

LAW OF THE KYRGYZ REPUBLIC

On Amendments to Certain Legislative Acts of the Kyrgyz Republic (in the Air Code of the Kyrgyz Republic, the Budget Code of the Kyrgyz Republic, and the Code of the Kyrgyz Republic on Non-Tax Revenues)

Article 1

To amend the Air Code of the Kyrgyz Republic
(Official Gazette of the Jogorku Kenesh of the Kyrgyz Republic, 2015, No. 7, Article 1021) with
the following changes:

1) In Article 3:

a) In part 1, after the words "Aviation Rules" add the words "Rules for the Use of
Airspace";

b) In part 2, replace the word "Government" with "Cabinet of Ministers";

c) Add part 3 with the following content:

“3. The Rules for the Use of Airspace of the Kyrgyz Republic shall be regulatory legal acts of
the Cabinet of Ministers of the Kyrgyz Republic, which establish the procedure for the use of the
airspace of the Kyrgyz Republic in the interests of national and economic security of the state,
protection of sovereignty, defense, public safety, protection of the constitutional order, public
order, and crime prevention.”

2) Parts 1 and 2 of Article 4 shall be revised as follows:

“1. The provisions of this Code regulate all types of civil aviation activities, the functions and
duties of the authorized body, procedures for aircraft operation, use of airspace, provision of air
navigation services in the Kyrgyz Republic, and apply to all individuals and legal entities
engaged in civil aviation activities within the territory of the Kyrgyz Republic.

2. The provisions of this Code apply to all civil aircraft within the territory of the Kyrgyz
Republic, as well as to all civil aircraft registered in the Kyrgyz Republic, wherever they may be
located, unless otherwise provided by international treaties that have entered into force in
accordance with the established legal procedure and to which the Kyrgyz Republic is a party.”

3) in Article 5:

a) In part 2, after the words "public order," add the words "and crime prevention";

b) In part 3, after the words "general aviation," add the words "(non-commercial)";

4) in Article 6:

a) Clause 10 shall be amended to read as follows:

“10) Unmanned Aerial Vehicle (UAV) – an aircraft that operates without a pilot (crew) on board,
controlled remotely by an operator or automatically according to a programmed flight plan, or by
a combination of these methods;”

b) In clause 16, after the words “public order,” add the words “and crime prevention”;

c) In clause 35, replace the word “Government” with “Cabinet of Ministers”;

d) Clause 36 shall be repealed.

5) Article 7 shall be amended to read as follows:

Article 7. State Authority in the Field of Civil Aviation of the Kyrgyz Republic

1. In accordance with this Code, the state authority in the field of civil aviation of the Kyrgyz Republic shall be the state body authorized by the Cabinet of Ministers of the Kyrgyz Republic, which implements and exercises state policy, regulation, and supervision in the field of civil aviation of the Kyrgyz Republic for the purpose of ensuring flight safety and aviation security (hereinafter referred to as the Civil Aviation Authority).
2. The Civil Aviation Authority shall carry out its activities in accordance with this Code, the regulatory legal acts of the Kyrgyz Republic, the regulation on the Civil Aviation Authority approved by the Cabinet of Ministers of the Kyrgyz Republic, as well as international treaties that have entered into force in accordance with the established legal procedure to which the Kyrgyz Republic is a party.
3. The Civil Aviation Authority is a specialized administrative body responsible for enforcing this Code, other laws, regulatory legal acts in the field of civil aviation, and international treaties in the field of air transport that have entered into force in accordance with the established legal procedure to which the Kyrgyz Republic is a party.
4. Within the framework of this Code and other relevant laws or international treaties in the field of civil aviation, the Civil Aviation Authority shall have the authority to make administrative decisions and apply rules, manuals, instructions, standards, orders, and directives to other organizations, individuals, and legal entities involved in civil aviation activities.
- 6) Articles 8 and 9 shall be repealed;
- 7) Articles 10–12 shall be amended to read as follows:
«Article 10. Powers of the Civil Aviation Authority
1. The functions and responsibilities of the Civil Aviation Authority include:
- 1) Implementation of state policy in the field of civil aviation within the framework of the legislation of the Kyrgyz Republic and international treaties in the field of air transport to which the Kyrgyz Republic is a party, having entered into force in accordance with the established legal procedure;
- 2) Regulation and supervision in the field of civil aviation, ensuring compliance with the air legislation of the Kyrgyz Republic to maintain flight safety and aviation security;
- 3) Development and implementation of the Government Flight Safety Program;
- 4) Development and implementation of state strategic documents in the field of civil aviation;
- 5) Representation of the Kyrgyz Republic in international civil aviation organizations, conducting negotiations, and signing agreements and memoranda related to civil aviation activities
- 6) Regulation of procedures, issuance of permits, and establishment of prohibitions and restrictions on the use of airspace;
- 7) Coordination, together with relevant state bodies, of civil and state air transport operations;
- 8) Development of measures to protect civil aviation from acts of unlawful interference;
- 9) Development of Aviation Rules and other regulatory legal acts in the field of civil aviation to ensure their maximum conformity with the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO), adopted in accordance with Article 37 of the Convention on International Civil Aviation. In cases where conformity of the Aviation Rules and other regulatory legal acts of the Kyrgyz Republic

