comprehensive inspection by the State Agency "National Security" according to criteria defined in the National Program for Civil Aviation Security.

(5) (New - SG 16/21) Aviation security trainings are performed by persons who have passed a successful in-depth comprehensive inspection by the State Agency for National Security according to criteria defined in the National Civil Aviation Security Program.

(6) (New - SG 16/21) Director General of the General Directorate "Civil Aviation Administration" shall issue certificates to the persons under Art. 16d, para. 2, item 9, letter "d" after passing a successful thorough inspection by the State Agency for National Security according to criteria specified in the National Program for Civil Aviation Security.

Art. 16o. (new – SG 66/08, in force from 25.07.2008; prev. text of Art. 16n – SG 81/11)

(1) The safety on the board of the aircraft can be ensured also by safety officers in flight, who shall be officers of the aviation operators.

(2) The safety officers in flight shall take measures for preventing acts of illegal intrusion against the civil aviation.

(3) (amend. – SG 81/11) The officer shall observe the requirements of Art. 16i, Para 2 – 4 when taking the measures referred to in Para 2.

(4) (amend. – SG 82/09; amend. – SG 63/10) Criteria, which flight security officers shall meet, as well as the procedure of their appointment shall be in compliance to the National Programme for Security in the Civil Aviation.

Art. 16p. (New – SG 1/19) The regulated shall develop, implement and maintain a security program approved by the Chief Executive Officer of the Directorate General "Civil

Aviation Administration”.

Art. 16q. (New - SG 16/21) The known consignor shall develop, implement and maintain a security program approved by the Director General of the General Directorate of Civil Aviation Administration.

Art. 16r. (New - SG 16/21) Security managers are appointed after:

1. they have successfully passed a comprehensive inspection, performed by the State Agency "National Security" according to criteria, determined in the National Program for Security in Civil Aviation;

2. the access to the security zones of the civil airports of the security managers, performing their official duties at the airport, is coordinated with the General Directorate "Border Police" according to criteria, determined in the National program for security in the civil aviation;

3. they are approved by the General Directorate "Civil Aviation Administration" according to the criteria, determined in the National program for training and certification in civil aviation security.

Chapter two. AIRCRAFTS

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

Art. 18. (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The aircrafts shall be used only for the purpose, for which it has been designated. The change of its designation shall be admitted with a permission of the Civil aviation administration at the Ministry of Transport, Information Technology and Communications.

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

(2) (amend., SG 52/04; suppl. – SG 10/07, in force from 30.01.2007; amend. – SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" shall issue a certificate for the flying capability of an aircraft where it meets the requirements of the respective standards and holds a standard certificate or another equivalent document, issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircraft.

(3) (new, SG 52/04, amend. SG 88/05; amend. – SG 82/09; amend. – SG 81/11) Where the aircraft does not meet the respective standards for flying capability or compliance with them has not been proven the Chief Director of Chief Directorate "Civil aviation administration" may issue a permit for admission to flight on condition that the aircraft can perform a flight safely under definite limitations and conditions. Minister of Transport, Information Technology and Communications shall issue an ordinance for the terms and the order of issuing the permit for admission to flight.

(4) (new – SG 10/07, in force from 30.01.2007; amend. – SG 81/11; amend. - SG 89/15, amend. – SG 1/19) Into the Register of the Civil Aircrafts of the Republic of Bulgaria shall be recorded aircrafts, which fall within the scope of of Regulation (EU) 2018/1139 or the

national airworthiness norms determined in the ordinance under Art. 24, Para 6.

(5) (new – SG 81/11, amend. – SG 1/19) The owner, the lessee, and in cases of commercial air transportation – the operator, shall be responsible for the maintenance of the aircraft airworthiness according to the requirements of Regulation (EU) No 2018/1139 and the national airworthiness norms determined in the ordinance under Art. 24, Para 6.

(6) (New – SG 81/11, amend. – SG 1/19) The Chief Director of Chief Directorate "Civil aviation administration" shall issue certificates of airworthiness in accordance with Annex 1, Part 21, Section B, Subpart 3, point 21.B.325 of Commission Regulation (EU) № 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, (OJ, L 224/1 of 21 August 2012).

Art. 19a. (New - SG 16/21) (1) Unmanned aerial vehicles are operated:

1. after registration of the operator of an unmanned aerial system, when it is subject to registration, according to Art. 14 (5) of Implementing Regulation (EU) 2019/947;

2. after registration of the unmanned flight system, when it is subject to certification, under the conditions and by the order of the ordinance of Art. 16a, item 19;

3. in the presence of a valid third party liability insurance, unless the unmanned flight system has a maximum permissible take-off weight of less than 20 kg and only flights for sports or recreational purposes are performed with it.

(2) The operator is obliged to operate the unmanned aerial system in accordance with the applicable regulatory requirements, with the procedures in its documentation, as well as in accordance with the rights granted to it, under the conditions and by the order of the ordinance under Art. 16a, item 19.

Art. 20. (amend. and suppl. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The civil aircrafts shall be entered in the register of the civil aircrafts of the Republic of Bulgaria, which shall be kept by the Civil aviation administration at the Ministry of Transport, Information Technology and Communications.

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

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

Art. 21. (1) (amend. – SG 81/11) An aircraft, entered in foreign register, can be entered in the civil aircrafts register after it has been deleted from the foreign one.

(2) (amend. – SG 81/11) The registration of the Bulgarian aircraft in a foreign register shall not create any legal consequences, if the aircraft is not deleted from the civil aircrafts register by the established order.

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

(2) (new, SG 52/04) The terms and the order of entering and writing off aircrafts in the

register of the civil aircrafts of the Republic of Bulgaria shall be determined by the ordinance under art. 5, para 4.

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

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

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

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

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

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

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

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

(5) (new – SG 85/98, amend. SG 34/01; amend., SG 52/04, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall issue an ordinance for the terms and the order of certification of aircrafts and the products related to them, parts and devices, as well as for approval of the persons designing and/or producing them.

(6) (new, SG 52/04, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall issue an ordinance determining the requirements for formation of the flying ability of newly produced aircrafts, for maintaining and certifying the flying ability of aircrafts and the related products, parts and devices.

(7) (amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine by an ordinance the terms and the order of issuing certificates for aviation noise and gas emissions of the aviation engines.

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

(2) (amend. – SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" or an official authorized by him shall issue a certificate for production or restoration of the respective type of aircraft and of the products, parts and devices thereof if the persons meet the requirements for financial stability and professional competence.

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

Art. 25. (amend. SG 85/98) (1) (Amend. – SG 1/19) The technical maintenance of the aircrafts shall be implemented by individuals and corporate bodies acquired a right to implement technical service and repairs of aviation facilities.

(2) (amend. and suppl. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine with an ordinance the conditions and the order for issuing the certificates and the licenses to the persons of para 1.

(3) (new – SG 34/01) The license for implementing the activities of para 1 shall be issued by the director of the Civil aviation administration.

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

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

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

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

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

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

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

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

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

(2) (revoked, SG 52/04)

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

the order of the Administrative procedure code.

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

Art. 25b. (New - SG 16/21) The Director General of the General Directorate "Civil Aviation Administration" issues a certificate of competency for maintenance of aircraft to foreigners - citizens of countries that are not members of the European Union, with the status of long-term or permanent resident in the Republic of Bulgaria. The residence is certified by documents issued under the terms and conditions of the Foreigners in the Republic of Bulgaria Act.

Art. 26. (amend. SG 85/98; amend. – SG 81/11, amend. – SG 1/19) The certificates for flying fitness, for aviation noise and for gas emissions of the aircrafts, registered in the country, shall be taken away if it was found that they do not meet the requirements of Regulation (EU) 2018/1139 and the national airworthiness norms determined in the ordinance under Art. 24, Para 6.

Art. 27. (amend. SG 85/98; amend. – SG 81/11) The certificates for airworthiness and the airworthiness review certificates, issued by foreign competent bodies shall be recognised as valid in the Republic of Bulgaria when:

1. (amend. – SG 1/19) the requirements for flying fitness in the country which competent body has issued the certificates for flying fitness comply with the requirements of Regulation (EU) 2018/1139 or exceed them;

2. (amend. – SG 1/19) the Chief Director of Civil aviation administration or an official authorised by him has given consent the inspection of the Bulgarian aircraft, recorded in the register of the civil aircrafts in the Republic of Bulgaria, to be carried out in another country, which legislative requirements for airworthiness comply with the requirements of Regulation (EU) 2018/1139.

Art. 28. (amend. SG 85/98; amend. – SG 81/11) The Chief Directorate "Civil aviation administration" shall carry out on-platform inspection of foreign aircrafts landing on airports on the territory of the Republic of Bulgaria, when there is doubt they do not meet the international safety standards.

Art. 29. (suppl., SG 52/04; amend. – SG 81/11) (1) An aircraft without a certificate for airworthiness or for registration, without a permit for admission to flight, or which identification signs do not correspond to the signs, pointed out in these certificates, shall be detained by the Chief Director of Chief Directorate "Civil Aviation Administration" or by an official authorised by him.

(2) (Amend. - SG 16/21) An aircraft shall be detained by the persons referred to in Para 1 also where:

1. an immediate and obvious safety threat has been established following an on-platform inspection of the aircraft;

2. following an on-platform aircraft inspection it has been established that that the operator cannot be expected to undertake any measures for removal of established non-compliances before proceeding with the flight, which may result in direct threat to the

safety of the aircraft and the passengers therein;

3. an inspection has been refused.

(3) In the cases referred to in Para 1 and 2 the Chief Director of Chief Directorate "Civil Aviation Administration" shall immediately notify the aviation authorities of the respective operator and of the state of registration of the aircraft.

(4) In the cases of Para 2, Item 2 the aircraft shall be detained until removal of the threat.

(5) In the cases of Para 2, Item 2 the Chief Director of Chief Directorate "Civil Aviation Administration" may allow a relocation flight without transportation of passengers to a base for technical support.

Art. 29a. (new – SG 81/11) (1) (Amend. - SG 16/21) Where following an on-platform inspection of an aircraft it has been established that there are non-compliances with the international safety standards, but there is no need for detainment, the Chief Director of Chief Directorate "Civil Aviation Administration" or an official authorised by him shall:

1. impose restrictions to the operation of the aircraft, where has been found that it may continue its flight only when observing the said restrictions;

2. prescribe activities for removal of the non-compliances before carrying out the flight.

(2) In the cases referred to in Para 1, Item 2 the Chief Director of Chief Directorate "Civil Aviation Administration" may allow a relocation flight without transportation of passengers to a base for technical support.

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

1. certificate for registration;

2. certificate for flying fitness or permit for admission to flying;

3. permission for operating aircraft radio station;

4. certificate for competence of each member of the crew;

5. documents for insurance;

6. board diary;

7. flight plan;

8. list of the passengers with indication from and to where they are travelling;

9. manifest and detailed declarations about the cargo, if there is cargo;

10. a certificate for aviation operator if the flight is commercial.

(2) (amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall issue an ordinance determining other documents, besides those under para 1, which must be on board of the aircrafts, in compliance with the regional agreements of the International Civil Aviation organization (ICAO).

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

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

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

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

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

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

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

Art. 32. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine the positions for which shall be required a certificate for competence.

(2) (amend. - SG 52/04, suppl. - SG 16/21) The flying staff shall be the persons who have flying certificate. To them shall be equalled at implementation of a flight the persons who are in the process of training for acquiring flying competence or attestation.

(3) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09, suppl. - SG 16/21) The civil aviation administration shall issue certificates for competence and attestations and keep a register of the staff under conditions and by the order, determined by the Minister of Transport, Information Technology and Communications.

Art. 33. (amend. SG 85/98, SG 34/01, amend. SG 88/05; amend. – SG 82/09, suppl. - SG 16/21) The Minister of Transport, Information Technology and Communications issues ordinances by which he determines:

1. (amend. - SG 16/21) the conditions and the procedure for issuing certificates to training organizations and aviation training centers and the requirements they are to meet;

2. (suppl. - SG 16/21) the requirements and the order for issuing certificates for the teachers in the aviation training centres, in training organizations and the programmes for their training;

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

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

5. (new – SG 66/08, in force from 25.07.2008, suppl. - SG 16/21) the conditions and order for recognising the legal capacity certificates of the crew members and attestations of the cabin crew of the aircraft issued by a Member State of the European Union, or by another country – party to the Agreement on the European Economic Area;

6. (new – SG 66/08, in force from 25.07.2008, suppl. - SG 16/21) the conditions and order for recognising the legal capacity certificates of the crew members and attestations of the cabin crew of the aircraft issued by other states;

7. (new - SG 16/21) the terms and conditions for issuing a certificate to an approved training organization

8. (new - SG 16/21) the terms and conditions for issuing a certificate to a cabin crew training organization;

9. (new - SG 16/21) requirements to be met by aeromedical centers and aeromedical examiners (AMEs);

10. (new - SG 16/21) the terms and conditions for approval of the organizations for assessment of language competence for the needs of civil aviation;

11. (new - SG 16/21) the requirements to be met by the declared training organizations.

Art. 34. (amend. - SG 37/06) (1) (Amend. - SG 16/21) The members of the crew of a civil aircraft registered in the Republic of Bulgaria shall hold:

1. competence certificates issued or recognized as valid by the Chief Directorate "Civil aviation administration" - for flight crew members;

2. attestations issued or recognized as valid by the Chief Directorate "Civil aviation administration" - for cabin crew members.

(2) (suppl. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) By a permit of the Minister of Transport, Information Technology and Communications can be admitted to work in the civil aviation foreigners for a period not longer than one year. Nationals of a Member State of the European Union, or of another country – party to the Agreement on the European Economic Area shall be allowed to work at the civil aviation for unlimited time without permission of the Minister of Transport, Information Technology and Communications.

(3) (suppl. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) The positions, immediately connected with the ensuring of the safety of flights and the maintenance of the flying fitness of the aircrafts, shall be taken only by persons with higher education, except for the aviation operators carrying out specialised aviation activities, and aviation qualification and shall be determined according to order established by the Minister of Transport, Information Technology and Communications.

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

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

Art. 37. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09; suppl. – SG 81/11) The persons of aviation who are subject to medical certification and the requirements, which they have to meet, shall be determined in an ordinance of the Minister of Transport, Information Technology and Communications.

(2) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09; amend. – SG 81/11) The fitness of the staff for implementation of the corresponding activity with regard to the health status of the persons shall be established by aviation medical centres or aviation medical experts holding a certificate for such activities, issued by the Chief Director of Chief Directorate “Civil Aviation Administration”.

(3) (new – SG 81/11) The Minister of Transport, Information Technologies and Communications shall determine the conditions and order for issuing the certificates in the ordinance referred to in Para 1.

(4) (new – SG 81/11, amend. - SG 16/21) The conditions and the procedure for the certification of the medical fitness of amateur pilots of ultralight aircraft by a general practitioner shall be determined by an ordinance of the Minister of Transport, Information Technologies and Communications.

Art. 38. (amend. SG 85/98) (1) (suppl., SG 52/04; amend. and suppl. - SG 37/06; amend. – SG 66/08, in force from 25.07.2008) The crew of an aircraft shall be the aviation staff to which is assigned the implementation of the flight.

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

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

(4) (new – SG 66/08, in force from 25.07.2008) During performance of their flight programmes the aviation operators shall include at their expense aviation inspectors as members of the flight crew according to their qualification.

(5) (new – SG 63/10) When executing their flight programmes, the aviation operators shall have the right to execute check and tests crew members for usage of psycho –active substances.

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

(2) (suppl., SG 52/04, amend. - SG 16/21) The captain of the aircraft shall be obliged to refuse to implement a flight, when unfitness of the aircrafts is established, which has not been included in the list of admissible refusals approved by the Director General of the Directorate General "Civil aviation administration".

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

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

Art. 41. (1) The captain of an aircraft, received signal for distress from another aircraft or from a sailing vessel, discovered aircrafts or sailing vessel in distress or people in danger, shall be obliged to render help, to determine the location of the distress and to inform about this the air traffic control service.

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

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

Chapter four. AIRFIELDS

Art. 43. (amend. SG 85/98) (1) (Amend. - SG 16/21, in force from 24.02.2022) The aircraft take off and land at airports.

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

1. (amend. - SG 81/11) airfields for public use for servicing international and internal transport, for servicing commercial operations by an aircraft and other services against payment;

2. (amend. SG 34/01; amend., SG 52/04; amend. - SG 81/11, amend. - SG 16/21, in force from 24.02.2022) international airports for general aviation services;

3. (amend. - SG 16/21, in force from 24.02.2022) airports for general aviation services against payment or without payment, as well as for technological needs of the owner free of charge;

4. (new - SG 16/21, in force from 24.02.2022) airports for the operation of flights, other than commercial air transport, with aircraft with a maximum take-off mass of less than 5700 kg for a fee or free of charge, as well as for the technological needs of the owner, free of charge; the maximum take-off mass limit does not apply to helicopters.

(3) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; prev. text of Para 04, amend. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) The civil airfields of para 2, on which can be accepted civil aircrafts, shall be determined by the Minister of Transport, Information Technology and Communications in co-ordination with the Minister of defence, the Minister of Finance, the Minister of Interior and the chairman of State Agency "National Security" with the explicit consent of the owner of the airfield.

(4) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. and suppl. - SG 109/07, in force from 01.01.2008; prev. text of Para 03 – SG 66/08, in force from 25.07.2008; amend. – SG 82/09, amend. - SG 16/21, in force from 24.02.2022) The Council of Ministers at a proposal by the Minister of Transport shall determine the civil airfields for public use in the Republic of Bulgaria.

(5) (new – SG 34/01; revoked – SG 66/08, in force from 25.07.2008)

(6) (new – SG 85/98, prev. (5), amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09, new – SG, 60/2012) The Minister of Transport, Information Technology and Communications and the Minister of Defence shall determine the conditions and procedure for joint use of the civil airfields for public use and of the military airfields, as well as carrying out flights of civil aircrafts to and from the military airfields.

(7) (new, SG 52/04; amend. - SG 81/11, revoked - SG 16/21, in force from 24.02.2022)

Edition to SG, 60/7 Aug 2012

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

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

1. (amend. - SG 81/11) *airfields for public use for servicing international and internal transport, for servicing commercial operations by an aircraft and other services against payment;*

2. (amend. SG 34/01; amend., SG 52/04; amend. - SG 81/11) *airfields for servicing commercial operations by an aircraft; including for single flights for transport services, implemented with aircrafts with maximum take off weight up to 5700 kg or with capacity up to 19 passenger seats;*

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

(3) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; prev. text of Para 04, amend. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) *The civil airfields of para 2, on which can be accepted civil aircrafts, shall be determined by the Minister of Transport, Information Technology and Communications in co-ordination with the Minister of defence, the Minister of Finance, the Minister of Interior and the chairman of State Agency "National Security" with the explicit consent of the owner of the airfield.*

(4) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. and suppl. - SG 109/07, in force from 01.01.2008; prev. text of Para 03 – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) *The civil airfields of para 2, items 2 and 3, on which can be accepted civil aircrafts, shall be determined by the Minister of Transport, Information Technology and Communications in co-ordination with the Minister of defence, the Minister of Finance, the Minister of Interior and the chairman of State Agency "National Security" with the explicit consent of the owner of the airfield.*

(5) (new – SG 34/01; revoked – SG 66/08, in force from 25.07.2008)

(6) (new – SG 85/98, prev. (5), amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09, new – SG, 60/2012) *The Minister of Transport, Information Technology and Communications and the Minister of Defence shall determine the conditions and procedure for joint use of the civil airfields for public use and of the military airfields, as well as carrying out flights of civil aircrafts to and from the military airfields.*

(7) (new, SG 52/04; amend. - SG 81/11) *The flight plots shall be used for servicing flights, other than commercial air transportation, of aircrafts with maximal takeoff weight under 5700 kg against payment or without payment, as well as for technological needs of the owner without payment. The limitation for maximal takeoff weight shall not regard helicopters.*

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

(2) (revoked – SG 66/08, in force from 25.07.2008)

(3) (revoked – SG 66/08, in force from 25.07.2008)

(4) (suppl. – SG 66/08, in force from 25.07.2008) *The land on which are located the facilities for navigation and management of air traffic, servicing flights, connected with international or internal public transport and the technologically necessary terrain, shall be public state ownership or private property.*

(5) (new – SG 66/08, in force from 25.07.2008, revoked - SG 16/21, in force from

24.02.2022)

Edition to SG, 66/25 Jul 2008

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

(2) (revoked – SG 66/08, in force from 25.07.2008)

(3) (revoked – SG 66/08, in force from 25.07.2008)

(4) (suppl. – SG 66/08, in force from 25.07.2008) The land on which are located the facilities for navigation and management of air traffic, servicing flights, connected with international or internal public transport and the technologically necessary terrain, shall be public state ownership or private property.

