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The assignment decree of  
President of Islamic Republic of  
Afghanistan  
concerning the Civil Aviation Law

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First Article:

On the base of item 16 of Article 64 of Afghanistan Constitution the Civil Aviation Law by the resolution No (51) of Joint Committee of Parliaments within ten chapter and eighty nine articles will be signed.

Second Article:

This degree with the law and Joint Committee Parliaments resolution after publication in official Gazette shall be predominated.

Hamid Karzay

President t of Islamic Republic of  
Afghanistan

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## **Chapter One General Provisions**

### **Article 1 – Purpose of Enactment**

This law has been applied for the purpose of regulating of civil aviation in the State.

### **Article 2 – Objectives**

The objectives of this law are as follows:

- 1 – Leading and administering the civil aviation affairs in compliance with the International Standards and Recommended Practices and legislative documents of the country.
- 2 –Regulating and arrangement the civil air transportation services in compliance with the Convention of International Civil Aviation, International Civil Aviation Organization(ICAO) documents and annexes related to the convention.
- 3 - Development and consolidation Afghanistan’s social, commercial and touristic relations by the way of delivery the domestic and international air transport services.
- 4 – Security the aircraft flight safety according to the international standards

### **Article 3 - Definitions**

For the purpose of this law, the following terms shall signify the following meanings:

1. **AERODROME:** is an area of land or water, which is equipped with necessary equipments and facilities for the civil aviation, and can be used for safe take off and landing of aircraft.
2. **DOMESTIC CIVIL AIR TRANSPORT CARRIER:** A legal entity that has achieved the Air Operator Certificate (AOC) in accordance with these laws, that offers directly or indirectly, domestic or international air transport services.
3. **FOREIGN CIVIL AIR TRANSPORT CARRIER:** A legal entity that has achieved the Air Operator Certificate (AOC) in accordance with the laws of the foreign state and offers air transport services directly, indirectly, within the air space of Afghanistan.
4. **AIRCRAFT:** An aeriels transport means propelled by force of a motor, which derives support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface.
5. **AIRCRAFT ENGINE:** A machine used for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof (other than the propellers).
6. **AIR OPERATOR CERTIFICATE (AOC):** A document issued by the Afghanistan civil aviation authority or other competent authority, on the basis of which the civil aviation carrier that holds it may carry out services set forth in this law.
7. **FLIGHT CREW:** Individuals who have professional and specialized education and holds licenses to carry out specific tasks in the aircraft during the flight.
8. **HAZARDOUS GOODS:** Those things or substances that are considered as threat to the health of the people, animals or to the safety of the flights during the air transportation.
9. **NAVIGATIONAL AIRSPACE:** Airspace above the minimum flight altitudes prescribed for safe takeoff and landing of the aircraft to be regulated by related regulations.
10. **AIRCRAFT FLIGHT CONTROL:** Refers to a process by which the aircraft captain monitors the flight.
11. **AIRCRAFT CAPTIAN:** Refers to a member of flight crew who has high technical and specialized training and while holding a license is hired by the air transport carrier to serve as pilot for the aircraft and as the head of flight crew.

**12. SPARE PARTS:** Refers to those additional equipments such engines, propellers, and tools necessary for installation or use in the aircraft but are not attached or fixed in the aircraft.

**13. AIRCRAFT EXPOSED TO DANGER:** An aircraft that have sustained serious damage during the flight, and had force landing outside of the aerodrome.

**14. MISSING AIRCRAFT:** An aircraft, which crash and impact site or any other indication has not been discovered, after the proceeding search and rescue.

**15. AIR TRANSPORT:** Transportation of passengers, dead body, baggage, goods (Cargo), mails, poultry or animals from one place to another place by an aircraft.

**16. FLIGHT DURATION:** Refers to a period during which the passengers, baggage, and goods that are located in the aircraft, at the aerodrome or any other places are in care and under the control of the air transport carrier.

**17. AIRCRAFT REGISTRATION:** is the process that the Air Transport Carrier or AOC holder by providing all technical and operational documents, the mentioned aircraft will be registered by the Civil Aviation Authority.