in the field of civil aviation with ICAO standards and recommended practices cannot be ensured, the Civil Aviation Authority, in accordance with Article 38 of the Convention on International Civil Aviation, shall notify ICAO of differences between the legislation of the Kyrgyz Republic and the norms established by international civil aviation standards;

- 10) Continuous supervision of the activities of all operators, organizations, and enterprises of civil aviation regarding their compliance with this Code, standards and rules issued in accordance with it, as well as compliance with agreements with other states;
- 11) Inspection of aircraft and crew members of other states conducting flights within the territory of the Kyrgyz Republic;
- 12) Maintenance of the registry of civil aircraft of the Kyrgyz Republic;
- 13) Maintenance of the registry of civil aerodromes/heliports of the Kyrgyz Republic;
- 14) Issuance, recognition, renewal, modification, suspension, and revocation of certificates, permits, licenses, qualification marks, as well as consideration of relevant applications and issuance of conclusions;
- 15) Approval of training programs for civil aviation personnel of the Kyrgyz Republic;
- 16) Issuance of permits for all types of commercial air transport operations and services, and formulation of requirements for conducting such operations and services necessary to ensure flight safety and aviation security;
- 17) Issuance of permits for the use of the airspace of the Kyrgyz Republic, except in cases provided for in Article 145 of this Code;
- 18) Determination of the technical, financial, and other capabilities of the operator necessary for the implementation of proposed air transport operations and services;
- 19) Prohibition, cancellation, temporary suspension, or modification, in accordance with procedures established by the Civil Aviation Authority, of any types of flight operations and civil aviation activities if they pose a threat to flight safety and aviation security or do not comply with established international standards and rules;
- 20) Publication of the Aeronautical Information Publication (AIP) of the Kyrgyz Republic and approval of the list of air routes and airways of the Kyrgyz Republic;
- 21) Assistance to state bodies in protecting and preserving the environment from the harmful impact of air transport;
- 22) Creating favorable conditions for attracting foreign investments in the development of civil aviation in the Kyrgyz Republic;
- 23) Development and implementation of recommendations to ensure safety in air transport in the Kyrgyz Republic;
- 24) Supervision over compliance with the provisions of the Government Flight Safety Program and regulatory legal acts of the Kyrgyz Republic in the field of civil aviation;
- 25) Accreditation of foreign carriers planning to operate scheduled passenger flights to (from) the Kyrgyz Republic, and aviation enterprises;
- 26) Development of policies and requirements in the field of aviation security in accordance with the provisions of Annex 17 to the Convention on International Civil Aviation;
- 27) Issuance of orders, directives, instructions, and other documents containing requirements for the introduction of urgent safety measures;
- 28) Ensuring supervision over the implementation of policies and requirements in the field of aviation security;