(5) (new – SG 66/08, in force from 25.07.2008) The civil airports under Art. 43, Para 2, Items 1 and 2 shall be equipped with air traffic service and relevant aero navigation equipment.

Art. 43b. (new – SG 34/01; amend. - SG 52/04, amend. - SG 96/17, in force from 02.01.2018) (1) The civil airports for public use which are state property shall be used under the conditions of this Act by airport operators - merchants, who have been awarded a concession for services or concession for construction under the Concessions Act, or by the commercial companies in which the state is the sole owner of the capital.

(2) Following the provisions of the Concessions Act and of this Act for the civil airports for public use of public state ownership a concession may also be granted, by which the right of operation shall be granted of the following:

1. servicing of passengers and/or for processing of cargoes, luggage and mail, and/or for carrying out of accompanying activity in the a stand alone part of an airport, allocated by an enforced general layout of development of the airport, and/or

2. a service, provided on the airport premises, beyond the activities related to land services under Art. 48e, par. 3.

(3) The powers of a concessor for concession under para. 1 and 2 shall be performed by the Minister of Transport, Information Technology and Communications.

(4) In the procedure for determining the concessionaire for concession under para. 1 as a condition for participation in the procedure shall be determined the requirements for airport operator under Art. 48d, para. 2, items 2 and 3. With their offers, the participants in the procedure make suggestions about the organization, technique and technology to ensure compliance with established standards and procedures to ensure the safety and security of flights at the airport concerned as well as proposals on how to manage and operate the airport. An airport operator license is issued to the concessionaire after the concession contract has been concluded within the terms agreed within it when the concessionaire meets the licensing requirements set forth in this Act.

(5) With the contract for concession under para. 1 shall be determined the rights and obligations, related to the activities under Art. 48a, para. 3 and Art. 48e, para. 3, items 3 to 5 and 7, which shall be carried out by the concessionaire. The contract entitles the concessionaire to collect airport charges under Art. 120, para. 1, setting the terms and conditions for this, including the proportion of the charges it collects for its benefit as revenue from airport operation and/or services provided.

(6) The accompanying activity under para. 2, item 1 is each activity, related to the servicing of passengers, cargo and mail the conduct of which is justified by airport traffic and the business activities carried out and does not hinder and/or impede the provision of ground

handling, aviation security and safety.

(7) With the contract for concession under para. 2, item 1 besides the operational risk, the concessionaire also takes the risk of joining the stand alone part to the technical infrastructure necessary for its operation. The contract entitles the concessionaire to collect airport charges under Art. 120, para. 1, setting the terms and conditions for this, including the proportion of the charges it collects for its benefit as revenue from services provided.

(8) With the contract for concession under para. 2 shall be defined the sites in or through which the service is provided and the rights and obligations of the concessionaire related to the use of the sites under item 1.

(9) With the contract for concession under para. 2 must be determined the relations of the concessionaire with the airport administration.

Art. 43c (new – SG 34/01; suppl. – SG 66/08, in force from 25.07.2008, amend. - SG 96/17, in force from 02.01.2018) An airfield which is municipal ownership shall be used under the conditions of this Act by an airport operator - a trader who has been granted a concession for a construction or concession for services and pursuant to the Concessions Act.

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

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

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

Art. 43e. (new – SG 34/01, amend. SG 88/05; amend. and suppl. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) The sole owned commercial companies with state assets shall use the civil airfields for public use – public state property - without concession. The conditions and order for use of the civil airfields for public use – public state property, by single ownership companies with state share of the capital shall be determined in a contract between the Minister of Transport, Information Technology and Communications and the single ownership company.

Art. 43f. (new – SG 66/08, in force from 25.07.2008) The civil airports for public use, which are not state or municipal property, shall be used by merchants - airport operators under the conditions and order of this Act.

Art. 43g. (new – SG 66/08, in force from 25.07.2008) (1) Natural or legal persons registered as merchants, who use or have investment initiative for building or enlargement of a civil airport for public use, apart from the cases of civil airports for public use – public state property or municipal property, shall submit an application to Chief Directorate "Civil Aviation Administration".

(2) The application referred to in Para 1 shall contain at least:

1. research regarding the traffic of passengers and/or cargoes, expected to be serviced or processed at the airport;
2. documents certifying the rights of the person in the territory, on which the airport will be used or built, or enlarged;
3. individualisation of the territory, on which the airport will be built or enlarged, together with preliminary research on the availability of suitable ecological, geological and meteorological conditions and on the possibilities for connecting it to the road and railway network;
4. pre-investment research, investment programme and information about the financial and technological support of its realisation;
5. the necessity of public investments related to the construction of road and/or railway bonds;
6. preliminary proof of the possibilities to build and maintain a border control point – in the cases, where international carriage will be serviced at the airport.

(3) (amend. – SG 82/09) Within 6 months from receiving the application the Chief Directorate "Civil Aviation Administration" shall carry out its own research of the application under Para 1 and shall provide a motivated opinion to the Minister of Transport, Information Technology and Communications.

(4) (amend. – SG 82/09) On the basis of the motivated opinion of the Chief Director of Chief Directorate "Civil Aviation Administration" the Minister of Transport, Information Technology and Communications shall make a proposal to the Council of Ministers for adopting a decision:

1. for granting permission for use or building a new or enlarging an existing civil airport for public use, apart from the cases of civil airports for public use – public state property, or
2. refusing to grant permission for use or building a new or enlarging an existing civil airport for public use, apart from the cases of civil airports for public use – public state property.

Art. 43h. (New – SG 16/21) The Minister of Transport, Information Technologies and Communications with an ordinance determines the types of air traffic services, including airport flight information services.

Art. 44. (amend. SG 85/98) (1) (suppl., SG 52/04, amend. - SG 16/21, in force from 24.02.2022) The Directorate General "Civil Aviation Administration" certifies the operational suitability of civil airports and navigation facilities.

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

(3) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05; amend. – SG 82/09, amend. - SG 16/21, in force from 24.02.2022) The conditions and the order for ascertainment of the fitness of the airports and the navigation facilities, as well as the requirements for these sites shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

Edition to SG, 82/16 Oct 2009

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

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

(3) *(amend. SG 34/01; amend., SG 52/04, amend. SG 88/05; amend. – SG 82/09) The conditions and the order for ascertainment of the fitness of the airports, the flight plots and the navigation facilities, as well as the systems and facilities for servicing passengers, servicing and catering to aircrafts, loading and unloading of luggage and cargo, as well as the requirements for these sites shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.*

Art. 44a. (New – SG 1/19) The Directorate General “Civil Aviation Administration” shall certify civil airports for public use under the conditions and procedure of Regulation (EU) № 139/2014 laying down the requirements and administrative procedures related to Regulation (EC) № 216/2008 of the European Parliament and of the Council (OJ, L 44/1, of 14 February 2014), hereinafter referred to as “Regulation (EU) № 139/2014”.

Art. 45. (Amend. - SG 16/21, in force from 24.02.2022) The civil aviation administration can restrict or ban the exploitation of airports, which do not meet the requirements for safety of the flights.

Edition to SG, 111/28 Dec 2001

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

Art. 45a. (new – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall issue an ordinance, in which the contents, conditions and order for drafting general plans of the civil airports under Art. 43, Para 2, Item 1 shall be determined.

Art. 46. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall co-ordinate the projects for construction, extension or reconstruction of civil airfields and navigation facilities.

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

1. general plan for the development of the airfield;

2. (amend., SG 52/04) approved detailed development plan and implementation of the procedures under the Environmental Protection Act, the Spatial Development Act, the State Property Act and the Municipal Property Act, under this and other laws, which could have connection with the issued permission.

(3) (amend., SG 52/04, amend. SG 88/05; amend. – SG 36/08; amend. – SG 82/09; amend. – SG 41/11; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 58/17, in force from 18.07.2017) The Minister of Transport, Information Technology and Communications, the Minister of Regional Development and Public Works and the Minister of Agriculture, Foods and Forestry shall determine with an ordinance the permissive regime in the easement zones and zones of

influence of the airfields. The issuing of permissions for construction of buildings, facilities, water reservoirs, waste deposits, high voltage power lines, quarry pits and other similar sites in these zones shall be co-ordinated with the Minister of Transport, Information Technology and Communications.

Art. 46a. (new, SG 52/04, amend. SG 88/05; amend. – SG 82/09; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Transport, Information Technology and Communications, in coordination with the Minister of Regional Development and Public Works, shall issue an ordinance determining the content of the specialized map and the register issued on the grounds of the data under art. 32, para 1, item 1 of the Cadastre and Property Register Act, and the terms and the order of their creation and maintenance.

Art. 47. (amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine the restrictions in connection with the safety of aviation connected with construction of sites of art. 46, para 3 as well as the requirements, the standards and the way for mounting warning structures on high buildings and facilities.

(2) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05; amend. – SG 36/08; amend. – SG 82/09; amend. – SG 4/11, amend. – SG 58/17, in force from 18.07.2017) The Minister of Transport, Information Technology and Communications and the Minister of Agriculture, Foods and Forestry shall determine with an ordinance the possible restrictions over the character of the planted crops in the region of the airfields with regard to protection from birds.

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

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

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

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

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

Art. 48. (amend. SG 85/98, in force from 01.01.1999) (*) The Civil aviation administration shall coordinate the designs for construction and reconstruction of buildings, facilities and other construction works on the territory of the airfield on the basis of the approved general plan.

Art. 48a. (new – SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine the standards, the conditions and the rules connected with the airfield security of flights.

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

(3) The airfield administration shall:

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

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

b) the restriction and the removal of obstacles;

c) (amend. - SG 81/11) the maintenance of the visual air navigation means;

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

e) the guarding of the airfield;

f) the security of the flights;

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

h) the management of movement on the territory of the airfield;

i) the equipment and the installations for electric supply;

j) the simplification of the formalities in the airfields;

2. assign the development and the modernisation of the general and the cadastral plan of the airfield;

3. (amend., SG 52/04) create conditions for economic activity on the territory of the airfield for the operators of ground services licensed under this Act;

4. undertake measures for restriction of the aviation noise;

5. be able to stop the take off of the aircrafts (except at implementation of regular transport) if the user has not paid the due fees or has not given sufficient guarantees for that;

6. collect airfield fees provided in this Act.

(4) (amend. SG 34/01; amend., SG 52/04, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications can assign entirely or partially the functions of the airfield administration to the airport operator.

(5) (new – SG 66/08, in force from 25.07.2008) In the civil airports for public use, which are not public state or municipal property, the functions of airport administration shall be exercised by the owner of the airport or by a person assigned by him, holding an airport operator license.

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

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

licence for airport operator has been issued.

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

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

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

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

(6) (amend. SG 88/05; amend. – SG 82/09) The terms and the order of issuing a licence under para 1 shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

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

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

1. a certificate for operational fitness for the airport has been issued;
2. the person has produced proof of financial stability;
3. the staff of the candidate has qualification, professional experience and practice, necessary for the implementation of the activity;
4. the organisation, the equipment and the technologies ensure the observing of the established standards and procedures for ensuring the safety and the security of the flights at the respective airport;
5. the person has an approved by the Chief directorate Civil aviation administration Manual for management and operation of the respective airport.

Art. 48e. (new – SG 34/01; amend., SG 52/04) (1) (suppl. – SG 10/07, in force from 3001.2007, amend. - SG 16/21, in force from 24.02.2022) The activities of land servicing of a civil airport under Art. 43, para 2, item 1 shall be carried out by entrepreneurs registered under the Commerce Act or by persons registered as traders under a legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area to whom licence has been issued for operator of land services.

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

1. The personnel of the candidate has qualification, professional experience and length of service necessary for fulfillment of the activity;
2. has presented proof of financial stability;
3. (amend. – SG 41/11) has created organisation and has at its disposal equipment and/or technologies providing the observance of the acting standards and procedures for safety and security of the persons, aircrafts, equipment and facilities of the respective airport; the applicant shall prove that it has got relevant equipment and/or technologies, by providing documents, evidencing the ownership, leasing or the right of use in any other way of the respective equipment and/or technologies;

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

5. (new – SG 41/11) has insured its liability to third parties, its liability for missing or damaged cargoes, luggage and mail and regarding the hired by it personnel – against accidents, for which it shall present an insurance contract covering all legally obligatory risks.

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

1. land administration and supervision;
2. servicing of passengers;
3. luggage processing;
4. processing of cargo and mail;
5. station servicing of aircrafts;
6. servicing of aircrafts;
7. servicing of aircrafts by fuel and oil;
8. technical servicing of aircrafts;
9. flight operations and administering of the crews;
10. land transport;
11. catering.

(4) (suppl. – SG 41/11) Every person to whom licence under para 3 has been issued shall have right to access to the market of land servicing or self-service of a definite airport for public use under the conditions of para 5, 6 and 7.

(5) (amend. – SG 41/11) On an airport with an annual passenger traffic of over 2 million passengers or an annual cargo traffic over 50 000 t the number of operators providing services to third persons, related to processing of luggage, platform services of aircrafts, services with fuel and oil of aircrafts, processing of cargoes and mail – regarding physical handling of cargoes and mail, regardless if they are arriving, departing or transferred between the airport terminal and the aircraft and have obtained access to the market, may not be less than two for each of these activities, unless there are no candidates.

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

1. the airport operator;
2. an air carrier who carries more than 25 percent of the passengers or cargo on a definite airport, or
3. a body controlling or controlled directly or indirectly by the airport operator or by the airway carrier.

(7) (amend. – SG 41/11) On an airport with passenger traffic over 2 million passengers or annual cargo traffic over 50 000 t the number of aircraft operators having the right to carry out self-service for the activities related to processing of luggage, platform services of aircrafts, services with fuel and oil of aircrafts, processing of cargoes and mail – regarding physical handling of cargoes and mail, regardless if they are arriving, departing or transferred between the airport terminal and the aircraft may not be less than two, unless there are no candidates. Under the thresholds referred to in sentence one the self-service shall be carried out freely.

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

1. limit the number of operators carrying out land services to third persons and providing one or more activities outside those under para 5, and the limitations under para 6 shall apply for the operator respectively;
2. concede only to one operator, carrying out land servicing to third persons, the right to carry out one or more of the activities under para 5;
3. (amend. – SG 41/11) limit the number of the self-servicing aircraft operators carrying

out activities outside those under para 7;

4. (amend. – SG 41/11) prohibit the self-servicing or concede the right of self-servicing only to one aircraft operator for the activities under para 7;

5. (new – SG 66/08, in force from 25.07.2008) determine the number of the operators providing land services to third parties and exercising one or more of the activities referred to in Para 5;

(6) (new – SG 41/11) determine the number of aircraft operators, carrying out self-servicing of one or more activities under par. 7.

(9) (suppl. – SG 66/08, in force from 25.07.2008) The limitations under para 8 shall be imposed for shortage of technological area or capacity of an airport, having occurred as a result of overloading and a large percentage of used area, as well as where it is justified and related mainly to the safety, security or spatial organisation of the airport.

(10) The limitation under par a8, item 2 may be imposed for a period of up to two years, and under para 8, item 1, 3 and 4 – for a period of up to three years.

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

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

(13) (new – SG 41/11; amend. - SG 81/11) The port operator shall notify Chief Directorate "Civil aviation administration" in case of occurrence of the circumstanced referred to in par. 9. Within three months after the notification the Chief Director of Chief Directorate "Civil aviation administration" shall appoint an inspection and shall issue an order.

(14) (new – SG 41/11; amend. - SG 81/11) Where the number of air carriers carrying out self-service is limited in compliance with par. 8 for carrying out the respective activity, the Chief Director of Chief Directorate "Civil aviation administration" shall nominate the air carrier or air carriers which shall transport the largest share of passengers and/or cargoes at the airport in the calendar year prior to entering of the decision imposing the limitation into force.

(15) (new – SG 41/11) The access to self-service of air carriers, determined under par. 14, shall be provided for a period not exceeding 7 years.

(16) (new – SG 41/11) Where an air carrier, determined under par. 14, holds a license of an operator of ground operations of the respective activity at the airport, it shall get access to self-service from entering of the decision imposing the limitation under par. 8 into force.

(17) (new – SG 41/11) An air carrier, determined under par. 14, who does not hold a license of an operator of ground operations of the respective activity at the airport, shall undertake steps for its obtaining pursuant to the provisions of this Act within 60 days after entering of the decision imposing the limitation under par. 8 into force.

(18) (new – SG 41/11; amend. - SG 81/11) Where the determined under par. 14 applicants declare, that they do not wish to carry out self-service at the respective airport or fail to undertake steps for obtaining a license within the term referred to in par. 17, or there is a ruled and enforced refusal for obtaining a license, the Chief Director of Chief Directorate "Civil aviation administration" shall issue a decision for nomination of an operator of ground self-service to the applicants with the next biggest share of handling of passengers and cargoes.

(19) (new – SG 41/11; amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" by an order shall withdraw the access to self-service of the air carriers determined under par. 14, where for a period longer than one year they have stopped meeting the criteria referred to in par. 14.

(20) (new – SG 41/11; amend. - SG 81/11) The Chief Director of Chief Directorate

"Civil aviation administration" upon request of the airport operator by an order shall withdraw the access to the market of an operator of ground operations or self-service, failing to comply with the obligatory provisions of art. 48h, par. 1 at the respective airport.

(21) (new – SG 41/11; amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" by an order shall withdraw the access to the market of an operator of ground operations or self-service, where the operator fails to commence its activity within 60 days from obtaining the access, its license has been withdrawn or it has been announced in insolvency.

(22) (new – SG 41/11; amend. - SG 81/11) The acts of the Chief Director of Chief Directorate "Civil aviation administration" referred to in par. 8, 14, 18 – 21 shall be subject to appeal pursuant to the provisions of the Administrative Procedure Code.

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

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

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

2. has presented proof of financial stability;

3. (amend. – SG 41/11) has created organisation and has at its disposal equipment and/or technologies providing the observance of the acting standards and procedures for safety and security of the persons, aircrafts, equipment and facilities of the respective airport; the applicant shall prove that it has got relevant equipment and/or technologies, by providing documents, evidencing the ownership, leasing or the right of use in any other way of the respective equipment and/or technologies;

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

5. (new – SG 41/11) has insured its liability to third parties, its liability for missing or damaged cargoes, luggage and mail and regarding the hired by it personnel – against accidents, for which it shall present an insurance contract covering all legally obligatory risks.

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

1. land administration and supervision;

2. servicing of passengers;

3. luggage processing;

4. processing of cargo and mail;

5. station servicing of aircrafts;

6. servicing of aircrafts;

7. servicing of aircrafts by fuel and oil;

8. technical servicing of aircrafts;

9. flight operations and administering of the crews;

10. land transport;

11. catering.

(4) (suppl. – SG 41/11) Every person to whom licence under para 3 has been issued shall have right to access to the market of land servicing or self-service of a definite airport for public use under the conditions of para 5, 6 and 7.

(5) (amend. – SG 41/11) On an airport with an annual passenger traffic of over 2 million passengers or an annual cargo traffic over 50 000 t the number of operators providing services to third persons, related to processing of luggage, platform services of aircrafts, services with fuel and oil of aircrafts, processing of cargoes and mail – regarding physical handling of cargoes and mail, regardless if they are arriving, departing or transferred between the airport terminal and the aircraft and have obtained access to the market, may not be less than two for each of these activities, unless there are no candidates.

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

1. the airport operator;
2. an air carrier who carries more than 25 percent of the passengers or cargo on a definite airport, or
3. a body controlling or controlled directly or indirectly by the airport operator or by the airway carrier.

(7) (amend. – SG 41/11) On an airport with passenger traffic over 2 million passengers or annual cargo traffic over 50 000 t the number of aircraft operators having the right to carry out self-service for the activities related to processing of luggage, platform services of aircrafts, services with fuel and oil of aircrafts, processing of cargoes and mail – regarding physical handling of cargoes and mail, regardless if they are arriving, departing or transferred between the airport terminal and the aircraft may not be less than two, unless there are no candidates. Under the thresholds referred to in sentence one the self-service shall be carried out freely.