**18. AIR TRAVELERS TICKET:** The document of air transportation contract of passengers and baggage, which is prepared by the air transport carrier and distributed to the passengers against a specific price.

**19. CARGO MANIFEST:** This document is a contract the Air Transport Carrier for goods (Cargo), which is prepared by the Air Transport Carrier and be issued after the sign and stamp of the airline and shipper.

#### **Article 4- Airspace Sovereignty**

The state of Afghanistan shall have an absolute and exclusive sovereignty over the airspace above its territory.

#### **Article 5- Air Operation cases**

The aircraft operation **cases** in the area of civil aviation shall be as follows:

- 1 - Transport of passengers, dead bodies, baggage, goods, mails, poultry or animals.
- 2 - Carrying out specific missions related to agriculture, health, education or recreation.
- 3 - Conducting geodesic, cartographic and scientific research operations.
- 4 - Carrying out civil aviation services for relief operation in emergency situations.
- 5 - Carrying out other civil aviation services for the development of the national economy.

#### **Article 6- Applicability**

(1) The provisions of this law shall be applicable to all types of civil aircrafts navigating the airspace of Afghanistan. Afghan registered aircraft outside the state shall also be subject to the provisions of this law, unless otherwise stipulated by the international agreements or the laws of foreign states.

(2) Domestic and foreign military aircraft and their flight crews shall be excluded from the provision of the paragraph (1) of this article and operating according to their legal documents.

#### **Article 7- Ownership of the Aircraft**

Ministries ,government institutions, enterprises, state and mixed companies, domestic and foreign entity, cooperative and social organization, private entrepreneurs and individuals including domestic or foreign as per decrees of this law have the right to ownership or occupancy of an aircraft.

#### **Article 8- Establishing an Air Transport Carrier**

(1) The civil air transport carrier may only operate if they are established in compliance

with the provisions of. this law and as well as the international standards and recommended practices.

(2) The procedure for establishing and operation, terms of issuing Air Operator Certificates for the air transport carrier is regulated by separate regulations.

#### **Article 9- Air Operator Certificate (AOC)**

1. An air operator can only operate in area of civil aviation, when they are holding an Air Operator Certificate issued by the Civil Aviation Authority.

2. An Air Operator Certificate will be issued in exchange of Five million Afghanis (5000000) or its equivalent in US dollars as a fee.

#### **Article 10- Insurance**

An Air Operator has to insure the Aircraft, Flight Crew, Passengers, Baggage and Cargo according to international convention and concern legislative document.

## **CHAPTER TWO**

### **Organization, Duties and Authorities of the Civil Aviation Authority**

#### **Article 11- Establishing the Authority**

The Civil Aviation Authority is responsible for organizing and controlling the Civil Aviation affairs in the state and will act as independent authority by having its own independent governmental budget and structure (Tashkeel), and reports to the Ministry of Transport according to the law.

#### **Article 12- Duties and Authorities of the Civil Aviation Authority**

To achieve the goals set forth in this law, the Civil Aviation Authority has the following duties and authorities:

1. Provision and organizing policies related to the civil aviation.
2. Surveillance of Air Operators and Service Providers in accordance with the international convention related to aviation to which Afghanistan has been interpolated.
3. Organizing the affairs related to the operation of Air Operators and Service Providers as per decree of this law
4. Issuing the AOC to the air transport operators in accordance and provision of this law.
5. Amending, renewing, suspending, and revoking Air Operator Certificate in accordance of provisions contained in this law.
6. Issuing the Personnel licenses and Certificates of Airworthiness for Air Carrier.
7. Signing Agreement and Memorandum of Understandings related to Civil Aviation affairs.
8. Secure relations and representation of the country with International Civil Aviation Organization and all other international agencies related to civil aviation.
9. Conducting necessary measurements for the registration of Civil Aircraft.
10. Preparing plan for regulating the affairs related to spending the development budget of the civil aviation services.
11. Protecting the interest of the beneficiaries of the civil aviation services.
12. Identifying the AOC holders violating the terms contained in this law and their operation specification.
13. Obliging the AOC holders to recompense the damages inflicted due to violation of terms
14. Leading and overseeing the Civil Aviation Training Institutes