- 29) Granting exemptions to civil aviation organizations from compliance with requirements established by the Aviation Rules of the Kyrgyz Republic, which do not affect flight safety and aviation security. The procedure for granting such exemptions shall be determined by the Aviation Rules of the Kyrgyz Republic;
- 30) Exercise of other powers and functions related to the regulation of civil aviation activities provided by this Law, other laws of the Kyrgyz Republic, acts of the President of the Kyrgyz Republic and the Cabinet of Ministers of the Kyrgyz Republic.
2. The Civil Aviation Authority may delegate, within its established competence, to international bodies, legal entities, and individuals the authority to implement the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO), as well as the laws, standards, and regulations of the Kyrgyz Republic. The delegated functions shall remain under the supervision of the Civil Aviation Authority. The delegation of authority shall be established by the Aviation Rules of the Kyrgyz Republic.
3. Responsibility for regulation and oversight of flight safety and aviation security of state aircraft rests with the state bodies and departments of the Kyrgyz Republic under whose jurisdiction these state aircraft fall.
4. Individuals and legal entities engaged in civil aviation activities within the Kyrgyz Republic shall comply with all rules and/or manuals issued by the Civil Aviation Authority, obey the directives of the Civil Aviation Authority, provide it with requested information and documentation, and grant officials of the Civil Aviation Authority access at any time to all information, documents, aircraft, facilities, equipment, and areas under their regulatory and supervisory control.
5. To fulfill its duties regarding certification, regulation, and oversight, the Civil Aviation Authority shall have the right to establish or create other bodies and delegate functions to them with clear allocation of responsibilities. The rights and duties of such bodies shall be defined by the Aviation Rules of the Kyrgyz Republic.
6. The Civil Aviation Authority recognizes certificates, licenses, approvals, and other documents relating to aircraft and aviation organizations issued by the European Aviation Safety Agency, foreign states, or international organizations in the field of civil aviation. Recognition is carried out based on procedures approved by the Civil Aviation Authority or in accordance with agreements signed by it.

Article 11. Types of Certification and Registration Carried Out by the Civil Aviation Authority

1. The Civil Aviation Authority shall perform the following types of certification and registration:
 - 1) Certification of civil aircraft of the Kyrgyz Republic and their components, including conducting necessary inspections of the technical and operational conditions of the aircraft;
 - 2) Registration of civil aircraft of the Kyrgyz Republic and maintenance of the registry of civil aircraft of the Kyrgyz Republic;
 - 3) Certification of civil aerodromes and heliports of the Kyrgyz Republic. In the case of joint-use aerodromes and heliports, certification applies to the part of the aerodrome that pertains to civil aviation of the Kyrgyz Republic;
 - 4) Registration of civil aerodromes and heliports of the Kyrgyz Republic, and maintenance of the State registry of civil aerodromes and heliports of the Kyrgyz Republic (hereinafter referred to as the registry of aerodromes and heliports of the Kyrgyz Republic);

- 5) Certification and registration of aircraft operators, fueling organizations, air navigation service providers, aircraft maintenance organizations, ground handling service providers, aviation educational institutions and centers, and other civil aviation organizations whose activities are related to ensuring flight safety and aviation security of the Kyrgyz Republic;
- 6) Certification and registration of civil aviation personnel of the Kyrgyz Republic, and maintenance of the State registry of issued certificates for civil aviation personnel of the Kyrgyz Republic.
 2. Issuance, recognition, renewal, amendment, suspension, or cancellation of the respective permits, certificates, licenses, approvals, or conclusions shall be carried out in accordance with the procedure established by the Aviation Rules of the Kyrgyz Republic.
 3. Recognition of certificates, licenses, approvals, permits, endorsements, qualifications, and other documents shall be performed if they are issued under regulations equivalent to the Aviation Rules of the Kyrgyz Republic. The scope of necessary verification and issuance of documents upon recognition is determined by the Aviation Rules of the Kyrgyz Republic.
 4. Certification in the field of civil aviation confirms compliance of operators and civil aviation organizations, aircraft, unmanned aerial vehicles, aerodromes, and aviation services and works with the requirements of this Code and other regulatory legal acts.
 5. The objectives of certification include protection of human life and health, environmental protection, safeguarding state interests, ensuring flight safety and aviation security, and meeting the needs of the economy, individuals, and legal entities for quality aviation services.
 6. Fees for the certification and oversight procedures in the field of civil aviation shall be collected in the manner and amounts established by the Cabinet of Ministers of the Kyrgyz Republic. Certification in civil aviation shall be conducted after payment of the specified fees to the corresponding account.
 7. In the event of a state of emergency or emergency situation in the Kyrgyz Republic, issuance, recognition, renewal, amendment, suspension, or cancellation of the respective permits, certificates, licenses, or approvals shall be carried out in the procedure established by the Civil Aviation Authority.