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

1. limit the number of operators carrying out land services to third persons and providing one or more activities outside those under para 5, and the limitations under para 6 shall apply for the operator respectively;
2. concede only to one operator, carrying out land servicing to third persons, the right to carry out one or more of the activities under para 5;
3. (amend. – SG 41/11) limit the number of the self-servicing aircraft operators carrying out activities outside those under para 7;
4. (amend. – SG 41/11) prohibit the self-servicing or concede the right of self-servicing only to one aircraft operator for the activities under para 7;
5. (new – SG 66/08, in force from 25.07.2008) determine the number of the operators providing land services to third parties and exercising one or more of the activities referred to in Para 5;

(6) (new – SG 41/11) determine the number of aircraft operators, carrying out self-servicing of one or more activities under par. 7.

(9) (suppl. – SG 66/08, in force from 25.07.2008) The limitations under para 8 shall be imposed for shortage of technological area or capacity of an airport, having occurred as a result of overloading and a large percentage of used area, as well as where it is justified and related mainly to the safety, security or spatial organisation of the airport.

(10) The limitation under par a8, item 2 may be imposed for a period of up to two years, and under para 8, item 1, 3 and 4 – for a period of up to three years.

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

(12) Regardless of the passenger traffic or cargo traffic on the airport and the imposed limitations the airport operator shall carry out without competition the activities of land servicing

for which he has obtained licence for operator of land services.

(13) (new – SG 41/11; amend. - SG 81/11) The port operator shall notify Chief Directorate "Civil aviation administration" in case of occurrence of the circumstanced referred to in par. 9. Within three months after the notification the Chief Director of Chief Directorate "Civil aviation administration" shall appoint an inspection and shall issue an order.

(14) (new – SG 41/11; amend. - SG 81/11) Where the number of air carriers carrying out self-service is limited in compliance with par. 8 for carrying out the respective activity, the Chief Director of Chief Directorate "Civil aviation administration" shall nominate the air carrier or air carriers which shall transport the largest share of passengers and/or cargoes at the airport in the calendar year prior to entering of the decision imposing the limitation into force.

(15) (new – SG 41/11) The access to self-service of air carriers, determined under par. 14, shall be provided for a period not exceeding 7 years.

(16) (new – SG 41/11) Where an air carrier, determined under par. 14, holds a license of an operator of ground operations of the respective activity at the airport, it shall get access to self-service from entering of the decision imposing the limitation under par. 8 into force.

(17) (new – SG 41/11) An air carrier, determined under par. 14, who does not hold a license of an operator of ground operations of the respective activity at the airport, shall undertake steps for its obtaining pursuant to the provisions of this Act within 60 days after entering of the decision imposing the limitation under par. 8 into force.

(18) (new – SG 41/11; amend. - SG 81/11) Where the determined under par. 14 applicants declare, that they do not wish to carry out self-service at the respective airport or fail to undertake steps for obtaining a license within the term referred to in par. 17, or there is a ruled and enforced refusal for obtaining a license, the Chief Director of Chief Directorate "Civil aviation administration" shall issue a decision for nomination of an operator of ground self-service to the applicants with the next biggest share of handling of passengers and cargoes.

(19) (new – SG 41/11; amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" by an order shall withdraw the access to self-service of the air carriers determined under par. 14, where for a period longer than one year they have stopped meeting the criteria referred to in par. 14.

(20) (new – SG 41/11; amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" upon request of the airport operator by an order shall withdraw the access to the market of an operator of ground operations or self-service, failing to comply with the obligatory provisions of art. 48h, par. 1 at the respective airport.

(21) (new – SG 41/11; amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" by an order shall withdraw the access to the market of an operator of ground operations or self-service, where the operator fails to commence its activity within 60 days from obtaining the access, its license has been withdrawn or it has been announced in insolvency.

(22) (new – SG 41/11; amend. - SG 81/11) The acts of the Chief Director of Chief Directorate "Civil aviation administration" referred to in par. 8, 14, 18 – 21 shall be subject to appeal pursuant to the provisions of the Administrative Procedure Code.

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

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

created for that purpose.

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

(4) (new – SG 10/07, in force from 30.01.2007; amend. – SG 41/11) In case of imposed restriction under Art. 48e, par. 8, item 2 consultations of par. 3 shall include also consultations regarding the price of land services, for which imposition of restrictions is provided, and regarding organization of provision of these services. Consultations shall end up with issuing an act by the airport operator.

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

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

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

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

(4) (amend. – SG 41/11) The announcement for holding the competition shall contain the term of access to the market which may not be longer than 7 years.

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

(6) The candidates shall present:

1. declarations for the circumstances under para 8;

2. (amend. – SG 41/11) a list of the operational equipment, essentially inherent for carrying out the respective activity, providing for compliance with the applicable standards and procedures for safety and security of persons, aircrafts, facilities and equipment at the respective airport;

3. (amend. – SG 41/11) a list of names and addresses of persons, intended to be hired, and also evidences that these persons have got relevant qualification and professional experience, and also declaration of consent by the persons and for undertaken engagement;

4. (new – SG 41/11) business plan;

5. (prev. item 4 – SG 41/11) organizational project for organizing the activity and for interaction with the airport operator, including terms of interaction acceptable by the Chief Directorate "Civil aviation administration";

6. (prev. item 5 – SG 41/11) other documents required by the competition documentation under para 5.

(7) (amend. – SG 41/11) The organizational project under para 6, item 5 shall contain a proposal for locating the operator on the territory of the airport (necessary premises and

areas for the machines, equipment and personnel of the operator), a proposal for necessary access to energy sources and water sources, needs of communication devices, providing the conditions of protection of the environment during the activity of the operator, including organization of the activity and admission regime.

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

1. has been declared bankrupt or who is under bankruptcy proceedings;

2. has been convicted for bankruptcy;

3. is in liquidation;

4. has been deprived of the right to exercise trading activity;

5. has obligations for the state established by an act issued by a competent body, or liabilities to insurance funds, unless the competent body has admitted deferring or postponement of the liabilities;

6. has been convicted for crime against the property or against the economy.

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

(10) (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 41/11; amend. - SG 81/11) The airport operator or the Chief Director of Chief Directorate "Civil aviation administration" shall issue a decision for nomination of an operator of ground servicing of the applicant having won the competition. The decision is an individual administrative act and shall be subject to appeal by the order of the Administrative procedure code.

(11) (revoked, new – SG 41/11) Where the applicant having won the competition holds a license of an operator of ground operations for the respective activity at the airport, it shall get access to the market as from entering of the decision for nomination referred to in par. 10 into force.

(12) (new – SG 41/11) Where the applicant having won the competition does not hold a license of an operator of ground operations for the respective activity, within 60 days after entering of the decision for nomination of an applicant shall undertake steps for obtaining a license pursuant to the provisions of this Act.

(13) (new – SG 41/11; amend. - SG 81/11) Where the winning applicant fails to undertake steps for obtaining a license within the term referred to in par. 12 or there is a ruled and enforced refusal for obtaining a license, the airport operator or the Chief Director of Chief Directorate "Civil aviation administration" shall issue a decision for nomination of an operator of ground operations of the next ranked applicant.

(14) (prev. par. 12, amend. – SG 41/11) In cases where the license of an operator of ground operations has been withdrawn or the operator has been announced in insolvency, prior to holding a new competition an operator of ground operations shall be nominated, who shall carry out the activity of the removed operator.

(15) (prev. par. 13 – SG 41/11) The ordinance under art. 48c, para 6 shall also settle the terms and the order of access to the market of land servicing, for issuance of licence for operator of land servicing, the activities of land servicing, as well as the terms and the order by which limits to the access may be imposed.

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

(2) The airport operator shall distribute the available free space for land services and shall provide access to the airport facilities to the land services and self-services operators to

the extend, relevant for carrying out of their activity.

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

Art. 48i. (new – SG 10/07, in force from 30.01.2007; amend. – SG 41/11; amend. - SG 89/15) (1) The airport operator providing ground services, the ground services operators, providing services to third persons, shall separate their accounts for own operations for ground services from the accounts for other activities in compliance with the applicable accountancy laws.

(2) (amend. - SG 81/11) (*) The persons under par. 1 shall provide relevant information to the General Directorate "Civil Aviation Administration" within 20 days after expiration of the respective calendar year. Based on the received information the Chief Director of the Chief Directorate "Civil Aviation Administration" shall assign an inspection for compliance with the provision of par. 1 to an independent registered auditor in the meaning of the Independent Financial Audit Act.

Art. 48j. (new – SG 66/08, in force from 25.07.2008) (1) The airport operators shall implement or shall ensure the implementation of the necessary measures and render assistance in compliance with Regulation (EC) No 1107/2006 to disabled persons or persons with reduced mobility with the purpose of travelling by air.

(2) When the implemented measures and the assistance rendered to the disabled person or the person with reduced mobility are not compliant with Regulation (EC) No 1107/2006, the airport operator shall be due compensation to the person for the incurred damages.

(3) The compensation claim shall be filed against the airport operator with the relevant court.

Chapter five. FLIGHTS

Art. 49. (amend. SG 85/98) (1) (amend. - SG 81/11) The Minister of Transport, Information Technologies and Communications shall determine in an ordinance the rules, regulating the flights in the serviced airspace of the Republic of Bulgaria.

(2) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09; amend. - SG 81/11; amend. - SG 28/15) Flights of aircrafts in the controlled airspace of the Republic of Bulgaria, as well as those who cross the state border, shall be carried out according to a flight plan.

(3) (new - SG 81/11) The flights with aircrafts with maximum flight weight of up to 2000 kg shall be carried out according to an order specified in the ordinance under Para 1.

(4) (new. - SG 28/15) Servicing of aircrafts without a flight plan, as well as search and rescue activities shall be carried out in accordance with the information available.

(5) (new, SG 52/04; prev. text of Para 03 - SG 81/11; prev. text of para 4 - SG 28/15) Used in the air transportation, besides the measuring units of the International System (SI) may be the units of foot, nautical mile and knot, as well as their derivatives and composites.

Art. 50. (amend. SG 85/98) (1) The regular international air transport to or from the

airfields on the territory of the Republic of Bulgaria shall be subject to permissive regime.

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

(3) (amend., SG 102/05; amend. – SG 35/09, in force from 12.05.2009) Irregular commercial flights to and from airfields on the territory of the Republic of Bulgaria shall be permitted by the Civil aviation administration, and international flights with not commercial objective of Bulgarian and foreign state non-military aircrafts for which no permission is required by the National Assembly or by the Council of Ministers, shall be permitted by the Minister of Foreign Affairs. For military aircrafts permit shall be issued under the procedure of the Act on Passing through and Presence within the Territory of the Republic of Bulgaria of Allied and of Foreign Armed Forces and the Act on Defence and Armed Forces of the Republic of Bulgaria.

(4) (amend. - SG 81/11) The internal public transport with aircrafts shall be permitted by the Chief Director of the Civil aviation administration.

(5) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine the conditions and the rules for permitting the flights of aircrafts.

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

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

(3) (Revoked - SG 16/21)

Art. 52. (1) (prev. text of Art. 52, amend. – SG 66/08, in force from 25.07.2008) The civil air space shall be served with the necessary means for communication, radio navigation, radiolocation survey, energy, light technical and meteorological security of the flights.

(2) (new – SG 66/08, in force from 25.07.2008; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall issue an ordinance, which shall determine:

1. the conditions and order for testing the equipment referred to in Para 1;
2. the way of organising and carrying out on-land and in-flight checks of the equipment referred to in Para 1;
3. the technical and exploitation requirements to the equipment referred to in Para 1.

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

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

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

- 1a. (new - SG 16/21) air traffic control at controlled airports;
- 1b. (new - SG 16/21) design of airspace structures;
- 1c. (new - SG 16/21) development of flight procedures;
2. (amend. - SG 81/11, in force from 19.04.2012) planning, ensuring, implementation, utilization and maintenance of facilities, systems and equipment for communication, navigation, surveillance, energy, meteorological and air navigation ensuring of the serviced air traffic and the attending infrastructure;
3. communication service, navigation service and surveillance service;
4. meteorological service;
5. aeronautical information service;
6. (revoked - SG 28/15)
7. information servicing of the activities for seeking and rescuing of aircrafts;
8. management of the system for safety of the air traffic within the competence, conceded to it;
9. fulfilment of the obligations of the Republic of Bulgaria, ensuing from international agreements in the field of the management of the air traffic, to which the Republic of Bulgaria is a party;
10. collecting of fees for air navigation servicing under art. 120, para 2.

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

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

(5) (amend. SG 88/05; amend. – SG 82/09) The assets of the State enterprise "Air traffic control" shall consist of assets, conceded in kind, amount and value by the Minister of Transport, Information Technology and Communications, and of assets, acquired by State enterprise "Air traffic control". To the State enterprise "Air traffic control" shall be conceded for management the land and the technological servicing terrain – public state ownership in the sense of art. 43a, para 4.

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

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

(8) (amend. SG 88/05; amend. – SG 82/09) In order to guarantee its solvency the State enterprise "Air traffic control" shall maintain pecuniary reserve. The amount, the order and the conditions for its maintenance and spending shall be determined by the Minister of Transport, Information Technology and Communications and the Minister of Finance.

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

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

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

1. (amend. SG 88/05; amend. – SG 82/09) the Minister of Transport, Information Technology and Communications;
 2. the management council;
 3. the general director.
- (2) (revoked – SG 82/09)

Art. 53b. (new – SG 34/01, in force from January 1, 2001; amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall:

1. exercise the rights of ownership of the state in the State enterprise "Air traffic control" and conduct the policy of the state in the field of organisation and control for use of the airspace, as well as the ensuring of safety, efficiency and regularity of the flights.
2. (amend. – SG 82/09) appoint and discharge the members of the management council;
3. appoint and discharge the general director of the State enterprise "Air traffic control", who shall by right be member of the management council;
4. permit the participation of the State enterprise "Air traffic control" in commercial and public companies;
5. approve regulation for the structure, the functions and the activity of the State enterprise "Air traffic control";
6. approve the decisions of the management council for participation of the State enterprise "Air traffic control" in international organisations;
7. approve the programme for development of the State enterprise "Air traffic control".

Art. 53c. (new – SG 34/01, in force from January 1, 2001) (1) (amend. SG 88/05; amend. – SG 82/09) The management council shall consist of five members, including the general director, who shall be appointed by the Minister of Transport, Information Technology and Communications.

(2) (amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall conclude a contract for management with each member of the management council.

(3) (amend. – SG 82/09) Member of the management council cannot be a person, who has been convicted for a crime of general character, established with a verdict entered into force, who is spouse or relative in direct, lateral line or by marriage up to third degree inclusive with another member of the management council.

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

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

(6) (revoked – SG 63/10)

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

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

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

(10) (amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall discharge before the elapse of the term of the contract for management a member of the management council, who:

1. does not meet the requirements of para 3;
 2. violates the conditions, provided in the contract for management;
 3. has submitted written application for discharge.
 4. (new – SG 82/09) upon resolution of the Minister of Transport, Information Technology and Communications – by a month notice;
- (11) (amend. – SG 82/09) The management council shall:
1. elect among its members chairman and deputy chairman;
 2. (amend. SG 88/05; amend. – SG 82/09) approve draft regulation for the structure, the functions and the activity of the State enterprise "Air traffic control" and propose it to the Minister of Transport, Information Technology and Communications for approval;
 3. (amend. SG 88/05 ; amend. – SG 82/09) propose programme for development of the State enterprise "Air traffic control" for approval to the Minister of Transport, Information Technology and Communications;
- 3a. (new - SG 16/21) adopt the business plan of the enterprise in accordance with Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OB, L 62/1 of 8 March 2017), which also contains the key areas of activity, indicators and performance targets and their implementation, according to Implementing Regulation (EU) 2019/317; the part of the business plan of the enterprise, referring to the efficiency, must correspond to the set goals and tasks in the Efficiency Plan, developed by the National Supervisory Body under Art. 16c;
4. (amend. - SG 16/21) approve the annual financial plan of the State enterprise "Air traffic control" in compliance with the requirements under item 3a;
 5. approve the structure, the payroll list and the resources for salary of the State enterprise "Air traffic control" in compliance with the annual financial plan;
 6. (amend. – SG 67/08) approve the annual financial statement of the State enterprise "Air traffic control";
 7. (amend. – SG 67/08) appoint a registered auditor for certification of the annual financial report;
 8. take decisions for the distribution of the profit and covering of the loss;
 9. take decisions for disposing, discarding or liquidation of long term material assets, for establishing of real rights and for letting out immovable properties – ownership of the State enterprise "Air traffic control";
 10. (amend. SG 88/05; amend. – SG 82/09) approve drafts of decisions for participation of the State enterprise "Air traffic control" in international organisations and propose them the Minister of Transport, Information Technology and Communications for approval and take decisions about the co-operation of the State enterprise "Air traffic control" with similar organisations in aviation;
 11. (amend. SG 88/05; amend. – SG 82/09) implement also other functions, connected with the management of the State enterprise "Air traffic control" in compliance with the normative acts in effect or assigned by the Minister of Transport, Information Technology and Communications.
- (12) (new – SG 82/09) The management council is entitled to adopt decisions if at least half of its members are present in person or via an authorized member of the council. A member of the council who is present may represent only one absent member. A letter of attorney is required in each case of authorization.
- (13) (new – SG 82/09; revoked – SG 63/10)

(14) (new – SG 82/09) As an exception decisions may also be taken by the management council in absentia, in case all member have expressed in writing their consent thereof.

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

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

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

Art. 53e. (new – SG 34/01, in force from January 1, 2001; revoked - SG 82 /09)

Art. 54. (revoked – SG 85/98).

Art. 55. (amend. SG 85/98, SG 34/01, amend. - SG 16/21) Aircraft shall operate in controlled airspace only with the permission of the air traffic control authorities of the State enterprise "Air traffic control".

Art. 56. (amend. SG 85/98, SG 34/01, suppl. - SG 16/21) All the instructions of the air traffic control authorities of the State enterprise "Air traffic control" shall be obligatory for the crews of the aircrafts.

Art. 57. (amend. SG 85/98, SG 34/01, suppl. - SG 16/21) In case of obvious danger for the flight the captain of the aircraft can take decision to detract from the approved flight plan and the instructions of the air traffic control authorities of the State enterprise "Air traffic control". The captain shall immediately inform the air traffic control authorities of the State enterprise "Air traffic control" about the decision taken.

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

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

(2) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) If the safety of the flight imposes throwing out of objects or fuel from the board of the aircraft, this ca take place only by

the order, determined by the Minister of Transport, Information Technology and Communications.

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

Art. 60. (amend. SG 85/98, SG 34/01) (1) (prev. text of art. 60 – suppl., SG 52/04, amend. SG 88/05; amend. – SG 82/09; amend. - SG 81/11) The jumping by parachute and the throwing out of loads with parachute from aircrafts into the controlled air space or above settlements, except in the cases of Para 2, shall be carried out under conditions and order determined by the Chief Director of Chief Directorate "Civil Aviation Administration".

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

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

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

Art. 62. (amend. SG 85/98) (1) (Amend. - SG 16/21) An aircraft which has entered without a permission the airspace of the Republic of Bulgaria, or is without a state registration identification sign, or does not subordinate to the instructions of the bodies, managing and controlling the flights or there are reasonable grounds for believing that it will be used for purposes incompatible with civil aviation purposes, shall be considered as violator and shall be forced to land.

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

(3) (new – SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. and suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 82/09, amend. - SG 16/21) The order for forcing the aircraft, breached the rules of this Act, to implement landing as well as the order for permitting the continuation of its flight shall be determined with an ordinance of the Council of Ministers on the proposal of the Minister of Defense, the Minister of Transport, Information Technology and Communications, the Minister of Foreign Affairs, the Minister of Interior and the chairman of State Agency "National Security".

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

Art. 62a. (new - SG 81/11) (1) Prohibited shall be the pointing of a laser beam or other light of high intensity towards an aircraft in a way blinding the crew or enabling the damage of the aircraft and/or injuries to its crew or passengers.

(2) The Chief Director of Chief Directorate "Civil Aviation Administration" shall

determine zones within the airport regions, where the use of laser beams or other directed light of high intensity shall be prohibited or limited.

Art. 63. (revoked – SG 85/98).

Art. 64. (amend. SG 85/98) (1) (amend., SG 52/04; suppl. – SG 10/07, in force from 30.01.2007; amend. – SG 66/08, in force from 25.07.2008) The aviation operator is a person registered under the Commerce Act or registered as a trader under a legislation of an European Union Member State or of another country – a party to the Agreement on the European Economic Area, holding a certificate for aviation operator certifying that the operator is professionally qualified and has an organisation of guaranteeing safe operation of the aircrafts during the activities shown in the certificate.