15. Reporting to the relevant competent authorities of Ministry of Transport.

16. Performing other duties set forth in this law.

#### **Article 13- Controlling Activities**

The Civil Aviation Authority is responsible to control the activities of the Air Operators based on flight safety, use of Civil Aviation technical equipments, Aircraft, commercial activities and implementation of administrative regulations, conditions of flight crew and ground handling services related to the Air Operators.

#### **Article 14- Preparation of Development Programs**

The Civil Aviation Authority is responsible to devise and process developmental programs for the utilization of the state's airspace.

#### **Article 15- Cooperation among Line Agencies**

The Civil Aviation Authority may in compliance with the international standards is responsible to take necessary measures in cooperation with the relevant agencies as to protection of civilian aircraft, aerodromes, equipment and facilities and provision of other safety measures.

### **CHAPTER THREE Registration of Aircraft**

#### **Article 16- Registry Office**

1. Aircraft registry office shall be established within the Civil Aviation Authority and the aircraft that is registered within the registry in accordance with the provisions of this law, shall obtain citizenship of Afghanistan.

2. It is the responsibility of the registration office that before the registering of aircraft they should review all the documents and get information from the related parties regarding the validity of those documents.

3. Individuals or entities mentioned in the Article (7) of this law are required to pay Two Hundred Fifty Thousand Afghanis (250000) or the equivalent in US dollars to the Registry Office while registering the aircraft.

#### **Article 17 - Terms of Registration**

The Civil Aviation Authority is registering the aircraft in the relevant department, which belongs to the individuals or entities mentioned in the Article 7 of this law and are not registered in any other country.

#### **Article 18- Registration of Ownership Documents**

(1) The Civil Aviation Authority shall be obliged to take necessary measures for registry to review all ownership documents of aircraft parts, including aircraft engine, licenses, equipment, spare parts and other parts.

(2) Measures stated in clause (1) of this Article with respect to registry of ownership or share in the aircraft or aircraft engine, licenses, equipment, spare parts and other parts shall be valid only among the co-owners.

(3) Documents stated in clause (1) of this Article shall be valid only when registered in accordance with provisions of this law.

(4) Registration issues stated in this Article shall be regulated in a separate regulatory document.

#### **Article 19- Non Registry of the Aircraft by Foreign registry office, which is registered by state registry office**

.The Aircraft which is registered in accordance of this law in Afghanistan Civil Aviation registration office is not allowed to register in a foreign country until the Aircraft de registered from the related registration office.

### **Article 20 - Display of Marks**

The owner of the Aircraft is obligated to Display the Nationality Registration Mark, which is designated by Civil Aviation Authority in lower suffice of Aircraft wings.

### **Article 21- Nontransferable**

AOC and Certificate of Registration under this law is not be transferred to other person unless the Civil Aviation Authority agrees to the transfer of new registry by taking into account the public interests.

### **Article 22 - Lease of Aircraft**

Aircraft can be leased without flight crew based on agreement of the interested parties, such agreement shall be registered in registration office by paying the registration fee mentioned in Article (16) of this law.

### **Article 23- Cancellation of the registration**

Registration of an aircraft is cancelled in any of the following circumstances:

- 1 - In case it does not hold anymore the dedicated display of mark or ownership mentioned in this law.
- 2 - In case it is no longer airworthy.
- 3 - In case the aircraft crashes or is lost at the end of the search and rescue operations is officially announced.
- 4 - In case the aircraft is sold or turned over to a foreign person subject that is not operating inside the country.