Article 12. Funding of the Civil Aviation Authority

1. Funding of the Civil Aviation Authority shall be carried out from the following sources:
 - 1) the state budget;
 - 2) revenues from mandatory contributions from civil aviation organizations.
- 1) The Civil Aviation Authority shall have the right to collect fees in the field of civil aviation in the manner established by the Cabinet of Ministers of the Kyrgyz Republic.
- 8) In Article 13:
 - a) paragraphs 1 and 2 shall be amended and restated as follows:

«1. The Investigation Authority and/or Commission conduct investigations of aviation accidents and incidents in the interest of flight safety, as well as other activities in accordance with this Code, the regulatory legal acts of the Kyrgyz Republic, the regulation on the Investigation Authority approved by the Cabinet of Ministers of the Kyrgyz Republic, and the international treaties to which the Kyrgyz Republic is a party and which have entered into force in accordance with the established legal procedure.

2. The Investigation Authority and/or Commission shall be funded from the state budget.
- b) Paragraph 3 is hereby repealed.
- c) In the first sentence of paragraph 4, after the words "Investigation Authority," insert "and/or Commission."
- d) In paragraph 5, after the words "Investigation Authority," insert "and/or Commission."
- e) In paragraph 6, the word "Government" shall be replaced with "Cabinet of Ministers."
- f) Paragraphs 7 through 11 shall be added as follows:
7. The Investigation Authority and/or Commission for aviation accidents shall not disclose the names of individuals involved in the aviation accident or incident.
8. The Investigation Authority and/or Commission shall take measures to ensure that the contents of cockpit voice recorder recordings, as well as audio or video recordings from flight data recorders, are not disclosed publicly.
9. The Investigation Authority and/or Commission, upon receiving the draft final report, shall take measures to ensure that it is not disclosed publicly.
10. The Investigation Authority and/or Commission shall not receive or request instructions regarding the conduct of investigations and shall have unrestricted access to all information related to their investigations and control over it.
11. The Investigation Authority and/or Commission are independent from the aviation and judicial authorities of the Kyrgyz Republic. Their organizational and operational activities shall not be influenced by other bodies that may impede the conduct or impartiality of the investigation.
- 9) In item 4 of paragraph 2 of Article 14, paragraph 2 of Article 16, item 8 of Article 24, paragraph 2 of Article 28, paragraph 1 of Article 55, paragraph 2 of Article 90, paragraph 2 of Article 122, the word "Government" in various cases shall be replaced with "Cabinet of Ministers" in the corresponding cases;
- 10) Article 21 shall be amended and restated as follows:

Article 21. Unmanned Aerial Vehicles

1. Unmanned Aerial Vehicles (UAVs) shall conduct flights over the territory of the Kyrgyz Republic based on a permit issued by the Civil Aviation Authority.
2. The rules for UAV flights in the airspace of the Kyrgyz Republic, alongside manned aircraft, shall be established by the Aviation Rules of the Kyrgyz Republic.
3. Flights of UAVs over protected facilities, the list of which is approved by the Cabinet of Ministers of the Kyrgyz Republic, shall be coordinated with the authorized body in the field of state security of the Kyrgyz Republic.
- 11) In Article 34:
 - a) Paragraph 1 shall be amended and restated as follows:
3. Registration of an aircraft, issuance of a certificate of registration, maintenance of the register of aircraft of the Kyrgyz Republic, use of state identification marks, and deregistration of an aircraft shall be established by the corresponding Aviation Rules of the Kyrgyz Republic.
 - b) Paragraph 5 is hereby repealed;
- 13) Articles 37 to 40 are hereby repealed;
- 14) Article 46 is amended and restated as follows:

Article 46. Radio Equipment, Photographic Equipment, and Highly Sensitive Remote Sensing Equipment

1. Radio equipment installed on board an aircraft shall be operated only with the appropriate authorization. The creation of any interference to the operation of the aircraft's radio equipment is prohibited.
2. Any aerial photographic equipment and highly sensitive remote sensing equipment may be installed on board an aircraft and operated in the airspace only with the permission of the authorized civil aviation authority, in accordance with the conditions of such permission.