(2) (New – SG 66/08, in force from 25.07.2008, amend. – SG 1/19) High-risk specialized trading operations shall be carried out under the conditions and by the order of the ordinance under Para. 8:

1. following an authorization issued by the Chief Director of the Directorate General “Civil Aviation Administration”, in accordance with Commission Regulation (EU) № 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) № 216/2008 of the European Parliament and of the Council (OJ, L 296/1 of 25 October 2012), or

2. with a national Air Operator Certificate (AOC) for specialized operations issued by the Chief Director of the Directorate General “Civil Aviation Administration”.

(3) (New - SG 16/21) Operators operating aircraft falling under Annex № 1 to Regulation (EU) № 2018/1139 shall be issued a national air operator certificate under the conditions and by the order of the ordinance under para. 9.

(4) (prev. text of Para 02 – SG 66/08, in force from 25.07.2008; suppl. – SG 63/10, prev. para. 3 - SG 16/21) The aviation operators shall be obliged to create conditions for incessant and overall control on behalf of the Civil aviation administration with objective to guarantee the safety and security of the flights.

(5) (prev. text of Para 03 – SG 66/08, in force from 25.07.2008, prev. para. 4 - SG 16/21) In its control activity the Civil aviation administration shall be ruled by the principle of equal position of all aviation operators.

(6) (amend., SG 52/04; prev. text of Para 04 – SG 66/08, in force from 25.07.2008, prev. para. 5 - SG 16/21) The aviation operators shall obligatorily insure:

1. their aviation personnel against accident, and
2. their responsibility:
 - a) to the passengers in case of accident;
 - b) in the cases of missing or damage of luggage, cargo and mail;
 - c) to third persons.

(7) (amend., SG 52/04; prev. text of Para 05 – SG 66/08, in force from 25.07.2008, prev. para. 6 - SG 16/21) The Civil aviation administration shall issue certificates for aviation operators.

(8) (prev. text of Para 06 – SG 66/08, in force from 25.07.2008, prev. para. 7 - SG 16/21) The civil aviation administration shall recognise the validity of an issued certificate of a foreign aviation operator by an aviation administration of a state, where the corresponding requirements are equal to the national ones or exceed them.

(9) (suppl. SG 34/01, amend. SG 88/05; prev. text of Para 07 – SG 66/08, in force from

25.07.2008; amend. – SG 82/09, suppl. – SG 1/19, prev. para. 8 - SG 16/21) The conditions and the order for issuing the certificates, permits and licenses shall be determined by the Ministry of Transport, Information Technology and Communications.

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

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

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

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

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

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

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

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

4. holds a certificate for aviation operator;

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

(6) (amend. - SG 81/11) Where an airway carrier does not fulfil the requirements for submitting information for assessment of the financial stability or cannot fulfil his current or potential obligations for a period of 12 months the Chief Director of Chief Directorate "Civil aviation administration" shall suspend or withdraw the licence or issue a temporary licence until the restoration of the financial stability of the airway carrier on condition that the safety of the flights is not threatened.

(7) (amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" shall withdraw the licence of an airway carrier who has been declared bankrupt or in liquidation.

(8) (amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" shall issue a temporary licence to an airway carrier against whom bankruptcy proceedings have been instituted for the period of adoption and fulfillment of the recovery plan and on condition that the safety of the flights is not threatened and there is a possibility of recovery of the enterprise.

(9) (amend. - SG 81/11) The Chief Director of Chief Directorate "Civil aviation administration" shall suspend or withdraw the licence of an airway carrier whose certificate for aviation operator has been suspended or withdrawn.

Art. 64b. (new – SG 34/01) (1) (amend. SG 88/05; amend. and suppl. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09; amend. – SG 63/10; amend. SG 15/13, in force from 01.01.2014; amend. SG 12/14, amend. - SG 16/21) The flights with special designation shall be implemented by State aviation operator – a legal person, a legal entity headed by a Director General and the second level budget spending unit to the Minister of Transport, Information Technology and Communications, which maintenance shall be formed from budget

resources and from incomes from own activity. The provisions of the Administration Act shall not apply to State aviation operator.

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

1. the President of the Republic of Bulgaria;

2. the chairman of the National Assembly of the Republic of Bulgaria;

3. the Prime Minister of the Republic of Bulgaria;

4. (revoked, SG 52/04)

5. (new - SG 37/06) the vice-president of the Republic of Bulgaria;

6. (amend., SG 52/04; prev. text of item 05, amend. – SG 37/06) foreign and state leaders, corresponding in rank to the bodies of items 1, 2, 3 and 5;

7. (prev. text of item 06 – SG 37/06) persons, included in the delegation, the accompanying teams, guards and their luggage – in then cases of items 1 – 5.

(3) (new – SG 63/10, amend. - SG 16/21) For executing flights of special designation, State aviation operator may rent by wet lease aviation means from aviation operators, who have license of aviation operators with permitted activity "passengers transportation".

(4) (previous Para 3, amend. – SG 63/10, amend. - SG 16/21) Where executing flights of special designation and in the cases when State aviation operator makes flights for the needs of ministries and departments, the payment shall be made from the budget of the respective administration, ministries or institutions.

(5) (new – SG 66/08, in force from 25.07.2008; previous Para 4, amend. – SG 63/10, amend. - SG 16/21) For performance of its activity State aviation operator shall assign public procurement under the order of the Public Procurement Act, except for the cases of force majeure, where the time limits for conducting public procurement makes performance of flights with special designation under Para 2 impossible.

(6) (amend. SG 88/05; prev. text of Para 04 – SG 66/08, in force from 25.07.2008; amend. – SG 82/09; previous Para 5, amend. – SG 63/10; amend. SG 12/14, amend. - SG 16/21) The activity, the functions and the number of the staff of State aviation operator shall be determined with structural regulation, approved by the Minister of Transport, Information Technology and Communications upon a proposal by the General Director of State aviation operator.

(7) (amend. SG 88/05; prev. text of Para 05 – SG 66/08, in force from 25.07.2008; amend. – SG 82/09; previous Para 6, amend. – SG 63/10; revoked – SG 38/12, in force from 01.07.2012)

(8) (amend. SG 88/05; prev. text of Para 06 – SG 66/08, in force from 25.07.2008; amend. – SG 82/09; previous Para 7, amend. – SG 63/10, amend. - SG 16/21) to the employees of State aviation operator, working with official or labour legal relations, shall be paid daily allowances in money, which shall not be levied with tax and shall not be included in their gross monthly remuneration. The amount of the money for daily allowance shall be determined every year by the General Director of State aviation operator, co-ordinated with the Minister of Transport, Information Technology and Communications or empowered by him/her official.

Art. 64c. (New - SG 15/16) Air carriers are obliged to transfer Passenger Name Record (PNR) data when flying them to, within and from the territory of the Republic of Bulgaria, to the National Unit for receipt and processing of PNR data of passengers in the Republic of Bulgaria travelling by air, under the terms and conditions, established by the State Agency "National security" Act.

Chapter six.
PASSENGERS TRANSPORTATION CONTRACT

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

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

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

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

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

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

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

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

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

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

Art. 71. (amend. SG 85/98; amend. - SG 89/15) A passenger shall be entitled to withdraw from the contract and be refunded the transportation charge in the event of illness, including a such of a family member, who accompanies them on the trip, established by a medical establishment.

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

Art. 73. (1) (suppl. – SG 63/10) Transport of passengers in drunk status, infectious ill, as well as mentally ill, constituting a danger for the other passengers or for the security of the flight, shall not be admitted, as well as such, who have refused security check, including check of their baggage.

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

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

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

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

Art. 76. (amend. SG 85/98; amend. – SG 89/15) In the carriage of baggage, the liability of the carrier shall be pursuant to the requirements of Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 28 May 1999), ratified by an Act – SG 67/03 (SG 6/04) and Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents.

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

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

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

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

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

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

Art. 81a. (new – SG 66/08, in force from 26.07.2008) (1) The air carriers shall ensure the implementation of the necessary measures and render assistance in compliance with Regulation (EC) No 1107/2006 to disabled persons or persons with reduced mobility.

(2) When the implemented measures and the assistance rendered to the disabled person or the person with reduced mobility are not compliant with Regulation (EC) No 1107/2006, the air carrier shall be due compensation to the person for the incurred damages.

(3) The compensation claim shall be filed against the air carrier with the relevant court.

Chapter seven. CONTRACT FOR TRANSPORT OF CARGO

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

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

Art. 83. (revoked – SG 85/98).

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

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

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

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

Art. 86. The sender shall due indemnification to the carrier or to third persons for

occurred damages due to incorrect, imprecise or incomplete data, entered in the bill of lading.

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

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

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

(2) The parties can contract also shorter terms.

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

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

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

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

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

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

Art. 91. (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09; suppl. – SG 73/10, in force from 17.09.201) The dangerous cargoes, which are not admitted for transport together with passengers, as well as the conditions for transport of explosives, ammunitions, pyrotechnic substances, poisonous and easy inflammable substances, easy spoiling cargoes, animals, birds and insects, dead people and remains of them, radioactive substances, photo cameras, radio equipment, cargoes without packing etc. shall be determined by the Minister of Transport, Information Technology and Communications in co-ordination with the heads of the corresponding ministries and departments.

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

(2) If it is impossible to send the message of the previous para, or if orders have been

received by the sender, which cannot be fulfilled, the carrier can transfer the cargo to another own or hired aircraft or to an aircraft of another carrier.

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

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

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

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

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

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

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

(4) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The liquidation of the cargoes shall be implemented by order, determined by the Minister of Transport, Information Technology and Communications and by the Minister of Justice.

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

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

Art. 99. (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The Minister of Transport, Information Technology and Communications shall determine the kinds of cargoes, which shall be compulsory transported with accompanying person. In these cases the accompanying person must have regular passenger ticket.

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

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

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

- a) guilt of the sender or the recipient;
- b) the natural characteristics of the cargo and the natural reduction of its weight within the limits of the established standards;
- c) the defects of the packing, which could not have been noticed during the accepting of the cargo;
- d) the defects of the packing, when the cargo has been accepted with such packing and a preliminary note has been made in the bill of lading, that the transport is with risk and responsibility for the sender;
- e) not undertaking of the necessary measures by the person accompanying the cargo;
- f) not pointing out in the bill of lading the special characteristics of the cargo, requiring special conditions for its preservation.

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

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

- a) at lack of cargoes, submitted with announced value – the announced value. If the carrier proves, that the announced value exceeds the actual one, the indemnification shall be paid in extent of the actual value;
- b) (amend. SG 85/98) at lack or damage of cargo – the actual value of the lacking or the damaged cargo, but not more than 40 levs per gross kg of weight.

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

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

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

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

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

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

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

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

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

Art. 110 – 112 – revoked SG 85/98.

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

Art. 113 – 119 – revoked SG 85/98.

Art. 119a. (new, SG 52/04; revoked - SG 81/11)

Art. 119b. (new, SG 52/04; revoked - SG 81/11)

Art. 119c. (new, SG 52/04; revoked - SG 81/11)

Art. 119d. (new, SG 52/04; revoked - SG 81/11)

Chapter nine "a".
NON-COMMERCIAL FLIGHTS (NEW – SG 81/11, IN FORCE FROM 19.08.2012)

Art. 119e. (new – SG 81/11, in force from 19.08.2012) (1) A non-commercial flight shall be any flight other than a flight for commercial operations by an aircraft, including sport flights, flights for towing unpowered aircrafts, flights for parachute jumps and training flights, when carried out without remuneration.

(2) The Minister of Transport, Information Technologies and Communications, upon proposal of the Chief Director of Chief Directorate “Civil Aviation Administration” shall determine the conditions and order for carrying out the flights referred to in Para 1.

Art. 119f. (new – SG 81/11, in force from 19.08.2012) (1) The persons who have been issued a certificate by the Chief Director of Chief Directorate “Civil Aviation Administration” or by an official authorised by him may carry out one or more of the following activities:

1. control the airworthiness maintenance and the issue of the certificates for airworthiness review of superlight aircrafts for non-commercial flights;

2. carrying out training for acquiring and maintaining the qualification of pilots and of the persons training pilots of superlight aircrafts for non-commercial flights, according to programmes approved by the Chief Director of Chief Directorate “Civil Aviation Administration”, as well as the issue of training certificates;

3. control of the persons training pilots of superlight aircrafts for non-commercial flights;

4. carrying out training for acquiring and maintaining the qualification of persons providing technical servicing and of the persons training the persons providing technical servicing of superlight aircrafts for non-commercial flights, as well as the issue of training certificates;

5. control of the persons training personnel for technical servicing of superlight aircrafts for non-commercial flights;

6. control of the pilots of superlight aircrafts for non-commercial flights;

7. control of the personnel for technical servicing of superlight aircrafts for non-commercial flights;

8. carrying out training and/or control of the persons that do aviation sports, as well as approval and control of the persons training sportsmen for aviation sports.

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

1. is registered under the Commerce Act or registered as a merchant according to the legislation of a Member State of the European Union or a contracting party to the Agreement on the European Economic Area, under the Non-Profit Legal Entities Act or qualifying as a non-profit legal person according to the legislation of a Member State of the European Union;

2. has presented a manual for its activities approved by the Chief Director of Chief Directorate “Civil Aviation Administration”;

3. has presented a list of the management personnel approved by the Chief Director of Chief Directorate “Civil Aviation Administration”;

4. possesses personnel with qualifications and experience required for carrying out the activity;

5. has presented a description of a quality system and has appointed a quality manager approved by the Chief Director of Chief Directorate “Civil Aviation Administration”.

(3) The Minister of Transport, Information Technologies and Communications shall determine in an ordinance the conditions for proving the compliance of the persons referred to in Para 1 with the requirements and order for issue of a certificate under Para 1, as well as the conditions and order for exercising the activities referred to in Para 1.

(4) The Chief Director of Chief Directorate “Civil Aviation Administration” shall refuse

the issue of a certificate under Para 1, where the candidate fails to meet any of the conditions under Para 2, prescribed in detail in the ordinance referred to in Para 3.

(5) The persons referred to in Para 1 shall maintain the insurance coverage for the damages liability caused in relation to their activities.

(6) For the issue of a certificate under Para 1 shall be collected a fee in amounts, under conditions and order, determined in an act of the Council of Ministers.

Art. 119g. (new – SG 81/11, in force from 19.08.2012) (1) The organisation and performance of sport events in the field of aviation, as well as public aviation events, shall be carried out under safety conditions created for the said activities, as well as for the safety of third persons under order and rules, developed by the organisers and approved by the Chief Director of Chief Directorate “Civil Aviation Administration”.

(2) The persons carrying out activities related to aviation sports and public aviation events shall insure the seats in the aircraft and the aviation personnel as well as their own liability in cases of accidents – in respect of third parties.

Chapter ten. FEES

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

1. landing of aircrafts;
2. parking;
3. (amend. – SG 81/11) passengers;
4. (new - SG 37/06) using of passenger sleeve;
5. (new – SG 81/11, in force from 19.04.2012) safety;
6. (new – SG 81/11, in force from 19.04.2012) noise (eco).

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

1. fees for air navigation service and use of navigation means of the State enterprise "Air traffic control" in the zone and area of the airfields;
2. travel fees for flying through the serviced airspace of the Republic of Bulgaria.

(3) (amend. - SG 63/10) From payment of the fees of Para 1 and of Para 2 shall be exempt:

1. aircrafts implementing flights for searching and rescue;
2. aircrafts implementing flights with humanitarian objectives;
3. state aircrafts implementing state flights;
4. (revoked – SG 34/01);
5. aircrafts suffering accident or subject to unlawful interference;
6. (revoked – SG 63/10)
7. aircrafts used for flying over air-navigation facilities;
8. aircrafts in specific cases, determined with an act by the Council of Ministers.

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

1. (amend. - SG 16/21, in force from 24.02.2022) issuing certificates for airports;
- 1a. (new – SG 1/19) issuing certificates pursuant to Regulation (EU) No 139/2014;
2. (amend., SG 52/04) issuing licenses for airport operators and operators of land

services;

3. (suppl. – SG, 60/2012) issuing certificates for aviation staff and certificates for staff on safety;

4. issuing licenses for implementing technical service or repair of aviation equipment;

5. issuing licenses for laboratories for objective control;

6. issuing certificates for flying fitness of an aircraft;

7. issuing certificates for flying fitness of aviation equipment;

8. (amend., SG 52/04, amend. - SG 16/21) issuance of certificates of aviation training centers, certificates to approved training organizations, certificates of an approved organization for assessment of language competence for the needs of civil aviation, as well as consideration of declarations under Commission Regulation (EU) 2018/1119 of 31 July 2018 amending Regulation (EU) No 1178/2011 as regards declared training organisations (OB, L 204/13 of 13 August 2018) and Regulation (EU) 2018/1139;

9. (amend. – SG 1/19, amend. - SG 16/21) issuance of certificates to air operators, licenses for high-risk commercial operations, national certificates for air operator, list of special approvals as well as the examination of declarations in accordance with Regulation (EU) No 965/2012 under the conditions and procedure established by the Ordinance under Art. 64, Para. 9;

10. registration of aircrafts or entering of changes in the civil register of the aircrafts and issuing certificates for registration;

11. issuing information, connected with aviation except these issued for the needs of the bodies of state administration;

12. (new – SG 34/01; amend., SG 52/04; amend. - SG 99/11, in force from 01.01.2012) issuing of certificates for exploitation fitness of the visual air navigation equipment;

13. (new, SG 52/04, revoked - SG 16/21, in force from 24.02.2022)

14. (new, SG 52/04) issuance of permanent passes to the security zones of the civil airports for public use and identification cards of employees and motor vehicles;

15. (new, SG 52/04) issuance of licence for airway carrier;

16. (new, SG 52/04) issuance of certificates for aviation noise of an aircraft;

17. (new, SG 52/04) issuance of certificates for gas emissions of aviation engines;

18. (new, SG 52/04) issuance of certificates for flying fitness of newly produced aircrafts or newly produced aviation equipment;

19. (new, SG 52/04) issuance of export certificates for flying fitness;

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

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

21. (new, SG 52/04, amend. - SG 16/21) confirmation, recognition or re-issuance of licenses, certificates, attestations, permits, declarations and documents, including those issued by a third country;

22. (new, SG 52/04; suppl. - SG 37/06, amend. - SG 16/21) carrying out checks on conformity, re-issuance, certification or amendment of licenses, certificates, attestations, permits, approvals or declarations;

23. (new - SG 81/11) amendment and supplementation of flight or technical documentation;

24. (new - SG 81/11) issue of a flight permit;

25. (new - SG 81/11) coordination opinions under Art. 16b, Para 1, Item 6 except those provided for the purposes of the state administration authorities;

26. (new - SG 81/11, repealed – SG, 60/2012)

27. (new - SG 81/11, amend. - SG 16/21) issue of certificates for aeromedical centers

or AMEs, approval of an organization conducting aviation medicine courses, review of a declaration of occupational medicine specialists;

28. (new - SG 16/21) conducting theoretical examinations of aviation personnel and issuing certificates for successfully passing theoretical examinations;

29. (new - SG 16/21) issuance and extension of the validity of the approval for use of a simulator;

30. (new - SG 16/21) issuing the approvals of a full-fledged controller (regulated agent), a known consignor, a full-fledged supplier of goods for the flight, as well as designating an air carrier as "an air carrier of goods or mail carrying out a transport from a third country to the territory of the European Union";

31. (new - SG 16/21) approval of security programs of operators and persons obliged to develop, implement and maintain a security program;

32. (new - SG 16/21) registration of an unmanned aerial vehicle operator according to art. 14 (5) of Implementing Regulation (EU) 2019/947, issuance of a light unmanned aerial vehicle (LUC) operator's certificate, permit for operation in a specific category, permit for operation of an unmanned aerial vehicle system in aircraft modeling clubs and associations, as well as consideration of declarations, under conditions and by order, determined by the Ordinance of Art. 16a, item 19.

(5) (new, SG 52/04; suppl. – SG 66/08, in force from 25.07.2008) The airport fees under para 1 for the civil airports for public use – public state property - shall be collected:

1. (suppl. - SG 81/11) by Chief Directorate "Civil aviation administration" unless stipulated otherwise in this Act, by a concession contract or by an international contract, ratified, promulgated and enacted in the Republic of Bulgaria;

2. (amend. - SG 96/17, in force from 02.01.2018) by the concessionaire – under terms and by an order determined by the concession contract;

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

4. (new - SG 81/11) by the airport operator of the airport with annual traffic exceeding 5 million transported passengers or by the airport operator of the airport with the largest number of transported passengers on the territory of the Republic of Bulgaria.