## **Chapter Four Flight Crew**

### **Article 24- Composition of Flight Crew**

The **Composition** of Flight Crew, based on the roll of flight, type of aircraft is assigned by Civil Aviation Authority as per international standards and recommended practices,

### **Article 25 - Professional and Specialized Trainings**

Flight crew who are assigned for operation, management and control of flight, aircraft engines and various navigation communication components inside the Aircraft, they are responsible to receive specialize and professional training of Aircraft type and obtain the license before assignment,

### **Article 26- Recruitment of Flight Crew**

Air transport operator can recruit national and international personnel as flight crew based on provisions of law. Priority shall be given to the national citizens.

### **Article 27- Responsibilities of Aircraft Captain**

Aircraft captain as the head of crew is responsible for all activities and management of flight crew and safety of passengers and cargo inside the aircraft.

### **Article 28 - Authority of Aircraft captain**

Passengers and Flight Crew are obliged to follow orders and instructions of Aircraft captain. Aircraft Captain can hand over anybody including the passengers and flight crew who disrupt the safety order and discipline of the aircraft to authorities in the next aerodrome. Aircraft captain may offload part of the aircraft cargo that endangers safety of the flight.

### **Article 29 - Exceptional Authority and Responsibility of Aircraft Captain**

(1) Aircraft captain is responsible for loading. If he field any difficulties during the duty shall be obliged to request instructions from the air transport carrier. If faced the instructions is unsatisfactory or impossible for him so as operator representative can take action and carry out the following:

- 1- Taking necessary measures for maintaining safety of the passengers and protection of goods inside the aircraft and payment of necessary expenses.
- 2- Issuing of orders and instructions for the required maintenance of aircraft and continuation of flight in order to expedite the flight.
- 3- Payment of expenses necessary for conducting the Aircraft flight and carry out commitment for payment.
- 4- Taking loan for execution of the measures stated above according to the need.

(2) Disputes arising out of the executions stated in clause (1) of this Article shall be compromised and resolved among the parties if not it should be resolved in commercial court.

## **Chapter Five Aerodromes**

### **Article 30- Ownership, Establishment and Lease of an aerodrome**

1. Aerodromes are the property of the state.
2. The Civil Aviation Authority for provision of facilities and air transport services in consultation with relevant authorities can establish new aerodromes.
3. The, Civil Aviation Authority can announce the aerodromes to be serviceable for flights of aircraft with different technical characteristics, after conducting the technical assessment.
4. The Civil Aviation Authority can lease some functions of the aerodromes services with the exception of air traffic services, aeronautical information services, communication, runways, investigations and inspection, and affairs related to fire and rescue.

### **Article 31- Classification**

Aerodromes relevant to constructions specification and technical facilities, in accordance with the international standards and specified and importance of air traffic can be classified into different categories, as per relative rolls and regulation:

### **Article 32- Restrictions**

- (1) The Civil Aviation Authority can prohibit or bind to specific circumstance use of aerodrome at any time due to lack of aircraft safety or requirements of public security .
- (2) The Civil Aviation Authority for the purposes to ensure batter arrangement and public interest and provide more facilities, can assign use of the aerodromes for flights in order to maintain specific goals.

### **Article 33- Inspection and Control**

1. The Civil Aviation Authority can inspect and control aerodromes, their related areas, aircrafts and documents in all times, for realizing the objectives specified in this law.
2. The Civil Aviation Authority can inspect and control the training flights of all air transport operators in all times for realizing the objectives specified in the law
3. The air transport operators (domestic and internationals) are obliged to provide

facilities for inspection, assessment and control to staff of the Civil Aviation Authority mentioned in part 1& 2 of this article without any restrictions or conditions.

#### **Article 34- Installation of Signs and Lights on Buildings**

Owners of high rise buildings located in the vicinity of aerodromes and on flight route for the purpose of flight safety and prevention of risk, are obligate to install traffic lights and other specified signs on the top of their buildings on their own expense and keep them active day and night, as per procedures of the Civil Aviation Authority

#### **Article 35- Prohibition on Construction**

Construction of buildings and facilities, extension of communication and electric lines with higher voltage in the vicinity of aerodromes that endanger the safety of flights is forbidden.

#### **Article 36- Observance of Aerodromes conditions during design of Urban Development**

The relevant authorities are delegate to keep in mind the safety of flights condition and coordinate the possible extension of aerodromes with Civil Aviation Authority while developing and implementing city plans in residential areas close to aerodromes.