15) Paragraph 2 of Article 47 is hereby repealed;

16) Article 48 is amended and restated as follows:

Article 48. Obligations Regarding Aircraft Type Certification

1. A new aircraft or aircraft component shall undergo type certification procedures to ensure compliance with technical airworthiness requirements.
2. The recognition of aircraft type certificates, amendments to such certificates, approval of repair designs, environmental compliance documents, noise type certificates, and other certificates related to aircraft type approval shall be conducted in accordance with the Civil Aviation Regulations of the Kyrgyz Republic.

17) In the title of Chapter 9, the words "and its parts" shall be excluded;

18) Paragraphs 2 and 3 of Article 49 shall be amended to read as follows:

2. All aircraft registered in the Civil Aircraft Registry of the Kyrgyz Republic shall undergo periodic inspections to ensure continued airworthiness in accordance with conditions established by the Civil Aviation Rules of the Kyrgyz Republic. If non-compliance is detected during the inspection, the airworthiness certificate shall be suspended or revoked in accordance with the Civil Aviation Rules of the Kyrgyz Republic.
3. Maintenance of the aircraft, its constituent parts and components, as well as modifications, shall be conducted in accordance with the Civil Aviation Rules of the Kyrgyz Republic, the regulatory legal acts of the Kyrgyz Republic, and the technical specifications of the manufacturer of the specific type of aircraft.

19) Part 1 of Article 50 shall be amended as follows:

- 1) Maintenance of aircraft, their constituent parts, and components shall be performed by approved maintenance organizations. Organizations responsible for continuing airworthiness shall carry out the maintenance of airworthiness. The approval of maintenance organizations and the requirements for them shall be established in the Aviation Regulations of the Kyrgyz Republic."

20) Article 51 shall be stated as follows:

"Article 51. Aircraft Maintenance Program

All types of maintenance of the aircraft, its components, and parts shall be carried out in accordance with the approved maintenance program prepared by the aircraft operator for each type and model of the aircraft, in the manner prescribed by the Aviation Rules of the Kyrgyz Republic."

21) In Article 52:

- a) In part 2, the word "limited" shall be excluded;
- b) Part 5 shall be declared null and void;
- c) Part 6 shall be stated as follows:

"6. The procedure for issuance, suspension, and revocation of the airworthiness certificate (including for light and ultralight aircraft), homebuilt and unmanned aerial vehicles, as well as

other restrictions and prohibitions, shall be regulated by the Aviation Rules and other regulatory legal acts of the Kyrgyz Republic."

d) to be supplemented with part 7 as follows:

"7. Responsibility for maintaining the airworthiness of civil aircraft shall rest with the operator of the civil aircraft."

22) The second sentence of Article 59 shall be amended to read as follows:

e) "The voluntary reporting system shall not be used to punish employees of civil aviation organizations who submit such reports."

23) Article 62 shall be repealed.

24) Paragraph 5 of Part 1 of Article 64 shall be amended to read as follows:

f) "5) conducting quality control of aviation security measures and by other means established in the Aviation Rules of the Kyrgyz Republic."

25) In Article 65:

a) In Part 3, the word "certificate" shall be replaced with "permit".

b) Part 11 shall be amended to read as follows:

g) "11. Security screening shall be conducted for each person and their baggage carried on board an aircraft, with the exception of officials included in a special list approved by the Cabinet of Ministers of the Kyrgyz Republic."

26) Article 66 shall be supplemented after the word "centers" with the words ", medical institutions of civil aviation."

27) Article 67 shall be restated as follows:

"Article 67. Audit and Inspection Report"

The audit report shall be drawn up in accordance with the Aviation Rules of the Kyrgyz Republic and other regulatory legal acts.

28) In Part 3 of Article 68:

a) Paragraph 1 shall be amended to read as follows:

"1) full and unrestricted access to all aircraft, airport buildings and facilities, aerodromes/heliports, landing sites, air navigation service facilities, sterile areas, secured restricted-access areas, hangars, maintenance organizations, workshops, aprons, fuel storage facilities, fueling companies and their facilities, operator offices, cargo handling areas, aviation training institutions and centers, civil aviation medical institutions, and other civil aviation facilities;"

b) In Paragraph 2, after the words "aviation security services", add the words: ", civil aviation medical institutions";

c) Paragraph 3 shall be amended to read as follows:

"3) to issue directives on matters of flight safety and aviation security to officials of operators, civil aviation medical institutions, and other civil aviation organizations, specifying deadlines for their implementation, as well as to monitor the fulfillment of such directives;"

"8) to request and receive from ministries, agencies, and state authorities of the Kyrgyz Republic the necessary information and data related to ensuring flight safety and aviation security."