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

(7) (prev. para 5 – suppl., SG 52/04; suppl. – SG 94/10, in force from 01.01.2012) The fees of this Art. shall not be levied with taxes, with exception of the cases under para 2 and 5, item 2.

(8) (new – SG 66/08, in force from 25.07.2008) Apart from the cases under Para 5 the airport fees shall be collected by the owner of the airport.

(9) (New - SG 16/21) The airport taxes under para. 1 and the interests on them, determined by the order of the Ordinance of Art. 122, para. 1, are public state receivables, when they are collected in the cases under para. 5, item 1 or when collected at a civil airport for public use - state property, which is used by an airport operator - a commercial company in which the state is the sole owner of the capital.

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

1. landing of aircrafts;

2. parking;
3. (amend. – SG 81/11) passengers;
4. (new - SG 37/06) using of passenger sleeve;
5. (new – SG 81/11, in force from 19.04.2012) safety;
6. (new – SG 81/11, in force from 19.04.2012) noise (eco).

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

1. fees for air navigation service and use of navigation means of the State enterprise "Air traffic control" in the zone and area of the airfields;
2. travel fees for flying through the serviced airspace of the Republic of Bulgaria.

(3) (amend. - SG 63/10) From payment of the fees of Para 1 and of Para 2 shall be exempt:

1. aircrafts implementing flights for searching and rescue;
2. aircrafts implementing flights with humanitarian objectives;
3. state aircrafts implementing state flights;
4. (revoked – SG 34/01);
5. aircrafts suffering accident or subject to unlawful interference;
6. (revoked – SG 63/10)
7. aircrafts used for flying over air-navigation facilities;
8. aircrafts in specific cases, determined with an act by the Council of Ministers.

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

1. issuing certificates for airfields and airfield plots;
 - 1a. (new – SG 1/19) issuing certificates pursuant to Regulation (EU) No 139/2014;
2. (amend., SG 52/04) issuing licenses for airport operators and operators of land services;
3. (suppl. – SG, 60/2012) issuing certificates for aviation staff and certificates for staff on safety;
4. issuing licenses for implementing technical service or repair of aviation equipment;
5. issuing licenses for laboratories for objective control;
6. issuing certificates for flying fitness of an aircraft;
7. issuing certificates for flying fitness of aviation equipment;
8. (amend., SG 52/04) issuing certificates for aviation training centres;
9. (amend. – SG 1/19) issuing the issuance of national air operator certificates for specialized operations and permits for the conduct of high-risk specialized trading operations, as well as the examination of declarations in accordance with Regulation (EU) No 965/2012 under the conditions and procedure established by the Ordinance under Art. 64, Para. 8;
10. registration of aircrafts or entering of changes in the civil register of the aircrafts and issuing certificates for registration;
11. issuing information, connected with aviation except these issued for the needs of the bodies of state administration;
12. (new – SG 34/01; amend., SG 52/04; amend. - SG 99/11, in force from 01.01.2012) issuing of certificates for exploitation fitness of the visual air navigation equipment;
13. (new, SG 52/04) issuance of certificates for operational fitness of the systems and facilities for servicing passengers, servicing and providing for aircrafts, loading and unloading of luggage, cargo and mail;
14. (new, SG 52/04) issuance of permanent passes to the security zones of the civil airports for public use and identification cards of employees and motor vehicles;
15. (new, SG 52/04) issuance of licence for airway carrier;

16. (new, SG 52/04) issuance of certificates for aviation noise of an aircraft;
 17. (new, SG 52/04) issuance of certificates for gas emissions of aviation engines;
 18. (new, SG 52/04) issuance of certificates for flying fitness of newly produced aircrafts or newly produced aviation equipment;
 19. (new, SG 52/04) issuance of export certificates for flying fitness;
 20. (new, SG 52/04) issuance of certificates for flying fitness of the respective type of aircraft;
 - 20a. (new - SG 37/06) issuance of certificates for air navigation service provision;
 21. (new, SG 52/04) recognizing licences, certificates and letters by issuing a recognition document;
 22. (new, SG 52/04; suppl. - SG 37/06) certification or amendment of licences, certificates and letters;
 23. (new - SG 81/11) amendment and supplementation of flight or technical documentation;
 24. (new - SG 81/11) issue of a flight permit;
 25. (new - SG 81/11) coordination opinions under Art. 16b, Para 1, Item 6 except those provided for the purposes of the state administration authorities;
 26. (new - SG 81/11, repealed – SG, 60/2012)
 27. (new - SG 81/11) issue of certificates for aviation medical centres or aviation medical experts.
- (5) (new, SG 52/04; suppl. – SG 66/08, in force from 25.07.2008) The airport fees under para 1 for the civil airports for public use – public state property - shall be collected:
1. (suppl. - SG 81/11) by Chief Directorate "Civil aviation administration" unless stipulated otherwise in this Act, by a concession contract or by an international contract, ratified, promulgated and enacted in the Republic of Bulgaria;
 2. (amend. - SG 96/17, in force from 02.01.2018) by the concessionaire – under terms and by an order determined by the concession contract;
 3. in the cases of international contract, ratified, promulgated and enacted in the Republic of Bulgaria – under the terms set by it;
 4. (new - SG 81/11) by the airport operator of the airport with annual traffic exceeding 5 million transported passengers or by the airport operator of the airport with the largest number of transported passengers on the territory of the Republic of Bulgaria.
- (6) (new, SG 52/04) In the cases of para 5, item 2 the concessionaire may be given the right to collect in his favour, entirely or a part of the fees, up to the sizes determined by art. 122.
- (7) (prev. para 5 – suppl., SG 52/04; suppl. – SG 94/10, in force from 01.01.2012) The fees of this Art. shall not be levied with taxes, with exception of the cases under para 2 and 5, item 2.
- (8) (new – SG 66/08, in force from 25.07.2008) Apart from the cases under Para 5 the airport fees shall be collected by the owner of the airport.

Art. 120a. (new – SG 63/10; revoked – SG 81/11)

Art. 121. (revoked – SG 85/98).

Art. 122. (1) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. – SG

82/09; prev. text of Art. 122, suppl. – SG 81/11, suppl. – SG, 60/2012, amend. - SG 16/21) The Council of Ministers at a proposal by the Minister of Transport, Information Technology and Communications shall determine by an ordinance the extent of the fees, the order and the cases when they shall be collected, except for the cases referred to in Para 2.

(2) (new – SG 81/11, suppl. – SG, 60/2012, amend. - SG 16/21) The airport operator of an airport which annual traffic exceeds 5 million transported passengers or the airport operator of the airport with the largest number of transported passengers on the territory of the Republic of Bulgaria, or the Chief Director of Chief Directorate “Civil Aviation Administration” shall adopt a decision about the amounts of the airport fees in compliance with the procedure under Art. 122f – 122q.

Chapter ten "a".

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

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

(2) (amend. and suppl. SG 85/98, amend. SG 34/01, in force from January 1, 2001) The activity of State enterprise "Air traffic control" shall be financed from:

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

2. resources from credit contracts;

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

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

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

(3) (amend. and suppl. SG 85/98, amend. SG 34/01, in force from January 1, 2001) The collected resources of para 2, item 1 shall be spent for:

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

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

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

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

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

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

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

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

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

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

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

Art. 122b. (new – SG 16/97; revoked – SG 102/09, in force from 22.12.2009)

Chapter ten "b".

FINANCING THE ACTIVITY FOR ENSURING THE SAFETY AND SECURITY OF FLIGHTS AND MAINTAINING AND DEVELOPMENT OF THE AIRFIELDS FOR PUBLIC USE (new – SG 85/98; title amend. – SG 63/10)

Art. 122c. (1) (amend. SG 85/98; suppl., SG 52/04, amend. SG 88/05; amend. - SG 36/06, in force from 01.07.2006; suppl. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09; suppl. – SG 63/10, amend. - SG 96/17, in force from 02.01.2018) The financing of the activities for ensuring the safety and security of the flights and maintaining the and development of the civil airfields for public use – public state property - shall be implemented through the budget of the Ministry of Transport, Information Technology and Communications, with exception of the cases where an international contract stipulates otherwise or a concession has been granted for the civil airport for public use – state property - and the concession contract stipulates otherwise.

(2) The activities of para 1 shall be ensured financially by:

1. (suppl., SG 52/04) the fees of art. 120, para 1 collected by Chief Directorate "Civil aviation administration", and in the cases when an international or concession contract stipulates otherwise – under the terms set by the contract;

2. (revoked – SG 34/01, in force from January 1, 2001);

3. the fees of art. 120, para 4

4. the interests from deposits of own resources and from deferred payments.

(3) With the collected resources of para 2 shall be ensured the expenses for:

1. maintenance of the Civil aviation administration;

2. (suppl. SG 12/00, amend. SG 34/01, in force from January 1, 2001; revoked – SG 81/11)

3. (suppl., SG 52/04; amend. - SG 36/06, in force from 01.07.2006, amend. - SG 96/17, in force from 02.01.2018) the airfields to which has been assigned the implementation of state functions under art. 48a, para 3, item 1;

4. (amend. SG 34/01, amend. SG 88/05; amend. – SG 66/08, in force from 25.07.2008; amend. – SG 82/09; revoked – SG 38/12, in force from 01.07.2012, new - SG 96/17, in force from 02.01.2018) other activities defined by a concession contract when a concession is granted to the civil airport for public use.

(4) (new – SG 12/00) The resources from excess of the incomes over the expenses at the end of the calendar year shall remain for use during the following financial year, being purposed spent for financing the activities of this chapter.

(5) (new, SG 52/04; amend. - SG 36/06, in force from 01.07.2006; suppl. – SG 66/08, in force from 25.07.2008, amend. - SG 96/17, in force from 02.01.2018) The financing of the activities of providing security and safety of the flights, the construction, maintenance,

development and support of the civil airports for public use –state property - for which a concession has been granted and the concessionaire has been given the right to collect in his favour entirely or a definite part of the fees under art. 120, para 1, shall be carried out under terms and by an order determined by the concession contract.

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

Art. 122e. (new – 12/00, amend. SG 34/00, amend. SG 88/05; amend. – SG 82/09) All the resources, released from the budget of the Ministry of Transport, Information Technology and Communications by the order of this chapter for financing the activity for ensuring and maintaining of the safety of the flights, as well as the fees collected under art. 120, para 4, shall not be levied with taxes.

Chapter ten "c".

PROCEDURE FOR DETERMINING THE AIRPORT FEES OF AN AIRPORT WITH ANNUAL TRAFFIC EXCEEDING 5 MILLION TRANSPORTED PASSENGERS OR OF AN AIRPORT WITH THE LARGEST NUMBER OF TRANSPORTED PASSENGERS ON THE TERRITORY OF THE REPUBLIC OF BULGARIA (NEW - SG 81/11)

Art. 122f. (new – 81/11) (1) The airport operator of an airport whose annual traffic exceeds 5 million transported passengers or of an airport with the highest number of transported passengers on the territory of the Republic of Bulgaria shall:

1. hold consultations with the airport users or the representatives or associations of airport users of the level of the fee amounts and, as appropriate, the quality of airport services provided;

2. hold the consultations referred to in Para 1 at least one per year, unless otherwise agreed upon at the latest consultation.

(2) Where a multi-annual agreement between the airport operator and the airport users exists, the consultations referred to in Para 1, Item 1 shall take place under conditions and order foreseen in such agreement.

Art. 122g. (new - SG 81/11) (1) Where changes to the airport fees are needed the airport operator referred to in Art. 122f, Para 1 shall submit to the airport users a proposal for changes the level of airport fees accompanied by reasons to the proposed changes no later than four months before they enter into force.

(2) Where there are exceptional circumstances which need to be justified by the airport operator referred to in Art. 122f, Para 1 to airport users, the term referred to in Para 1 may be shorter than four months.

(3) The airport operator referred to in Art. 122f, Para 1 shall hold consultations on the proposed changes with the airport users and take their views into account before a final

decision is taken.

(4) The airport operator referred to in Art. 122f, Para 1 shall publish its decision referred to in Para 3 through the mass media, by sending it to organisations of the interested persons or in other appropriate way.

(5) In the decision referred to in Para 3 shall be specified a term for its entry into force, which shall not be shorter than two months from its publication.

Art. 122h. (new – SG 81/11) (1) Every time consultations for changes to the airport fees are to be held the airport operator referred to in Art. 122f, Para 1 shall provide every airport user or representatives of airport user associations with information on the components serving as a basis for determining the level of the airport fees.

(2) The information referred to in Para 1 shall contain:

1. a list of the airport services, infrastructure and equipment provided in return for the airport fees levied;
2. the methodology used for setting airport fees;
3. the overall cost structure with regard to the airport services, infrastructure and equipment which airport fees relate to;
4. the revenue of the airport fees and the total cost of the airport services, infrastructure and equipment covered when determining the level of airport fees;
5. any information of financing from public authorities of the airport services, infrastructure and equipment which airport fees relate to;
6. forecasts of the airport as regards the fees, traffic growth and proposed investments;
7. the actual use of airport infrastructure and equipment over a given period;
8. the predicted outcome of any major proposed investments in terms of their effects on airport capacity.

Art. 122i. (new – SG 81/11) (1) Before consultations for changes to the airport fees are to be held the airport users shall provide the airport operator referred to in Art. 122f, Para 1 with information containing:

1. forecasts of the airport user as regards traffic, number and type of aircrafts taking off and landing the airport and their planned use;
2. the airport user's development projects at the airport concerned;
3. the airport user's requirements with respect to the airport infrastructure and equipment, related its activities exercised at the airport.

(2) The correspondence between the airport operators and the airport users related to determining the level of airport fees shall be considered confidential and shall qualify as manufacturing or trade secret.

Art. 122j. (new – SG 81/11) (1) (Suppl. - SG 16/21) The airport operator referred to in Art. 122f, Para 1 shall determine the level of airport fees in a decision and shall publish them on its website, as well as in the mass media by sending the decision to organisations of the interested parties or in another appropriate way.

(2) The decision referred to in Para 1 shall be an individual administrative act and shall be subject to appeal before the Chief Director of Chief Directorate "Civil Aviation Administration" regarding its expediency and lawfulness.

(3) An appeal as referred to in Para 2 may be filed by a user of a user association of the respective airport referred to in Art. 122f, Para 1.

(4) The appeal shall be filed within 14 days before the publication of the decision referred to in Para 1. The appeal shall state the evidence and the specific circumstances they are intended to prove. The appeal shall be accompanied by written evidence and a document for paid fees for consideration of the appeal.

(5) The Chief Director of Chief Directorate "Civil Aviation Administration" shall publish on the [internet site](#) of Chief Directorate "Civil Aviation Administration" the appeal, the evidence thereto and the date of its filing. A copy of the appeal shall be sent to the airport operator who has adopted the decision, and to the persons referred to in Para 3 – within 3 days of its receipt. The information qualifying as commercial or manufacturing secret shall be explicitly indicated by the appellant and shall not be published.

(6) Within 7 days from the notification the persons referred to in Para 1 may file an opinion with respect to the appeal, accompanied by evidence.

Art. 122k. (new - SG 81/11) (1) The decision referred to in Art. 122j, Para 1 shall not be performed before expiration of the term for its appeal, and in cases of filed appeal - before the decision on the dispute of the Chief Director "Civil Aviation Administration" under the conditions referred to in Para 2 and Art. 122p.

(2) Within four weeks from filing the appeal the Chief Director of Chief Directorate "Civil Aviation Administration" shall adopt a temporary decision for changing the level of the airport fees, unless the final decision is adopted within the same time limit.

(3) In the temporary decision the Chief Director "Civil Aviation Administration" may:

1. confirm the decision of the airport operator referred to in Art. 122f, Para 1;
2. adopt a decision other than the decision of the airport operator referred to in Art. 122f, Para 1.

(4) The temporary decision shall not be subject to appeal and shall apply before entry into force of the final decision of the Chief Directorate of Chief Directorate "Civil Aviation Administration".

Art. 122l. (new - SG 81/11) (1) Within 14 days from filing the appeal the Chief Director of Chief Directorate "Civil Aviation Administration" shall decide on its admissibility by checking:

1. if it was filed by a person under Art. 122j, Para 3;
2. if it was filed within the time limit referred to in Art. 122j, Para 4.

(2) Where any of the conditions under Para 1 is not met, the Chief Director of Chief Directorate "Civil Aviation Administration" shall adopt a reasoned decision for refusal to consider the appeal.

(3) The decision with the reasons referred to in Para 2 shall be announced to the public on the date of its adoption through the mass media, by sending the decision to organisations of the interested persons or in any other way.

Art. 122m. (new - SG 81/11) (1) Within 7 days from adopting a decision for admission of the appeal the Chief Director of Chief Directorate "Civil Aviation Administration" shall hear the parties to the dispute.

(2) The Chief Director of Chief Directorate "Civil Aviation Administration" may appoint independent external experts during the hearing to assist the parties in reaching an

agreement.

(3) After the hearing the Chief Director of Chief Directorate "Civil Aviation Administration" shall send recommendations to the dispute parties.

(4) Where the airport operator referred to in Art. 122f, Para 1 and the airport users reach an agreement, they shall notify thereof the Chief Director of Chief Directorate "Civil Aviation Administration" in writing.

(5) Within three days from the date of the written notification referred to in Para 4 the Chief Director of Chief Directorate "Civil Aviation Administration" shall adopt a decision for termination of the proceedings.

Art. 122n. (new - SG 81/11) (1) Where the dispute parties fail to reach an agreement as set out in Art. 122m, Para 4, the Chief Director of Chief Directorate "Civil Aviation Administration" shall instruct them in writing to submit additional arguments and shall set a time limit for this. The time limit may not be longer than 14 days.

(2) The airport operator referred to in Art. 122f, Para 1 and the airport users shall submit their arguments referred to in Para 1 to the Chief Director of Chief Directorate "Civil Aviation Administration", accompanied by evidence.

(3) The Chief Director of Chief Directorate "Civil Aviation Administration" shall consider the arguments, collect additional data and information by sending instructions for presenting additional data and information.

(4) The Chief Director of Chief Directorate "Civil Aviation Administration" may appoint expert witnesses under the conditions and order set out in the Administrative Procedure Code.

(5) The Chief Director of Chief Directorate "Civil Aviation Administration" shall send to each of the parties the documents gathered during the procedure and provide a possibility to express their opinion in writing.

Art. 122o. (new - SG 81/11) (1) The Chief Director of Chief Directorate "Civil Aviation Administration" shall carry out at least two hearings with the dispute parties, of which they shall be notified in advance and provided the questions to be discussed.

(2) The collection of evidence, the hearings and the provision of information and data by the dispute parties shall end 30 days before the date of the decision of the Chief Director of Chief Directorate "Civil Aviation Administration". The opinions, data and information submitted after this term shall not be taken into consideration.

Art. 122p. (new - SG 81/11) (1) The Chief Director of Chief Directorate "Civil Aviation Administration" shall deliver a decision on the appeal within four months from its filing.

(2) The time limit referred to in Para 1 may be extended with up to two months in exceptional and duly reasoned cases.

(3) The decision of the Chief Director of Chief Directorate "Civil Aviation Administration" may:

1. uphold the decision of the airport operator;
2. uphold the temporary decision referred to in Art. 122k, Para 2;
3. contain conclusions and terms other than those in the decisions referred to in Items 1 and 2.

(4) In the decision referred to in Para 1 shall be considered and indicated the grounds corresponding or failing to correspond to the methodology adopted by the ordinance referred

to in Art. 122.

(5) The decision of the Chief Director of Chief Directorate "Civil Aviation Administration" shall be an individual administrative act, which shall be subject to appeal under the conditions and order of the Administrative Procedure Code.

(6) (New - SG 16/21) The decision under para. 1, the decision of the airport operator under Art. 122j, para. 1 and the decision under Art. 122k, para. 2 shall be published on the website of the Directorate General "Civil Aviation Administration".

Art. 122q. (new - SG 81/11) (1) The airport operator referred to in Art. 122f, Para 1 shall consult with airport users before plans for new airport infrastructure projects are finalised on the idea phase of the project.

(2) At the end of each calendar year the airport users shall notify the airport operator referred to in Para 1 of their operational forecasts, development projects and specific demands and suggestions.

Art. 122r. (new - SG 81/11) (1) The airport operator referred to in Art. 122f, Para 1 and the users or the associations of airport users may enter into negotiations and conclude an agreement with regard to the quality of service provided at the airport.