#### **Article 37 – Installation of Aviation Equipment on Buildings**

(1) The Civil Aviation Authority can use any private and public property for installation of aviation instruments and ground equipment for the purpose to ensure the safety of the aircraft flights as per the law.

(2) The Civil Aviation Authority is obliged to provide compensation for any damages inflicted on the properties mentioned in clause (1) of this Article.

#### **Article 38- Acquisition of Area**

The Civil Aviation Authority is obligate to acquire the area, which is needed for building of aerodrome, its related facilities or extension that is required on nongovernmental land, according to the provisions of the law.

#### **Article 39 - Establishment of Concern Offices**

Relevant Border control agencies (customs, health, quarantine, visa and passport affairs) can open their related offices, according to the need, at the aerodromes.

#### **Article 40 – Services Fees**

The Civil Aviation Authority will collect the aerodrome use, facilities and civil aviation services fees according to the relevant regulation.

### **Chapter Six Aircraft Flight**

#### **Article 41- Flight Conditions**

An aircraft flight permitted ,when the mentioned aircraft has airworthiness certificate, **and** nationality registration mark and be registered.

#### **Article 42- Airworthiness Certificate**

The Civil Aviation Authority is obligate to issue airworthiness certificate containing information such as validity, type of services, safety and all other conditions and limitations.

#### **Article 43 - Foreign Certificate**

The Airworthiness certificate, issued by the foreign authorities to an Afghan aircraft based on the international standards and recommend practices will be valid, after consideration by the Civil Aviation Authority once its validity and authenticity are confirmed.

#### **Article 44 - Flight Prevention**

1. The Civil Aviation Authority is obligate to prevent flying of an aircraft in the following conditions:

- a. Lack of Airworthiness Certificate.
- b. The aircraft pilot is not holding the pilot license.
- c. Feeling obvious threat to individuals and properties.
- d. Lack of conducting aircraft maintenance as per scheduled.

2. Whenever an aircraft is ready for flight, has violated the provision of this law and Civil Aviation procedures, which can cause a threat to passengers either financially or personally, to crew members in the aircraft or people around it. The Civil Aviation Authority is obligate to prevent the aircraft flight for investigation and inspection.

#### **Article 45- Air Corridor**

(1). Aircraft fly in assigned airspace air corridors in regards to the relevant procedures.

(2.) An aircraft with foreign nationality can cross airspace of the state according to agreement signed or international convention, and having special and temporary permit.

(3) Crossing of aircraft from air corridor of the country airspace mentioned in clause (2) of this Article shall be subject to the over flight fee. The amount and method of payment, specified by the relevant legislative document.

#### **Article 46 – Pursuit of Specified Air Corridor**

(1) In case aircraft diverge from a specified air corridor or rout during the flight, the aircraft captain after single awareness obliged to correct the direction without delay and follow the course to bring the aircraft to the specified air corridor and continue the flight.

(2) The aircraft maintaining international flight crossing border shall be obliged to follow the specified air corridor.

#### **Article 47- Exemption from Tax and Fee**

Fuel, lubricants, accessories, spare parts of aircraft, food stuff, beverage and tobaccos caring inside the aircraft of foreign nationality are exempted from payment of tax and fees while entering or exiting from an aerodrome.

#### **Article 48 - Flight on Forbidden Zone**

1. Aircraft flight on territories can be forbidden, limited or subjected to special conditions, which are specified due to military or security reasons by the relevant departments, after the permission of the Civil Aviation Authority.

2. In case the aircraft appears on the forbidden zone, the captain is obliged to give signal, communicate message and land on the nearest aerodrome outside the forbidden zone.

#### **Article 49 - Flight Over Cities**

Aircraft shall fly over cities or populated areas within the allowed altitude to make its landing on aerodrome or outside city possible in case of engine failure.