29) In Part 1 of Article 70, after the words "flight safety", add the words "and aviation security";

30) In the title and Part 1 of Article 71, after the words "flight safety", add the words "and aviation security";

31) The second sentence of Part 1 of Article 72 shall be reworded as follows: "The list of aviation personnel specialists shall be determined by the Aviation Regulations of the Kyrgyz Republic.";

32) In Part 2 of Article 73, the words "for a limited period" shall be deleted;

33) Part 3 of Article 75 shall be reworded as follows:

"3. The register of state aviation personnel shall be maintained by the civil aviation authority."

34) Articles 79 and 80 shall be reworded as follows:

"Article 79. Suspension of an Aviation Personnel License

- 1) If an inspection determines that the holder of an aviation personnel license fails to comply with established rules or procedures, or poses a threat to aviation safety, a civil aviation authority inspector shall have the right to suspend the holder from performing the activities authorized by the license.
- 2) The procedure for the suspension and reinstatement of an aviation personnel license or rating shall be determined by the Aviation Regulations of the Kyrgyz Republic.

Article 80. Medical Examination

1. Medical examinations to assess the health status of aviation personnel shall be conducted by a civil aviation medical institution certified by the civil aviation authority.
2. Aircraft crew members and air traffic controllers shall perform their official duties only upon presenting a medical certificate confirming their fitness for duty, issued by a civil aviation medical institution.
3. The procedure for certifying civil aviation medical institutions, the procedures for health assessments, the rules and frequency of medical examinations, as well as the form of the medical certificate issued to aviation personnel, shall be established by the Aviation Regulations of the Kyrgyz Republic.

35) Article 83 shall be reworded as follows:

"Article 83. Citizenship of Aircraft Crew Members

1. The crew of civil aircraft of the Kyrgyz Republic shall consist of citizens of the Kyrgyz Republic.
2. The crew of civil aircraft operated by airlines of the Kyrgyz Republic, conducting commercial air transportation or performing aviation operations, may include foreign nationals approved by the civil aviation authority in the following cases:
 - 1) Mastery of an aircraft type for which there are no flight crew members who are citizens of the Kyrgyz Republic, with mandatory retraining of Kyrgyz aviation personnel in accordance with the retraining program for the aircraft type;
 - 2) Training and retraining exercises for the flight crew of the operated aircraft type within the Kyrgyz Republic.
3. The term of the employment contract between the operator and the foreign national shall not exceed two (2) years.
4. Foreign flight crew members must undergo the procedure of recognition of aviation personnel licenses issued by another state with the civil aviation authority of the Kyrgyz Republic in accordance with the Aviation Regulations of the Kyrgyz Republic.

36) In Article 86:

- a) In Part 3, delete the words "in the field of defense";
- b) In Part 4, replace the word "Government" with the words "Cabinet of Ministers";

37) In Article 88, delete the words "for a limited period";

38) Part 2 of Article 89 shall be declared null and void;

39) Article 94 shall be reworded as follows:

"Article 94. Coordination of the Construction of Facilities, Structures, or Installations

1. The construction of facilities, structures, and installations on or outside the aerodrome territory, which may pose an obstacle affecting the safety of aircraft operations, shall be carried out only after obtaining consent from the civil aviation authority and authorized state bodies of the Kyrgyz Republic in accordance with the requirements established by the legislation of the Kyrgyz Republic.
2. The coordination shall prescribe the obligation to place markings on such obstacles at the expense of the owner or possessor of the facility.
3. The restricted development zone, the procedure for obtaining consent for the construction of facilities and structures on the territory adjacent to the aerodrome, as well as the rules for placing markings on such facilities and structures, shall be determined by the legislation of the Kyrgyz Republic.

40) Part 1 of Article 98 shall be amended as follows:

1. The aerodrome operator, local government authorities, and legal entities operating in the aerodrome area shall implement a set of measures at the aerodrome and its surroundings aimed at reducing bird congregation in accordance with the requirements of the Aviation Regulations of the Kyrgyz Republic.