(2) The agreement referred to in Para 1 shall determine the quality of the service to be provided by the airport operator referred to in Art. 122f, Para 1 to which airport users are entitled in return for airport fees.

(3) The airport operator referred to in Art. 122f, Para 1 may vary the quality and scope of particular airport services, terminals or parts of terminals, with the aim of providing tailored services or a dedicated terminal or part of a terminal.

(4) The level of airport fees may be differentiated according to the quality and scope of the services provided at the airport and their costs or any other objective and transparent justification.

(5) Any airport user referred to in Art. 122f, Para 1 shall be entitled to have access to these services and specialised terminals or parts of terminals.

(6) In the event that the capacity of an airport under Art. 122f, Para 1 does not allow access for all airport users wishing to have access to the tailored services and/or a dedicated terminal or part of a terminal, access shall be determined on the basis of relevant, objective, transparent and non-discriminatory criteria and under conditions and order approved by the airport operator referred to in Art. 122f, Para 1 and approved by the Chief Director of Chief Directorate "Civil Aviation Administration".

Chapter eleven.

FACT FINDING RECORDS, CLAIMS AND PRESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 135. (Amend. - SG 16/21) (1) The right of claim against the carrier under international and domestic transport contracts shall expire within one year from the day of arrival of the aircraft at the destination, from the day on which the aircraft was due to arrive or from the day of termination of transportation.

(2) Proxies who are not lawyers of the persons holding rights deriving from Regulation (EC) № 261/2004 shall submit to the carrier or to the Directorate General "Civil Aviation Administration" powers of attorney with notarized signatures.

(3) The right to claim compensation from proxies of persons holding rights deriving from Regulation (EC) № 261/2004 shall be proved to the carrier and / or to Directorate General "Civil Aviation Administration" with original power of attorney with notarized signature of the principal.

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

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

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

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

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

Chapter twelve.

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

Art. 139. (amend. SG 85/98) (1) (amend. SG 34/01) The State enterprise "Air traffic control" which has received a message or which has information about status of threat or disaster, connected with an aircraft as well as about aviation accident, shall immediately inform;

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

2. the Civil aviation administration.

3. (new, SG 52/04, amend. SG 88/05; amend. – SG 82/09) the Ministry of Transport, Information Technology and Communications;

4. (new, SG 52/04; amend. – SG 66/08, in force from 25.07.2008; amend. - SG 81/11, amend. – SG 62/19, in force from 06.08.2019) the National Air, Water and Rail Accident Investigation Board under art. 16g.

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

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

Art. 140. (amend. SG 85/98; amend. - SG 81/11) At accident with a foreign aircraft or with aircraft on board of which there are foreign citizens, which has happened within the serviced airspace of the Republic of Bulgaria, the Chief Director of Chief Directorate Civil aviation administration shall inform the Ministry of Foreign Affairs from where shall be informed the state of registration of the aircraft, respectively the embassies of the countries which citizens are affected by the event.

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

(2) (new – SG 85/98; amend. – SG 53/14) Competent authorities of the Ministry of Interior shall carry out accident-rescue activities connected with the aviation accident according to a plan prepared by:

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

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

3. (amend. – SG 53/14) Civil aviation administration General Directorate together with the competent authorities of the Ministry of Interior and the municipalities – for accidents out of 5 km radius of the control point of the airfield.

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

(4) (new, SG 52/04, amend. SG 88/05; amend. – SG 82/09; amend. - SG 28/15) The

emergency rescue works in connection with an aviation accident outside the region under para 3 shall be managed by the coordination Centre at the Directorate General Civil Aviation Administration.

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

(6) (new – SG 85/98, amend. SG 34/01; prev. para 4 – amend., SG 52/04, amend. SG 88/05; amend. – SG 82/09) The order, the requirements, the responsibilities and the obligations connected with organising of accident – rescue and anti – fire and medical provisions for the flights in the region of the airports shall be determined by and ordinance of the Minister of Transport, Information Technology and Communications.

(7) (new – SG 85/98, amend. SG 34/01, in force from January 1, 2001; prev. para 5 – SG 52/04, amend. SG 88/05; amend. and suppl. - SG 109/07, in force from 01.01.2008; amend. – SG 82/09) The conditions and the order as well as the requirements to the system for searching and rescuing at aviation accident shall be determined with an ordinance of the Minister of Transport, Information Technology and Communications, the Minister of Defence, the Minister of Interior and the chairman of State Agency "National Security".

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

Art. 141a. (new - SG 28/15) (1) At the proposal by the Minister of Transport, Information Technology and Communications, the Minister of Defence and Minister of the Interior, the Council of Ministers shall adopt a National Plan for Search and Rescue in Aviation Accidents Outside the Area under Art. 141, para 3.

(2) (Amend. – SG 1/19, amend. - SG 16/21) Directorate General Civil Aviation Administration shall include the costs for implementation of search and rescue activities in the performance scheme in compliance with the requirements of Commission Implementing Regulation (EU) No 2019/317.

(3) In the national cost base of fees under Art. 120, para 2, item 2 shall also be included the costs for implementation of the activities under the National Plan for Search and Rescue in Aviation Accidents Outside the Area under Art. 141, para 3.

(4) (In force from 01.01.2016) The funds for implementation of the activities related to search and rescue included in the performance scheme national cost base of fees under Art. 120, para 2, item 2 shall be approved by the Director General of the Directorate General Civil Aviation Administration and shall be planned as revenue and expenditure in budget of the Ministry of Transport, Information Technology and Communications.

(5) (In force from 01.01.2016) Unspent funds under para 2 included in the fees under Art. 120, para 2, item 2, provided by air navigation service providers exceeding the incurred and proven costs for implementing activities related to search and rescue at the end of the calendar year, shall be planned as costs to the budget of the Ministry of Transport, Information Technology and Communications to carry out the activities included in the National Plan for Search and Rescue in Aviation Accidents Outside the Area under Art. 141, para 3 within the expenditure limit set for the respective year.

(6) (In force from 01.01.2016) When the actual costs exceed the funds under para 2 included in the fees under Art. 120, para 2, item 2, provided by air navigation service providers for the implementation of search and rescue activities at the end of the calendar year, the excess shall be charged to the budgets of the participants in the National Plan for Search and Rescue in Aviation Accidents Outside the Area under Art. 141, para 3.

Art. 142. (amend. SG 85/98; amend., SG 52/04) (1) The investigation is a process aiming at a prevention of aviation accidents which includes gathering and analysis of

information, preparation of conclusions, including establishing of the reasons and working out recommendations for providing the safety of the aviation.

(2) (amend. SG 88/05; amend. – SG 82/09, suppl. – SG, 60/2012, amend. – SG 1/19, amend. – SG 62/19, in force from 06.08.2019) The investigation of aviation accident on the territory of the Republic of Bulgaria shall be conducted by inspectors in the National Air, Water and Rail Accident Investigation Board.

(3) (amend. – SG 66/08, in force from 25.07.2008; amend. - SG 81/11, amend. – SG, 60/2012, repealed – SG 62/19, in force from 06.08.2019)

(4) (amend. SG 88/05; amend. – SG 82/09) The terms and the order of organizing and holding the investigation of aviation accidents and serious incidents shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

(5) (amend. SG 88/05; amend. – SG 82/09, amend. – SG 1/19, amend. – SG 62/19, in force from 06.08.2019) For aviation accident, having occurred in the air space outside the jurisdiction of the Republic of Bulgaria, with an aircraft entered in the register of the Republic of Bulgaria, the governing body of the National Air, Water and Rail Accident Investigation Board shall appoint one or more authorized representatives for participation in the investigation in the country of the place of accident.

(6) (amend. – SG, 60/2012) The investigation, related to safety shall be proceeded independently from a judicial or any other administrative investigation. The written materials of the investigation and the final reports shall not be used as evidence before the court. The establishment and the degree of the fault or responsibility shall not be subject of the investigation activity.

Chapter thirteen. ADMINISTRATIVE PENAL PROVISIONS

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

1. admits to be implemented or implements a flight with unfit aircraft;
2. admits to be implemented or implements a flight with aircraft which has not been registered or does not have a certificate for flying fitness;
3. (amend., SG 52/04) manages or participates in the management, servicing, providing of the aircraft or servicing of the passengers without having a certificate for competence, as well as those who orders admits this;
4. (amend., SG 52/04, amend. - SG 16/21) admits, manages or participates in the management, servicing, providing of the aircraft or servicing of the passengers after he has consumed psychoactive substance;
5. (amend. - SG 16/21) services or participates in the service of flights after he has consumed psychoactive substance;
6. implements or admits to be implemented a flight with inappropriate fuel or greasing materials;
7. orders to be implemented or implements landing on inappropriate airfield without being forced to do so;
8. breaches or orders to be breached the requirements of the sanitary standards for rest of the licensed staff;
9. implements, orders or admits to be implemented a flight with aircraft under conditions not complying with its exploitation characteristics;
10. disseminates incorrect information connected with the ensuring of the flights.

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

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

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

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

15. (new – SG 63/10) admits usage of navigation equipment for air navigation, landing and monitoring without certificate of exploitation fitness;

16. (new – SG 63/10) participates in air traffic conduction and the technical ensuring of the systems for air navigation servicing without license of capacity, or license possessed by them is not valid, as well as person, who orders or admits this.

17. (new - SG 60/12) prevents investigating officers from performing their duties by not providing free access to the site of the accident or incident, the aircraft, its contents or remnants, personnel, equipment, hangars and any documents, records, explanations, and premises relevant to the event being investigated;

18. (new - SG 60/12) refuses to transmit, or hides, damages, replaces or destroys any explanations, documents, records and any information or material relevant to the event under investigation;

19. (new - SG 60/12) moves, hides, replaces, damages or destroys any aircraft remains and any evidence of an air accident, and carries out any actions regarding the remains of aircraft not previously approved by the investigating authority;

20. (new – SG 1/19, amend. - SG 16/21) carries out or allows to be carried out a flight with unmanned controlled aircraft in the airspace of the country without the respective permit when required, and / or in violation of the applicable regulatory requirements, the procedures in its documentation;

21. (new – SG 1/19) refuses to transmit or hides, damages, replaces or destroys written explanations, documents, records and any information or materials requested by the inspectors of the Directorate General "Civil Aviation Administration".

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

(3) (new – SG 66/08, in force from 25.07.2008) A proprietary sanction between BGN 2000 and 10 000 shall be imposed to:

1. (suppl. – SG 1/19, suppl. - SG 16/21) any airport operator, ground handling operator, regulated agent, known consignor, air navigation service provider or air operator who fails to present for approval to Chief Directorate "Civil Aviation Administration" its programmes on security, quality control, training and illegal intervention plans within the time limit specified by the safety inspectors;

1a. (new - SG 60/12, amend. and suppl. – SG 1/19) an airport operator, a regulated agent or a ground handling operator who admits to work an employee from the security personnel who does not hold a certificate under Art. 16d, Para. 2, item 9;

2. any airport operator who installs and uses systems for physical defence, video surveillance, access control and technical means for detection of prohibited articles or substances without the approval of Chief Directorate "Civil Aviation Administration";

3. (suppl. – SG 1/19, suppl. - SG 16/21) any airport operator, ground handling operator, regulated agent, known consignor, air navigation service provider or air operator who fails to implement the measures prescribed in its security programme;

4. (amend. – SG 1/19, suppl. - SG 16/21) any airport operator, ground handling

operator, regulated agent, known consignor, air navigation service provider or air operator who fails to present an action plan, within the deadline set by the Chief Directorate "Civil Aviation Administration", intended to eliminate any incompatibilities found during inspections;

5. any airport operator who admits or permits illegal access of a vehicle to the security zones of an airport;

6. any airport operator who admits to a security zone of restricted access staff and articles and objects carried by it without a check;

7. (new - SG 63/10, suppl. – SG 1/19, suppl. - SG 16/21) airport operators, ground handling service operators, regulated agent, known consignor, air navigation service providers and aviation operators, who in the said period fails to eliminate the discrepancies in the action plan submitted for approval to the Directorate General "Civil Aviation Administration", to eliminate discrepancies, following an audit, inspection and testing;

8. (new - SG 63/10, amend. – SG 1/19) any aviation security training provider, operating without an aeronautical training center certificate and without approved training programs from the Directorate General "Civil Aviation Administration", or using aviation security instructors not holding a certificate issued by the Director General of the Directorate General "Civil Aviation Administration" for the relevant training program;

8a. (new – SG 1/19) any training provider who issues a document certifying the training received without having complied with the procedure for its issuance;

8b. (new – SG 1/19) any training provider who allows a person to undergo security training, related to access to information that is unavailable to the general public before completing the full screening, or the screening before work appointment;

9. (new - SG 63/10) airport operator, aviation operator or air navigation service provider, who impede an inspection by the competent authorities under this Act or fails to comply with their orders relating to ensuring flight safety, as well as those who orders or allow this;

10. (new - SG 63/10) aviation operator, who allows exit from the runway for takeoff and landing that is not authorized by the service provider, as well as the one who ordered it;

11. (new - SG 63/10) aviation operator, who allows entry into prohibited, temporarily restricted or dangerous areas for flights in controlled areas or supervised areas of airports, that is not authorized by the service provider, as well as those who order or allow this;

12. (new - SG 63/10, amend. - SG 99/11, in force from 01.01.2012; amend. - SG 28/15) air navigation service provider who fails to comply with terms or allow deviation in the performance of the corrective actions prescribed in the regulatory audit adopted by the national supervisory body, and those who order or allow this.

13. (new – SG 1/19) any airport operator who does not conduct training on the practical workout of its action plan during acts of unlawful interference.

14. (new - SG 16/21) an airport operator, a groundhandling operator, a full-fledged controller (regulated agent), a known consignor, an air navigation service provider and an aviation operator who hires or assigns at national or local level a security officer in breach of the requirements of the Art. 16r;

15. (new - SG 16/21) an airport operator, a groundhandling operator, a full-fledged controller (regulated agent), a known consignor, an air navigation service provider and an aviation operator who allows natural persons to perform or be responsible for performing inspections, access control or other type of security control before they have successfully passed a complete inspection by the State Agency for National Security;

16. (new - SG 16/21) an airport operator, a groundhandling operator, a full-fledged controller (regulated agent), a known consignor, an air navigation service provider and an aviation operator who allows an unaccompanied person, who has not successfully passed the

comprehensive inspection, access to air cargo and mail, to the air carrier's mail and materials, to goods destined for flights, and to goods destined for airports to which the required security controls are applied;

17. (new - SG 16/21) an airport operator, a groundhandling operator, a full-fledged controller (regulated agent), a known consignor, an air navigation service provider and an aviation operator who allows a person who is not approved by the Directorate General "Civil Aviation Administration" or does not have a certificate of competence to perform aviation security training.

(4) (new – SG 66/08, in force from 25.07.2008) A fine between BGN 500 and 2000 shall be imposed to:

1. any officer of an airport operator, land service operator, air navigation service provider or air operator who fails to perform or allows performance of employment duties by persons, who do not possess the required qualification or training, acquired in aviation training security centres certified by Chief Directorate "Civil Aviation Administration";

2. anyone who fails to carry on a visible place in security zones a valid access permit or fails to observe the requirements for accompanied access;

3. anyone who stays or attempts to illegally access security zones without having such right;

4. (amend. and suppl. – SG 1/19) anyone who fails to notify the airport operator and Chief Directorate "Civil Aviation Administration" of loss, stealing or destruction of an access permit/identity card or fails to return it before expiration of their validity or in case of no more business necessity;

5. anyone who violates the safety order and rules of an aviation operator during flight.

6. (new – SG 1/19) any security officer of an airport operator who allows or authorizes unauthorized access of a person or vehicle to the airport security areas;

7. (new – SG 1/19) any employee of an airport operator who orders or admits to a security area a person and the items carried by him without performing a security check.

(5) (new – SG 66/08, in force from 26.07.2008) A proprietary sanction between BGN 2000 and 10 000 shall be imposed to:

1. any air carrier or its agent, who refuses to transport a disabled person or a person with reduced mobility because of their disability or reduced mobility, if the grounds for refusal of transportation to such person provided for in Art. 4 of Regulation (EC) No 1107/2006 are not available;

2. any air carrier or its agent, who fails to provide freely in an accessible form the information referred to in Art. 4, Para 3 of Regulation (EC) No 1107/2006;

3. any air carrier or its agent, who fails to perform his duty under Art. 4, Para 4 of Regulation (EC) No 1107/2006;

4. any airport operator, who fails to designate the points referred to in Art. 5 of Regulation (EC) No 1107/2006 or fails to provide the information about these points in accessible form for the disabled persons or the persons with reduced mobility;

5. any air carrier or its agent, who fails to transmit information about the need for assistance for a disabled person or a person with reduced mobility to an airport operator according to Art. 6 of Regulation (EC) No 1107/2006;

6. any airport operator, who fails to render assistance to a disabled person or a person with reduced mobility in compliance with Art. 7 of Regulation (EC) No 1107/2006;

7. any air carrier or airport operator, who requests additional remuneration from a disabled person or from a person with reduced mobility for rendered assistance;

8. any airport operator, who fails to perform his duty under Art. 9 of Regulation (EC) No 1107/2006 for setting quality standards for the assistance specified in Annex I of Regulation

(EC) No 1107/2006;

9. any airport operator or air carrier, who fails to perform his duty under Art. 11 of Regulation (EC) No 1107/2006.

10. disseminate untrue information, related to safety of flights;

11. (new – SG, 52/2004) fails to fulfil written instructions and orders by competent bodies under this act;

12. (new – SG, 52/2004) fails to provide access in equal conditions of the aircraft, received permit for the flight;

13. (new – SG, 52/2004) refuse to accept and service aircraft in disaster or state aircraft;

14. (new – SG, 52/2004) carries out activity in violation of Art. 6;

15. (new – SG, 63/2010) admits to be used navigation facility for air navigation, landing and supervision without a certificate for exploitation ability;

16. (new – SG, 63/2010) participate in the management of the air movement and technical provision of the systems for air-navigation service, without holding a certificate for competence or the possessed certificate for competence is not valid, as well as the one, who orders or admits this;

17 (new – SG, 60/2012) stops the inspectors of investigation to fulfil their duties by not providing free access to the place of the event or incident, the aircraft, its contents or remnants, staff, equipment, hangars and any documents. Recordings, explanations and premises, relevant to the investigated event;

18 (new – SG, 60/2012) refuses to give or hides, damages, change or destroys explanations, documents, recordings and any information or materials, relevant to the investigated event;

19. (new – SG, 60/2012) removes, hides, changes or destroys remnants of the aircraft and any evidence for the aviation incident, as well as carry out any actions in relation to the remnants of the aircraft, which have not been preliminary approved by the body, which carries out the investigation.

(6) (new – SG 89/15) A pecuniary penalty amounting from BGN 2000 to BGN 5000 shall be imposed on:

1. air carrier who fails to fulfil its obligations in the event of denied boarding pursuant to Art. 4, paragraph 1 of Regulation (EC) No 261/2004;

2. air carrier who fails to fulfil its obligations to compensate passengers who were denied boarding against their will pursuant to Art. 4 paragraph 3 of Regulation (EC) No 261/2004;

3. air carrier who fails to fulfil its obligations in case of cancellation of a flight pursuant to Art. 5 paragraph 1 of Regulation (EC) No 261/2004;

4. air carrier who fails to fulfil its obligations to provide the passengers with the respective assistance in case their flight is delayed as per Article 6, paragraph 1, letters "i", "ii" and "iii" of Regulation (EC) No 261/2004;

5. air carrier who refuses to offer the right to compensation pursuant to Art. 7, paragraph 1 of Regulation (EC) No 261/2004;

6. air carrier who fails to fulfil its obligations to reimburse within seven days the compensation pursuant to Art. 8 of Regulation (EC) No 261/2004;

7. air carrier who refuses right to care pursuant to Art. 9, paragraphs 1, 2 and 3 of Regulation (EC) No 261/2004;

8. air carrier who fails to fulfil its obligations to reimburse within 7 days the respective part of the ticket price pursuant to Art. 10, paragraph 2, letters "a" and "b" of Regulation (EC) No 261/2004;

air carrier who fails to fulfil its obligations to inform passengers of their rights pursuant to Art. 14, paragraphs 1, 2 and 3 of Regulation (EC) No 261/2004;

10. (amend. - SG 16/21) air carrier who fails to answer passengers` complaints within 2 months from the date of submission thereof;

11. air carrier who fails to respond to the inquiries from the national authority under Art. 16, para 1 of Regulation (EC) No 261/2004.