#### **Article 50 - Prohibition on dropping objects from Air**

(1) Discharge of goods or other substances, **are prohibited from flying aircraft unless required by unforeseen circumstances.** Except authorized propagandistic leaflet

(2). In case of discharging goods and substances from aircraft in unforeseen circumstances and causing damages to individual or property, the owner of the airline shall be responsible for compensation in accordance with international Standard and recommended practices.

#### **Article 51- Natural and Artificial Obstacles En-route Flight**

(1). The Civil Aviation Authority is required to identify the natural obstacles en-route

flights, which threaten safety of aircraft, by putting signs and lights.

(2). Whenever the artificial obstacles en-route the flight is going to threaten the safety of the aircraft, the relevant authorities or the owners are required to follow the provisions mentioned in the clause (1) of this article.

## **Chapter Seven Search and Rescue**

### **Article 52 - Airplane in Danger**

When aircraft, flight crew and passengers are threatened during flight and the danger cannot be removed by flight crew, then the captain is obliged to send danger signals in frequencies used by ground equipment, according to the regulations.

### **Article 53- Provision of Immediate Help**

The Civil Aviation Authority and responsible authorities of the nearest aerodrome are obligate to provide immediate assistance, for both foreign and domestic endangered aircraft, and if possible use the radio equipment belonging to other departments and operator establishments located near the flight routes and aerodrome.

### **Article 54- Detection of Danger**

Captain of an aircraft who receives danger signals from other aircraft or discovers damaged aircraft during flight is obliged to specify the location of aircraft and transmit it to the nearest air traffic services office, on condition that, it does not endanger its own flight safety.

### **Article 55 - Responsibility of People toward Air Accident**

(1). Any person who observes or discovers any damaged or missing aircraft shall inform the local authorities immediately.

(2) Local authorities, offices and individuals who observe a damaged aircraft are obliged to take immediate measures for rescuing of passengers, provision of medical first aid and other assistance, ensure security of passengers, protection of aircraft, documents and property until arrival of the Civil Aviation Authority delegation.

### **Article 56 - Search and Rescue of the Missing Aircraft**

(1). The Civil Aviation Authority shall start search and rescue operation for the damaged or missing aircraft without delay.

(2). If search and rescue operation of missing aircraft does not result in locating the aircraft during three months, the Civil Aviation Authority shall end the search and rescue operations and declare the lost aircraft.

### **Article 57- Air Accident**

The Civil Aviation Authority shall take required actions to discover the fact resulted in foreign registered aircraft accident in Afghanistan territory, based on the international commitments should inform, with no delay, the country of registry and the relevant airline. In case an Afghan registered aircraft crashes outside Afghanistan territory, the Civil Aviation Authority, shall based on the agreements concluded take the necessary actions either itself or through the third party.

## **Chapter Eight Air Transportation**

### **Article 58 - Certificate**

(1) The Civil Aviation Authority can issue Air Operator Certificate to domestic or international Air Transport with regards to the below terms:

- 1- Have capability in international air transport considering public interest.
- 2- Specified the privileges of civil air transport carrier, notifications of changes in circumstance and restrictions cases considering public interest.
- 3- Specificity of last and middle flight points (general route of flight).

(2) The Civil Aviation Authority can, in provision of this law and justified reason, amend, suspend or revoke the certificate mentioned in clause (1) of this article.

(3) The Civil Aviation Authority can prohibit or restrict to special condition issuance of certificate mentioned in clause (1) of this article to foreign citizens.

### **Article 59 - Controlling Air Operator Certificate and license**

(1) The Civil Aviation Authority can is required to periodically control the issued license and certificates mentioned in this law.

(2) If safety of civil aviation and air transport are found to be in danger as a result of inspection, the Civil Aviation Authority can partly or fully amend, suspend or revoke the Air Operator Certificate and the certificates mentioned in this law.

(3) In case the victim is not satisfied with the Civil Aviation Authority decision, the issue can be initially solved through commercial mediation (compromise) and commercial arbitration. If not, the issue can be referred to the relevant court.

### **Article 60 - Adherence to the Legislative Document**

The Air Operators who hold the Air operator Certificate is obliged to observe the provisions of this law, other legislative documents and procedures, regulations and other instructions of Civil Aviation, in performance of its activities.