41) In Part 2 of Article 102, delete the words "and the state authority authorized by the Government of the Kyrgyz Republic";

42) Part 5 of Article 107 shall be declared null and void;

43) Article 109 shall be reworded as follows:

"Article 109. Payment for Airport Services

1. The list of services and the amount of payment for airport services related to domestic air transportation shall be determined by the airport operator in preliminary agreement with the civil aviation authority and the state authority authorized by the Cabinet of Ministers of the Kyrgyz Republic in the field of antitrust regulation.
2. The list of services and the amount of payment for airport services related to international air transportation shall be determined by the airport operator in preliminary agreement with the civil aviation authority.
3. Ground handling users shall pay for airport services, except in cases established by the Cabinet of Ministers of the Kyrgyz Republic concerning ground handling users operating flights pursuant to the decision of the Cabinet of Ministers of the Kyrgyz Republic in the interests of the Kyrgyz Republic, as well as in the interests of ensuring national and state security.

44) Part 1 of Article 110 shall be reworded as follows:

"1. Civil aviation organizations and other state authorities shall take measures to protect the environment from aircraft noise and engine emissions related to external factors that may arise as a result of aviation activities."

45) In Article 117:

- a) In Part 1:

- In the first paragraph, replace the word "inspector" with "investigators";
- In item 1, replace the word "unrestricted" with "free and unrestricted";
- Item 3 shall be reworded as follows:

«3) in paragraph 3, after the words “flight recorders and air traffic service recordings,” add the words “and to use their content, as well as the content of any other records;”;

b) supplement with paragraph 8 of the following content:
 “8) to promptly conduct a detailed study of the relevant materials, evidence, and immediately commence the investigation.”

c) Part 2 shall be revised as follows:
 “2. For the investigation of an aviation accident or incident, the investigation authority shall establish an investigation commission consisting of investigators of the investigation authority and independent experts, and shall immediately commence the investigation.”

d) supplement with Part 4 of the following content:
 “4. For comprehensive and objective investigation, the investigation commission appointed by the investigation authority shall be provided independence in conducting the investigation and unrestricted authority for its conduct.”

1. Article 134 shall be supplemented with Part 5 of the following content:
 “5. When performing air transportation of passengers, the sale of tickets for an aircraft exceeding the number of seats on the aircraft shall not be permitted.”
2. Article 138 shall be amended to read as follows:

"Article 138. Certification of Aircraft Operator

1. The aircraft operator certificate shall be issued to a legal entity registered in the Kyrgyz Republic that owns or leases (without crew) at least two airworthy aircraft for the performance of commercial air transportation, one airworthy aircraft for cargo commercial transportation, and that has an organizational structure, trained personnel, equipment, buildings, and facilities necessary for the flight and technical operation of such aircraft and the provision of flight operations.
2. To obtain an aircraft operator certificate and/or a certificate to perform aviation operations, the applicant shall submit to the civil aviation authority an application in the prescribed form along with documents confirming compliance with certification requirements and conditions, in accordance with the operator certification manual.
3. To obtain an aircraft operator certificate or a certificate to perform aviation operations, the applicant must demonstrate to the civil aviation authority that it possesses certified aircraft, trained personnel, documentation, equipment, buildings, and facilities necessary for the flight and technical operation of aircraft and the provision of flight operations, and also provides mandatory insurance in accordance with the legislation of the Kyrgyz Republic.
4. For initial certification, the applicant shall submit a comprehensive financial and economic activity plan that includes the allocation of financial resources for professional training of aviation personnel, maintenance of aircraft airworthiness, acquisition of equipment and means, payroll fund, and other expenses for the implementation of the planned activity and to ensure flight safety and aviation security.