Art. 143a. (1) (New - SG 28/15, prev. text of Art. 143a - SG 16/21) The persons under Art. 1, para 3 of Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (OB, L 80/10 of March 26, 2010), who not perform or delay the implementation of their obligations under the provisions of this Regulation, shall be punishable with a fine from BGN 3000 to 10 000 or a property sanction from BGN 2000 to 10 000.

(2) (New - SG 16/21) A punishment by a fine of BGN 3,000 to 10,000 or a property sanction of BGN 3,000 to 30,000 shall be imposed on a person under Art. 2 (2) of Regulation (EU) 2018/1139, which fails to fulfill or fails in time to fulfill its obligations under that Regulation and the delegated and implementing regulations adopted pursuant thereto.

Art. 143b.(new – SG 89/15) A pecuniary penalty, amounting from BGN 100 to 1000 shall be imposed on an air carrier who fails to fulfil their obligations to announce the final price to be paid including the applicable fares and rates pursuant to Article 23 of the Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OB, L 293/3 of October 31, 2008).

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

1. (amend. - SG 16/21) allows an airport to be used before it is registered;
2. does not observe the term for entering and deleting of the aircraft in the register of the Civil aviation administration;
3. orders or admits to be implemented a change of an aircraft or uses equipment without a permission by the Civil aviation administration;
4. orders or implements a flight with incomplete crew;
5. breaches the rules for the flights;
6. does not meet the requirements of the producer and the recommendations of the competent bodies for maintenance of the flying fitness of the aircraft;
7. (amend., SG 52/04) breaches the rules for movement on the territory of an airfield;
8. with his conduct or activity breaches the safety of flights or creates danger for the life of people;
9. hides information about an event or circumstance connected with an aircraft, with which are created conditions for aggravation of the safety of flights;
10. does not fulfil a recommendation of the Civil aviation administration under art. 47, para 3 for removing of an obstacle connected with the safety of flights;
11. implements a flight without having on board the aircraft the documents pointed out in art. 30 and in other normative acts;
12. (amend. - SG 81/11) orders to be implemented or implements transport in the air or other commercial operation by an aircraft against payment without having the right for this;
13. exploits facility, building, machines or equipment which do not meet the requirements for safe work;
14. (new - SG 63/10, amend. – SG 1/19) orders or allows any changes of the air navigation service systems without permission by the Chief Directorate "Civil Aviation Administration";

15. (new - SG 81/11, amend. - SG 16/21, in force from 24.02.2022) points or allows to be pointed to an aircraft a laser beam or other directed light of higher intensity so that it results in safety threats for the aviation, damages to the aircraft or injuries to its personnel or passengers;

16 (new – SG, 60/2012) has information and fails to announce about an aviation event or serious incident;

17. (new – SG, 60/2012) admits dissemination of information, protected under the provision of Regulation (EC) N 996/2010 and the ordinance under Art. 142, Para. 4.

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

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

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

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

4. orders or implements a flight with incomplete crew;

5. breaches the rules for the flights;

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

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

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

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

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

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

12. (amend. - SG 81/11) orders to be implemented or implements transport in the air or other commercial operation by an aircraft against payment without having the right for this;

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

14. (new - SG 63/10, amend. – SG 1/19) orders or allows any changes of the air navigation service systems without permission by the Chief Directorate "Civil Aviation Administration";

15. (new - SG 81/11) deliberately points or allows to be pointed to an aircraft a laser beam or other directed light of higher intensity so that it results in safety threats for the aviation, damages to the aircraft or injuries to its personnel or passengers;

16 (new – SG, 60/2012) has information and fails to announce about an aviation event or serious incident;

17. (new – SG, 60/2012) admits dissemination of information, protected under the provision of Regulation (EC) N 996/2010 and the ordinance under Art. 142, Para. 4.

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

Art. 146. (amend. SG 85/98; amend. - SG 105/06, in force from 01.01.2007) For second violation the fine under art. 143 and 144 shall be from 4000 to 13 000 levs.

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

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

Art. 147a. (new, SG 52/04; suppl. – SG 66/08, in force from 25.07.2008) Where the offence under art. 143, Para 1, Art. 144, 145, 146 and art. 147, para 1 is committed by a corporate body a material sanction amounting to the fine shall be imposed for the respective offence.

Art. 147b. (new - SG 105/06, in force from 01.01.2007) (1) (amend. - SG 89/15) For non-obedience to an order under Art. 16b, Para 3, Item 3 and Para 6 the guilty persons shall be fined from 250 to 1000 BGN, and the sole-entrepreneurs and legal persons shall be imposed a proprietary sanction double the amount.

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

Art. 148. (1) (suppl. SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. – SG 66/08, in force from 25.07.2008, suppl. – SG, 60/2012) The breaches with the exception of the ones under Art. 143, p. 17 – 19 and Art. 144, p. 16 and 17 shall be established with acts, compiled by persons, determined by the Chief Director of Chief Directorate "Civil Aviation Administration", and in the cases of art. 145, if the violation has been implemented on board of the aircraft – by the captain of the aircraft.

(2) (amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. – SG 66/08, in force from 25.07.2008) On the basis of the compiled acts the Chief Director of Chief Directorate "Civil Aviation Administration" or a person, determined by him, shall issue punitive decrees.

(3) (revoked SG 85/98).

(4) (new – SG, 60/2012) The breaches under Art. 143, p. 17-19 and Art. 144, p. 16 and 17 shall be established by instruments, drawn out by persons, assigned by the Minister of Transport, Information Technologies and Communications.

(5) (new – SG, 60/2012). On the basis of the drawn up instruments under Para. 4, the Minister of Transport, Information Technologies and Communications, or an official authorised by him/her shall issue penal decrees.

(3) (revoked SG 85/98).

Art. 149. The compiling of the acts and the issuing of the punitive decrees for administrative violations under this Act as well as their appealing and execution shall be implemented by the order of the Administrative Violations and Penalties Act.

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

§ 1. (prev. art. 150, amend. SG 85/98, amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) The inspectors for aviation and the servicemen of the Civil aviation administration at implementation of their official obligations shall travel free of charge with all Bulgarian aircrafts under conditions and by an order determined by the Minister of Transport, Information Technology and Communications.

§ 2. (amend. SG30/90, prev. art. 151 – SG 85/98) Right to free of charge and at reduced price non official travels with Bulgarian aircrafts shall have aviation workers under conditions, defined in the structural regulation or in the statutes of the company or the organisation, implementing aviation activity in the sense of this Act.

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

1. (revoked, SG 52/04)

2. (amend., SG 52/04, amend. – amend. – SG, 60/2012) "Aviation accident" is an event related to the exploitation of an aircraft, which in case of piloted aircraft has occurred from the moment of climbing on board by a person with intention to complete a flight until the moment when all persons aboard have left the aircraft, or in case of pilot free aircraft – at the time from the moment, where the aircraft is ready to take off for a flight till the moment, at which it stops finally at the end of the flight and the basic system for moving is switched off and during which:

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

b) the aircraft has suffered damage or breaking of the construction whereas the solidity of the construction has been broken or the technical and flying characteristics of the aircraft have deteriorated, which would require big repair or replacement of the damaged component, with exception of the cases of failure or damage of the engine, its cowlings or auxiliary units, or only the air screws have been damaged, the edges of the wing, the aerals, the tires, the braking units, the cowlings or there are insignificant concavities or breaches on the sheeting, or in light damages of the carrying screws, the edges of the tail screw, the cart and the ones as a result of hail or collision with a bird (including holes in the radiolocator);

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

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

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

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

6. (revoked - SG 81/11)

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

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

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

10. (amend. SG 34/01; amend., SG 52/04; amend. - SG 81/11) "Aviation inspector" shall be a person determined by the Chief Director of Chief Directorate "Civil aviation administration" with right to control the observation of this act and the normative acts issued on its basis and to issue obligatory prescriptions or acts for establishing offences.

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

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

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

14. (revoked - SG 16/21, in force from 24.02.2022)

14a. (new - SG 16/21, in force from 24.02.2022) "General aviation flights" means flights for specialized operations (aerial work - AW) or flights other than commercial air transport (CAT).

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

16. (amend. SG 34/01, in force from January 1, 2001; amend., SG 52/04; suppl. – SG 66/08, in force from 25.07.2008) "Airfield operator" shall be a sole owned commercial company with state assets or a trader, received concession under conditions and by the order of the Concessions Act, as well as trader, who uses the civil airfields under art. 43, para 2, items 2 and 3 of the Act, as well as a merchant, using a civil airport for public use, which is not public state property;

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

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

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

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

21. (revoked, SG 52/04)

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

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

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

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

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

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

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

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

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

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

32. (new - SG 34/01, in force from January 1, 2001; amend. - SG 81/11) "Route fees for flying through the service air space of the Republic of Bulgaria" are expense oriented fees for a single zone for collection of fees on the route.

32a. (new - SG 81/11) "Fees for air navigation services and use of navigation equipment of State Enterprise "Air Traffic Management" within the zones and regions at the airports" are expense oriented fees determined for a single terminal zone for collection of fees.

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

34. (new, SG 52/04, amend. – SG, 60/2012) "Serious incident" is an incident related to the exploitation of the craft, the circumstances related to which they point out that a great possibility has occurred for an accident, which in case of piloted aircraft has occurred in the time from the moment where one person comes on board of the aircraft with the intention to fly by the moment where all such persons have left the board of the aircraft or in case of a pilot free aircraft – at the time from the moment where the aircraft is ready to fly for a flight by the moment when it stops finally at the end of the flight and the basic system for movement is switched off.

35. (new, SG 52/04; amend. - SG 37/06, amend. – SG, 60/2012) "Incident" is an event which is not an aviation accident and which is connected with the exploitation of an aircraft, which influences or may influence the safety of the exploitation.

36. (new, SG 52/04; amend. and suppl. - SG 81/11) "Airport fees" are fees determined in compliance with the principles of the Convention for international civil aviation which cover the expenses for creation of the necessary conditions and standards providing safe and secure landing and parking of the aircrafts, use of visual air navigation equipment, as well as the expenses for processing and security of the passengers and cargoes departing from the airport.

37. (new, SG 52/04) "Self service" on an airport for public use is present where an aviation operator provides for himself one or more of the activities of land servicing under art. 48e, para 3, alone or through an operator for land services hired by him for the needs of the

aviation operator, without being admissible to provide services to third parties by the hired operator. The aviation operators shall not consider themselves third party when one of them possesses the greater part of the stocks of the other or the owner of the greater part of the stocks of each of the aviation operators is the same.

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

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

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

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

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

b) may determine directly or indirectly more than half of the members of the management body of the company, or

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

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

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

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

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

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

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

48. (new - SG 37/06; amend. - SG 81/11) "Air navigation services" means services including management of the air traffic, communication, navigation and surveillance services, meteorological services for air navigation, and aeronautical information services.

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

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

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

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

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

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

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

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

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

58. (new - SG 66/08, in force from 25.07.2008) "Act of illegal intrusion" shall be addressing a threat, any attempt or action directed against the safety in the civil aviation;

59. (new - SG 63/11, repealed – SG 1/19)

60. (new - SG 81/11) "Airport user" means any natural or legal person responsible for the carriage of passengers, mail and/or freight by air to or from the airport concerned;

61. (new - SG 81/11) "Sport flights" means flights for demonstration and assessment of piloting capabilities without restrictions of the space position of the aircraft according to competition principles or training for such demonstrations carried out by specially approved aircraft for such purposes. The sport flights shall include the free (without connection to another aircraft or the earth) flights with engineless aircrafts.

62. (new - SG 81/11, amend. – SG 1/19) "Superlight aircrafts" means the aircrafts specified in Letters "e", "f" and "i" of Annex I to Regulation (EU) 2018/1139.

63. (new - SG 81/11, amend. – SG 1/19) "Commercial operation by an aircraft" shall be any aircraft operation against payment or other remuneration which is publicly available, or when it is not publicly available, it is executed under a contract between an operator and a user of the service without there being any control by the user of the service over the operator.

64. (new - SG 81/11) "Flight and technical documentation" means guidelines for carrying out flights, a programme for avoidance of aviation accidents, instructions for investigation of accidents, a programme for quality assurance, a technical onboard log, a programme for technical servicing of aircrafts, a list of the minimum technical equipment, a description of the organisation for maintenance of permanent airworthiness, a description/guidelines for technical servicing organisation, a description of the organisation for training and examination of the technical service personnel, an approval of training grounds for training and maintenance of the flight capacity of the aircraft, operational guidelines of the

organisation/training centre of flight personnel, a flight programme for training and maintenance of the flight capacity of the flight personnel trained at the training centre.

65. (new - SG 81/11) "Air sports" means sports activities including air acrobatics (figure flying), flights in free balloons, engine and engineless flying, including air competitions by aircrafts, parachutist activities, paraplanerism, etc.

66. (new - SG 81/11) "Figure flying" means purposeful performance of manoeuvres by an aircraft without restrictions to its space position.

67. (new – SG, 60/2012, amend. – SG 62/19, in force from 06.08.2019) "Investigation inspector" is an official from the staff of the National Air, Water and Rail Accident Investigation Board, whose task is to participate and carry out investigation, related to safety.

68. (new – SG, 60/2012) "Deadly injury" is an injury, which a person has suffered during an accident and has led to his/her death within the frames of 30 days after the date of the accident.

69. (new – SG, 60/2012) "Heavy injury" is an injury, which a participant in an accident has suffered and which has one of the following consequences:

a) hospitalization for more than 48 hours, started in the frames of 7 days after the date of the injury;

b) a broken bone (with the exception of simple braking of the fingers, of toes or the nose);

c) torn flesh, causing strong blood haemorrhages or damage of a nerve, muscle or tendon;

d) injury of an internal organ;

e) burning second or third degree and any burning of more than 5% of the body surface;

f) proved exposure to hazardous substances or radiation.

70 (new – SG, 60/2012) "Investigation, related to safety" is a procedure, held by an investigation body related to the safety with the purpose of prevention of accidents and incidents, which includes collection and analysis of information, reaching conclusions, including establishing the reason/s and/or facts, led to the accident or incident and drawing up a feasibility safety recommendation.

71. (new - SG. 28/15) "Controlled airspace" is an airspace of defined dimensions within which air traffic control services are provided according to the classification of airspace.

72. (new - SG 15/16, revoked - SG 56/18)

73. (new – SG 1/19) "Full Controller" ("Regulated Agent") shall be an air carrier, agent, freight forwarder or other entity that ensures control over security of cargo or mail.

74. (new – SG 1/19) "Unmanned aircraft (drone)" means an aircraft which is controlled or is intended to be operated independently, or by remote control, without having a pilot on board.

75. (new - SG 16/21) "Known consignor" means a person who provides cargo or mail at his own expense and whose procedures comply with general security rules and standards that are sufficient to allow cargo or mail to be carried by any aircraft.

76. (new - SG 16/21) "Known supplier of in-flight supplies" means a person whose procedures comply with common rules and security standards sufficient to deliver goods intended for flight directly, on board an aircraft.

77. (new - SG 16/21) "Airport flight information service" is a flight information service and emergency alert service of the airport traffic of a given airport.

78. (new - SG 16/21) "Commander" means a pilot-in-command, trained for the post, appointed as commander and responsible for the safe conduct of flights for the purpose of commercial air transport operations.

79. (new - SG 16/21) "Aeromedical Examiner (AME)" is a doctor with the necessary qualification for practicing the medical profession and completed specialized training in aviation medicine, authorized by the Directorate General "Civil Aviation Administration" to perform medical examinations of pilots, cabin crew and air traffic controller (ATCO) on the territory of the country as required by Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OB, L 311/1 of 25 November 2011) Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OB, L 63/1 of 6 March 2015).

80. (new - SG 16/21) "Background check" means a check of a person's identity and previous experience, including where legally permissible, any criminal history as part of the assessment of an individual's suitability to implement a security control and/or for unescorted access to a security restricted area.

81. (new - SG 16/21) "Psychoactive substance" means alcohol, opioids, cannabinoids, sedatives, cocaine, other psychostimulants, hallucinogens and volatile solvents, excluding caffeine and tobacco.

82. (new - SG 16/21) "Platform" means a defined area in which aircraft are located for the purpose of boarding or disembarking passengers, loading or unloading of postal items or cargo, refueling, parking or maintenance.

83. (new - SG 16/21) "Controlled airport" is an airport which provides service and aerodrome control, whether or not there is a controlled area.

84. (new - SG 16/21) "Head of Security" means the person to whom the security program of the operator or entity is assigned and responsible, at national or local level, and that its implementation complies with the applicable security requirements in civil aviation.

85. (new - SG 16/21) "Commercial air transport" means the flight of an aircraft for the carriage of passengers, cargo or mail for remuneration or other consideration.

86. (new - SG 16/21) "Trading operation" is an operation carried out against remuneration and / or at the expense of the counterparty.

87. (new - SG 16/21) "International airport" is an airport intended for entry and departure of international air traffic and where customs, health, veterinary, phytosanitary and other procedures are performed.

88. (new - SG 16/21) "Unmanned aerial vehicle (UAV)" means an unmanned aircraft and its remote control equipment.

89. (new - SG 16/21) "Unmanned aerial vehicle operator ("UAV operator")" means any legal or natural person who operates or is registered to operate one or more UAV.

90. (new - SG 16/21) "Remote pilot" means a natural person responsible for the safe conduct of an unmanned aircraft by manually controlling its flight performance or, when the unmanned aircraft is flying in automatic mode - follows its course and at all times is able to intervene and change course.

Edition to SG, 62/6 Aug 2019

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

1. (revoked, SG 52/04)

2. (amend., SG 52/04, amend. – amend. – SG, 60/2012) "Aviation accident" is an

event related to the exploitation of an aircraft, which in case of piloted aircraft has occurred from the moment of climbing on board by a person with intention to complete a flight until the moment when all persons aboard have left the aircraft, or in case of pilot free aircraft – at the time from the moment, where the aircraft is ready to take off for a flight till the moment, at which it stops finally at the end of the flight and the basic system for moving is switched off and during which:

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

b) the aircraft has suffered damage or breaking of the construction whereas the solidity of the construction has been broken or the technical and flying characteristics of the aircraft have deteriorated, which would require big repair or replacement of the damaged component, with exception of the cases of failure or damage of the engine, its cowlings or auxiliary units, or only the air screws have been damaged, the edges of the wing, the aerals, the tires, the braking units, the cowlings or there are insignificant concavities or breaches on the sheeting, or in light damages of the carrying screws, the edges of the tail screw, the cart and the ones as a result of hail or collision with a bird (including holes in the radiolocator);

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

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

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

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

6. (revoked - SG 81/11)

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

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

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

10. (amend. SG 34/01; amend., SG 52/04; amend. - SG 81/11) "Aviation inspector" shall be a person determined by the Chief Director of Chief Directorate "Civil aviation administration" with right to control the observation of this act and the normative acts issued on its basis and to issue obligatory prescriptions or acts for establishing offences.

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

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

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

and mail.

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

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

16. (amend. SG 34/01, in force from January 1, 2001; amend., SG 52/04; suppl. – SG 66/08, in force from 25.07.2008) "Airfield operator" shall be a sole owned commercial company with state assets or a trader, received concession under conditions and by the order of the Concessions Act, as well as trader, who uses the civil airfields under art. 43, para 2, items 2 and 3 of the Act, as well as a merchant, using a civil airport for public use, which is not public state property;

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

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

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

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

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

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

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

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

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airports" are expense oriented fees determined for a single terminal zone for collection of fees.

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34. (new, SG 52/04, amend. – SG, 60/2012) "Serious incident" is an incident related to the exploitation of the craft, the circumstances related to which they point out that a great possibility has occurred for an accident, which in case of piloted aircraft has occurred in the time from the moment where one person comes on board of the aircraft with the intention to fly by the moment where all such persons have left the board of the aircraft or in case of a pilot free aircraft – at the time from the moment where the aircraft is ready to fly for a flight by the moment when it stops finally at the end of the flight and the basic system for movement is switched off.

35. (new, SG 52/04; amend. - SG 37/06, amend. – SG, 60/2012) "Incident" is an event which is not an aviation accident and which is connected with the exploitation of an aircraft, which influences or may influence the safety of the exploitation.

36. (new, SG 52/04; amend. and suppl. - SG 81/11) "Airport fees" are fees determined in compliance with the principles of the Convention for international civil aviation which cover the expenses for creation of the necessary conditions and standards providing safe and secure landing and parking of the aircrafts, use of visual air navigation equipment, as well as the expenses for processing and security of the passengers and cargoes departing from the airport.