5. The financial and economic activity plan shall be approved by the owner (participants, shareholders) of the legal entity applying for the aircraft operator certificate. The availability of sufficient financial resources shall be confirmed by a relevant bank statement of the applicant for the last three months.
 6. The operator shall not violate the operational requirements and restrictions established by the aircraft operator certificate and/or the certificate to perform aviation operations. It shall not be permitted for the same aircraft to be listed in the certificates and/or aviation operations certificates of two or more operators. Operation of aircraft without a valid aircraft operator certificate and/or certificate to perform aviation operations is prohibited.
 7. The aircraft operator certificate and/or certificate to perform aviation operations shall not be transferable to another person.
 8. The civil aviation authority shall suspend the aircraft operator certificate and/or certificate to perform aviation operations in accordance with the provisions of the operator certification manual, and in the following cases:
 - 1) non-compliance by the operator with certification requirements and restrictions;
 - 2) failure to ensure insurance in accordance with the legislation of the Kyrgyz Republic;
 - 3) identification of violations affecting flight safety and aviation security, detected during inspections, including in foreign states;
 - 4) upon the operator's written request.The procedure for suspending the aircraft operator certificate and/or certificate to perform aviation operations shall be determined by the Aviation Rules of the Kyrgyz Republic and the Operator Certification Manual.
 9. If the aircraft operator fails to eliminate the identified non-compliances and/or violations within the established time frame, the civil aviation authority shall revoke the aircraft operator certificate and/or certificate to perform aviation operations. In the event that the operator ceases commercial air transportation for more than six months, the civil aviation authority shall suspend the aircraft operator certificate.
 10. The conditions for operation of a light and ultralight general aviation aircraft by a natural or legal person without an aircraft operator certificate shall be specified in the Aviation Rules of the Kyrgyz Republic.
 11. It shall be prohibited to combine the official positions of the applicant/active air operator, whether managerial or other, with the official positions of another active air operator/another applicant for an aircraft operator certificate or other aviation enterprise.
 12. The procedure for issuance, amendment, suspension, or revocation of the aircraft operator certificate shall be established by the Aviation Rules of the Kyrgyz Republic.
 13. The establishment of airlines in the territory of the Kyrgyz Republic with participation of foreign natural and legal persons shall be permitted provided that the share of participation of foreign natural or legal persons in the airline does not exceed 49 percent of the authorized capital of the airline.
4. Article 139, Part 2 shall be revised as follows:
“2. During certification, the aircraft operator shall submit to the civil aviation authority a lease agreement in the Kyrgyz or Russian language, certified in accordance with the legislation of the Kyrgyz Republic, along with all necessary documents. The agreement must specify the type of lease, conditions for technical maintenance of the aircraft, insurance, and responsibilities for ensuring flight safety and airworthiness.”

Article 2

To amend the Budget Code of the Kyrgyz Republic (Official Gazette of the Jogorku Kenesh of the Kyrgyz Republic, 2016, No. 5, Article 398) as follows:

In Article 47:
– supplement with item 91 of the following content:
“91) deductions for the development of the civil aviation industry;”
– supplement with item 201 of the following content:
“201) fee for the certification and oversight procedure;”

Article 3

To amend the Code of the Kyrgyz Republic on Non-Tax Revenues (Official Gazette of the Jogorku Kenesh of the Kyrgyz Republic, 2018, No. 7–8, Article 490) as follows:

- 1) supplement with Chapter 121 of the following content:
Chapter 121. Fees for the Certification Procedure
Article 471. Payer

Payers of the fee shall be natural and legal persons undergoing the certification procedure in the field of civil aviation of the Kyrgyz Republic (issuance, renewal, amendment, replacement of the aircraft operator certificate, aerodrome certificate of compliance, certificate of airworthiness, certificate of maintenance and repair organization, certificate of air navigation services provider, civil aircraft type certificate, certificate of state registration of civil aircraft of the Kyrgyz Republic, certificate of civil aviation training center, aviation personnel license, air traffic services controller license, flight crew member certificate, crew member ID), and undergoing the oversight procedure for compliance with requirements and standards.

- 2) Article 472. Fee amount and payment procedure
The list, rates of payments, and the procedure for payment of the fee shall be determined by the Cabinet of Ministers of the Kyrgyz Republic.

supplement with Chapter 472 of the following content:
Chapter 472. Deductions for the Development of Civil Aviation

Article 1334. Payer
Payers of deductions shall be civil aviation organizations of the Kyrgyz Republic.

Article 1335. Amount and payment procedure
The list, amount of deductions, and the procedure for payment shall be determined by the

Cabinet of Ministers of the Kyrgyz Republic and directed toward the development of civil aviation.

- 3) In Article 153:
- a) supplement with item 31 of the following content:
“31) deductions for the development of civil aviation;”
 - b) supplement with item 161 of the following content:
“161) fee for the certification and oversight procedure.”

Article 4

1. This Law shall enter into force on the 1st day of the month following two calendar months after the date of its official publication.
2. The Cabinet of Ministers of the Kyrgyz Republic shall bring its regulatory legal acts in line with this Law.

President
of the Kyrgyz Republic