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

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

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

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

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

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

b) may determine directly or indirectly more than half of the members of the management body of the company, or

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

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

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

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

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

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

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

48. (new - SG 37/06; amend. - SG 81/11) "Air navigation services" means services including management of the air traffic, communication, navigation and surveillance services, meteorological services for air navigation, and aeronautical information services.

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

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

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

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

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

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

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

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

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

58. (new - SG 66/08, in force from 25.07.2008) "Act of illegal intrusion" shall be

addressing a threat, any attempt or action directed against the safety in the civil aviation;

59. (new - SG 63/11, repealed – SG 1/19)

60. (new - SG 81/11) "Airport user" means any natural or legal person responsible for the carriage of passengers, mail and/or freight by air to or from the airport concerned;

61. (new - SG 81/11) "Sport flights" means flights for demonstration and assessment of piloting capabilities without restrictions of the space position of the aircraft according to competition principles or training for such demonstrations carried out by specially approved aircraft for such purposes. The sport flights shall include the free (without connection to another aircraft or the earth) flights with engineless aircrafts.

62. (new - SG 81/11, amend. – SG 1/19) "Superlight aircrafts" means the aircrafts specified in Letters "e", "f" and "i" of Annex I to Regulation (EU) 2018/1139.

63. (new - SG 81/11, amend. – SG 1/19) "Commercial operation by an aircraft" shall be any aircraft operation against payment or other remuneration which is publicly available, or when it is not publicly available, it is executed under a contract between an operator and a user of the service without there being any control by the user of the service over the operator.

64. (new - SG 81/11) "Flight and technical documentation" means guidelines for carrying out flights, a programme for avoidance of aviation accidents, instructions for investigation of accidents, a programme for quality assurance, a technical onboard log, a programme for technical servicing of aircrafts, a list of the minimum technical equipment, a description of the organisation for maintenance of permanent airworthiness, a description/guidelines for technical servicing organisation, a description of the organisation for training and examination of the technical service personnel, an approval of training grounds for training and maintenance of the flight capacity of the aircraft, operational guidelines of the organisation/training centre of flight personnel, a flight programme for training and maintenance of the flight capacity of the flight personnel trained at the training centre.

65. (new - SG 81/11) "Air sports" means sports activities including air acrobatics (figure flying), flights in free balloons, engine and engineless flying, including air competitions by aircrafts, parachutist activities, paraplanerism, etc.

66. (new - SG 81/11) "Figure flying" means purposeful performance of manoeuvres by an aircraft without restrictions to its space position.

67. (new – SG, 60/2012, amend. – SG 62/19, in force from 06.08.2019) "Investigation inspector" is an official from the staff of the National Air, Water and Rail Accident Investigation Board, whose task is to participate and carry out investigation, related to safety.

68. (new – SG, 60/2012) "Deadly injury" is an injury, which a person has suffered during an accident and has led to his/her death within the frames of 30 days after the date of the accident.

69. (new – SG, 60/2012) "Heavy injury" is an injury, which a participant in an accident has suffered and which has one of the following consequences:

a) hospitalization for more than 48 hours, started in the frames of 7 days after the date of the injury;

b) a broken bone (with the exception of simple braking of the fingers, of toes or the nose);

c) torn flesh, causing strong blood haemorrhages or damage of a nerve, muscle or tendon;

d) injury of an internal organ;

e) burning second or third degree and any burning of more than 5% of the body surface;

f) proved exposure to hazardous substances or radiation.

70 (new – SG, 60/2012) "Investigation, related to safety" is a procedure, held by an

investigation body related to the safety with the purpose of prevention of accidents and incidents, which includes collection and analysis of information, reaching conclusions, including establishing the reason/s and/or facts, led to the accident or incident and drawing up a feasibility safety recommendation.

71. (new - SG. 28/15) *"Controlled airspace" is an airspace of defined dimensions within which air traffic control services are provided according to the classification of airspace.*

72. (new - SG 15/16, revoked - SG 56/18)

73. (new – SG 1/19) *"Full Controller" ("Regulated Agent") shall be an air carrier, agent, freight forwarder or other entity that ensures control over security of cargo or mail.*

74. (new – SG 1/19) *"Unmanned aircraft (drone)" means an aircraft which is controlled or is intended to be operated independently, or by remote control, without having a pilot on board.*

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

Transitional and concluding provisions

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

§ 6. (prev. art. 153, amend. SG 85/98) (1) (amend. SG 34/01, amend. SG 88/05; amend. – SG 82/09) For the implementation of this Act and of the ratified international agreements in the field of civil aviation the Minister of Transport, Information Technology and Communications shall issue ordinances and instructions.

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

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

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

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

Transitional and concluding provisions

Of the Act on amendment and supplement of the Civil Aviation Act (prom.SG 16/97)

§ 3. The collected resources of the off-budget profit and loss account, created with decree No 44 f the Council of Ministers of 1991 (prom. SG 23/91, corr. SG 26/91, amend. and

suppl. SG 45, 70/91, SG 40, 43, 47, 51/92, SG 5, 96, 104/93, SG 2, 6, 24, 33/95, SG 108/96) and of fund "Development of the system for servicing of the air traffic", created with decree No 102 of the Council of Ministers of 1992 (SG 51/92) shall be transferred to fund "Development of the system for servicing of the air traffic".

**Transitional and concluding provisions
Of the Act on amendment and supplement of the Civil Aviation Act (SG 85/98)**

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

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

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

(3) The sites of para 1 shall be used by the commercial companies in compliance with the Concessions Act.

**Transitional and concluding provisions
TO THE ADMINISTRATIVE PROCEDURE CODE**

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

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

.....

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

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

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

3. paragraph 3, which shall enter into force from the day of the promulgation of the

code in State Gazette.

**Transitional and concluding provisions
TO THE CONCESSIONS ACT**

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

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

**Transitional and concluding provisions
TO THE ACT ON AMENDMENT AND IMPLEMENTATION OF THE CIVIL AVIATION ACT**

(PROM. – SG 37/06)

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

**Concluding provisions
TO THE ACT ON ACT ON DISTANCE PROVISION OF FINANCIAL SERVICES**

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

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

**Concluding provisions
Of the Act on Amendment and Supplement of the Civil Aviation Act**

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

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

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

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

3. credentials of aviation operators, issued to operators, operating only aircrafts, for which no standard certificate or an equivalent document has been issued or recognized by the European Aviation Safety Agency (EASA), when such are required for the aircraft.

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

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

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

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

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

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

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

**Transitional and concluding provisions
TO THE STATE AGENCY FOR NATIONAL SECURITY ACT**

(PROM. - SG 109/07, IN FORCE FROM 01.01.2008)

§ 44. The Act shall enter into force from 1 January 2008.

**Additional provisions
TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CIVIL AVIATION ACT**

(PROM. – SG 66/08, IN FORCE FROM 25.07.2008)

§ 32. Everywhere in the Act the words "unit under Art. 16d" shall be replaced with "unit under Art. 16f".

Transitional and concluding provisions

§ 33. (1) Within 6 months from entry into force of this Act, when the necessary conditions are available, the Chief Director of Chief Directorate "Civil Aviation Administration" shall issue an order for determining the number of the operators, providing land service to third parties and providing one or more of the activities under Art. 48e, Para 5.

(2) The Chief Director of Chief Directorate "Civil Aviation Administration" shall conduct a contest for access to the ground service market in respect of the activities under Art. 48e, Para 5 in compliance with the order under Para 1 after expiration of the terms of the effective contracts between the relevant civil airport for public use and the ground service operators, which were granted access to the market before implementation of the restrictions, but not more than after three years.

§ 34. The administrative penal proceedings initiated before entry into force of this Act shall continue under the preceding order.

.....

§ 36. This Act shall enter into force from the day of its promulgation in the State Gazette, except for:

1. paragraph 1, which shall enter into force from 16 July 2008;
2. paragraph 2 regarding Art. 16b, Item 4a, § 21, 25 and 28 regarding Art. 143, Para 5 and § 35, which shall enter into force from 26 July 2008.

Transitional and concluding provisions
TO THE ACT ON DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. – SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. The Act shall enter into force from the day of its promulgation in the State Gazette.

Concluding provisions
TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CIVIL AVIATION ACT
(PROM. – SG 82/09)

§ 5. In the rest of the texts of this Act the words "the Minister of Transport", "Minister of Transport" and "the Ministry of Transport" shall be replaced respectively by c "the Minister of Transport, Information Technology and Communications", "Minister of Transport, Information Technology and Communications" and "the Ministry of Transport, Information Technology and Communications".

Concluding provisions
TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR 2010
(PROM. – SG 102/09, IN FORCE FROM 22.12.2009)

§ 3. This Act shall enter into force from the day of its promulgation in the State Gazette.

Additional provisions
TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CIVIL AVIATION ACT
(PROM. – SG 41/11)

§ 5. Everywhere in the Act the words "the Minister of Agriculture and Food Supplies" shall be replaced with "the Minister of Agriculture and Food".

Additional provisions
TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CIVIL AVIATION ACT
(PROM. – SG 81/11)

§ 35. In the remaining texts of this Act the words "head/the head of Chief Directorate

"Civil Aviation Administration" shall be replaced by "the Chief Director of Chief Directorate "Civil Aviation Administration".

§ 36. This Act shall transpose the requirements of Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70/11 of 14 March 2009).

Transitional and concluding provisions

TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CIVIL AVIATION ACT

(PROM. – SG 81/11)

§ 37. State Enterprise "Air Traffic Management" shall be handed over to the Ministry of Transport, Information Technologies and Communications the assets representing equipment and systems of the visual air navigation facilities (light technical equipment) located on the territories of the civil airports for public use, under conditions and order specified in an act of the Council of Ministers.

(2) The assets referred to in Para 1 shall be made available by the Ministry of Transport, Information Technologies and Communications for use by the airport operator referred to in Art. 43e of the respective airport under the conditions and order of this Act within 6 months from the day of promulgation of this Act in the State Gazette.

(3) The assets referred to in Para 1 shall be made available by the Council of Ministers for use by the airport operator - concessionaire of the respective airport, under the conditions and order of the Concessions Act within 6 months from the day of promulgation of this Act in the State Gazette.

§ 38. (1) The Minister of Transport, Information Technologies and Communications shall issue the ordinance referred to in Art. 119f, Para 3 within 6 months from the day of the promulgation of this Act in the State Gazette.

(2) Within 6 months from the day of the promulgation of this Act in the State Gazette the airport operator of the airport with annual traffic exceeding 5 million transported passengers or the airport with the largest number of transported passengers on the territory of the Republic of Bulgaria shall undertake the activities referred to in Art. 122f and shall determine the level of airport fees by a decision in force.

(3) Within the 6-month period referred to in Para 1 and before entry into force of the decision referred to in Para 2 shall apply the types and levels of fees that are due under the previous order.

§ 39. (1) The provisions of § 21 regarding Art. 53, Para 2, Item 2 and § 26, Item 1, Letter "b" regarding Art. 120, Para 1, Items 5 and 6 shall enter into force 6 months after the promulgation of this Act in the State Gazette.

(2) The provisions of § 22 regarding Art. 60, Para 1 and § 25 regarding Chapter IX "A" "Non-commercial Flights" shall enter into force 10 months after the promulgation of this Act in the State Gazette.

Transitional and concluding provisions
TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR 2012

(PROM. – SG 99/11, IN FORCE FROM 01.01.2012)

§ 100. This Act shall enter into force from 1 January 2012, except for § 76, which shall enter into force from 15 December 2011.

Transitional and concluding provisions
TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CIVIL SERVANT ACT

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month from the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall make the Classification of Offices in the Administration compliant with this Act;
2. the competent authorities shall make the structural acts of the respective administration compliant with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Act on the Financial Supervision Commission, the Act on the Access and Disclosure of Documents and Announcing Affiliation of Bulgarian Nationals to the State Security and Intelligence Services of the Bulgarian People's Army, the Act on Forfeiture of Property Acquired through Criminal Activity, the Act on Prevention and Discontinuance of Conflict of Interests, the Code of Social Insurance, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under terms and conditions of § 36 of the Transitional and Concluding Provisions of the Law on the Amendment and Supplementation of the Civil Servants Act (SG 24/06).

(2) The act of appointment of the civil servant shall:

1. determine the lowest rank for the position specified in the Classification of Offices in the Administration, unless the officer holds a higher rank;
2. determine an individual basic monthly salary.

(3) The additional funds for insurance installments for the persons referred to in Para 2 shall be made available within the limits for expenses for salaries, remunerations and insurance installments in the budgets of the budget credit administrators.

(4) The Council of Ministers shall amend as required by this Act the non-budget account of State Fund "Agriculture".

(5) The governing bodies of the National Insurance Institute and the National Health Insurance Fund shall amend as required by this Act the respective budget credits.

(6) Any non-used days of leave under employment relations shall be preserved and shall not be subject to pecuniary compensation.

§ 86. (1) Within one month from entry into force of this Act the individual basic monthly salary of the officer shall be so calculated that the said salary, reduced by the due taxes and

the mandatory insurance installments due by the insured person, if available, shall not be lower than gross monthly salary received before, reduced by the mandatory insurance installments due by the insured person, if available, and the due taxes.

(2) The gross salary referred to in Para 1 shall include:

1. the basic monthly salary or the basic monthly remuneration;
2. the additional remunerations paid on permanent basis together with the due basic monthly salary or the basic monthly remuneration and dependent only on the working time.

§ 87. This Act shall enter into force from 1 July 2012 except for § 84, which shall enter into force from the day of the promulgation of the Act in the State Gazette.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL PLANNING ACT**

(PROM – SG 82/2012, IN FORCE FROM 26.11.2012)

§ 149. This Act shall enter into force 30 days after its promulgation in the State Gazette, except for § 16, § 35 Item 2 and § 39 which shall enter into force from 1st of January 2016.

**Transitional and concluding provisions
TO THE PUBLIC FINANCE ACT**

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

**Transitional and concluding provisions
TO THE LAW AMENDING AND SUPPLEMENTING THE LAW FOR SPATIAL PLANNING**

(PROM. - SG 66/13, IN FORCE FROM 26.07.2013)

§ 117. The Act shall enter into force from the date of its promulgation in State Gazette.

**Concluding provisions
TO THE ACT AMENDING THE CIVIL AVIATION ACT**

§ 2. Within one month from entry into force of this Act the Council of Ministers shall settle the budgetary relations regarding the identification of Avio-squad 28 as a second level budget spending unit to the Minister of Transport, Information Technology and Communications.

**Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL AVIATION ACT

(PROM. - SG 28/15)

§ 8. The provision of § 4 regarding Art. 141a, paras 4, 5 and 6 shall enter into force as of January 1, 2016.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE STATE AGENCY "NATIONAL SECURITY" ACT

(PROM. – SG 15/16)

§ 17. Within two months of the entry into force of this Act:

1. the chairperson of State Agency "National Security" and the Interior Minister shall determine the terms for access of the National unit for receipt and processing of Passenger Name Record data in the Republic of Bulgaria, travelling by air, to databases of the Ministry of Interior with the instruction under Art. 31, para. 3;

Transitional and concluding provisions

TO THE INDEPENDENT FINANCIAL AUDIT ACT

(PROM. - SG 95/16)

§ 28. In the Civil Aviation Act (prom. - SG 94 of 1972; amend. and suppl., SG 30 of 1990, SG 16 of 1997, SG 85 of 1998, SG 12 of 2000, SG 34 and 111 of 2001, SG 52 and 70 of 2004, SG 88 and 102 of 2005, SG 30, 36, 37, 105 and 108 of 2006, SG 10, 41 and 109 of 2007, SG 36, 66 and 67 of 2008, SG 35, 47, 82 and 102 of 2009, SG 63, 73 and 94 of 2010, SG 41, 81 and 99 of 2011, SG 38, 60 and 82 of 2012, SG 15 and 66 of 2013, SG 12, 53 and 98 of 2014, SG 28 and 89 of 2015 and SG 15 of 2016) in Art. 48 the word "independent" is deleted.

Concluding provisions

TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY

(PROM. - SG 58/17, IN FORCE FROM 18.07.2017)

§ 76. This Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE CONCESSIONS ACT

(PROM. - SG 96/17, IN FORCE FROM 02.01.2018)

§ 41. The Act shall enter into force within one month from its promulgation in the State Gazette with the exception of:

1. Article 45, Para. 5, which enters into force within 12 months of the promulgation of the Act in the State Gazette;

2. Article 191, Para. 2-5, Art. 192 and 193, which shall enter into force on 31 January 2019.

**Transitional and concluding provisions
TO THE ACT AMENDING THE RAILWAY TRANSPORT ACT**

(PROM. – SG 62/19, IN FORCE FROM 06.08.2019)

§ 10. This Act shall enter into force on the day of its promulgation in the State Gazette.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE AUTOMOBILE TRANSPORT ACT**

(PROM. – SG 60/20, IN FORCE FROM 07.07.2020)

§ 66. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. paragraph 62, which shall enter into force on 28 March 2020;
2. paragraph 8, regarding art. 12, para. 1 - 6, para. 7, items 1 and items 3 and 4 and para. 8 - 14, § 9, item 1, § 18, § 19 and § 58, item 13, which shall enter into force on 1 January 2021;
3. paragraph 8, regarding art. 12, para. 7, item 2, and § 20, which shall enter into force two years after the promulgation of the Act in the State Gazette.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL AVIATION ACT**

(PROM. - SG 16/21)

§ 46. (1) The aviation operator - Avio-squad 28 shall be renamed to State Aviation Operator.

(2) The activity, budget, assets, liabilities, archives and other rights and obligations of the aviation operator - Avio-squad 28, shall be transferred to the State Aviation Operator. Judicial proceedings not completed by the date of entry into force of this Act shall be continued by the State Aviation Operator until their completion in all instances.

(3) The labor legal relations of the managers and employees in the aviation operator - Avio-squad 28, shall be settled under the conditions of Art. 123 of the Labor Code.

(4) The State Aviation Operator enters into the rights and obligations of an aviation operator - Avio-squad 28, under the contracts concluded by it, including operational programs financed by European Union funds.

(5) The General Director of an aviation operator - Avio-squad 28, continues to exercise his powers as General Director of the State Aviation Operator from the date of entry into force of this Act.

§ 47. Within 6 months from the entry into force of this Act, the owners of the airfields shall submit an application to the Directorate General "Civil Aviation Administration" for classification of the airport in accordance with Art. 43, para. 2.

.....
§ 50. The provisions of § 3, item 1, letter "a", § 21, 24, 25, 26, § 36, item 1, letters "a" and "d", § 44, § 45, item 1 and 2 shall enter into force 12 months after the promulgation of the Act in the State Gazette.

Relevant acts of the European Union legislation

DIRECTIVE 2009/12/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2009 on airport charges (text with EEA relevance)

IMPLEMENTING REGULATION (EU) № 390/2013 OF THE COMMISSION of 3 May 2013 determining a performance scheme for air navigation services and network functions

REGULATION (EU) № 996/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC - (Text with EEA relevance)

REGULATION (EU) № 691/2010 of 29 July 2010 2013 determining a performance scheme for air navigation services and network functions and amending Regulation (EC) № 2096/2005 laying down common requirements for the provision of air navigation services - (text with EEA relevance) (revoked)

REGULATION (EU) № 255/2010 of 25 March 2010 establishing common rules for managing air traffic flows - (text with EEA relevance)

REGULATION (EC) № 1008/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 September 2008 concerning common rules for the operation of air services in the Community (revised) - (text with EEA relevance)

REGULATION (EC) № 300/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) № 2320/2002 (text with EEA relevance)

REGULATION (EC) № 216/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and repealing Council Directive 91/670 / EEC, Regulation (EC) № 1592/2002 and Directive 2004/36/ EC

REGULATION (EC) № 1315/2007 OF THE COMMISSION of 8 November 2007 on safety supervision in air traffic management and amending Regulation (EC) № 2096/2005 Text with EEA relevance (revoked)

REGULATION (EC) № 1794/2006 OF THE COMMISSION of 6 December 2006 establishing a common charging scheme for air navigation services (revoked)

REGULATION (EC) № 1107/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when traveling by air

REGULATION (EC) № 2096/2005 OF THE COMMISSION of 20 December 2005 on establishing common requirements for the provision of air navigation services (revoked)

REGULATION (EC) № 550/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 10 March 2004 for the provision of air navigation services in the single European sky

REGULATION (EC) № 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) № 295/91

REGULATION (EC) № 2042/2003 OF THE COMMISSION of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organizations and personnel involved in these tasks

REGULATION (EC) 2027/97 OF THE COUNCIL of 9 October 1997 on air carrier liability in case of accidents