### **Article 61- Air Transport Agreement**

(1) Transportation of passenger, dead body, luggage, goods (cargo), mail, poultry and animals by commercial airline shall be done, based on passenger ticket and airway bill in accordance of international recommended practices and Air Transport Agreements.

(2) The Air Transport Operator is obligate to determine, consolidate and arrange the price, contents of air travel ticket, airway bill and current rate of carrying of cargo and implement it after the approval of the Civil Aviation Authority.

### **Article 62- Obligations of Air Transport Carrier**

(1) Airline is obliged to carry in accordance with the air travel ticket the passengers and their luggage on timely manner to the considered destination and the goods (cargo), mail, poultry and animals, which are receiving on the based on the airway bill, at the earliest opportunity to the destination and within agreed timeline and inform the sender about the goods delivery.

(2) The period for air transportation of cargo, which are included in airway bill, is determine and controlled by the Civil Aviation Authority.

### **Article 63- Discount and Free Services**

Air transport operator is provide the following services and advantages to passengers:

(1) Discount in the air fare of the children dependent on their age

- 1- Free transport of the travel accessories
- 2- Free transport of the carry luggage and hand bags inside the aircraft.
- 3- Passenger can use facilities and services free of charge at the aerodromes.
- 4- Free use of facilities and relevant services for the passengers at the airports.

(2) The maximum discount in children airfare, the minimum weight of travel accessories, the number and amount of the supplies and hand luggage mentioned in the sub clauses (1, 2, 3) of clause (1) of this article will be determined by the Civil Aviation Authority.

#### **Article 64 - Cancellation and Discontinuation of Flight**

(1) Passenger can cancel traveling prior to flight time, and receive the amount paid for airline ticket based on the applicable related procedures.

(2) If passenger cancels traveling after the flight time, airline can deduct a fixed percentage of fare according to the procedure and refund the balance. The deducted amount shall not exceed 20 percent of one-way fare.

(3) If flight in rout due to the emergency landing and other factors, is canceled or passenger doest not continue due to illness, the airline is obliged to reimburse the fare proportionate to journey not completed.

#### **Article 65 - Life Compensation**

(1) If an incident happens during the flight or while boarding or disembark the aircraft causes death, severe injury or bodily damage to passenger, the airline is responsible for compensation as below.

1- Compensation for passenger in international flights shall be calculated according to the Hague protocol dated 28 September 1955.

2- Compensation for passenger in domestic flight shall be according to "Diat" or "Arsh" or Administration of Justice (Reasonable Compensation according to the experts' opinions).

(2) The compensation mentioned in sub clause (2) of clause one of this article, in case of disagreement between parties, will be determined by the court.

(3) Accidents due to hijacking and terrorism are exempted from the provision of clause (1) of this article.

#### **Article 66 - Financial Compensation**

(1) The responsibility of the Air Transport Agency in regard to compensation for passenger luggage and registered goods damaged, lost or missed during the international flight shall be calculated according to the Hague protocol dated 28 September 1955.

(2) The responsibility of Air Transport agency in regard to damage to baggage and luggage, which is lost during domestic flight, shall be Afghanis 1000 per kg or its equivalent in US dollars.

(3) The responsibility of the Air Transport Agency in international flights for compensation of goods in possession of the owner within the aircraft shall be calculated based on the Hogue protocol dated 28 September 1955. In domestic flights, the compensation of goods shall be Afghanis 20000 to each passenger or its equivalent in US dollars.

#### **Article 67 - Transportation of Valuable Goods**

(1) If actual value of luggage exceeds the limit of compensation under Article (66) of this law, the passenger or sender shall declare the following to airline at the time of hand over

of luggage or consignment:

1- Declare its prices.

2- Register the prices in air transportation contract.

3- Arrange a special declaration notice on value of good.

4- Commit extra amount of fee as required by the insurance.



(2) If provision under clause (1) of this Article is observed by passenger or sender, the air transport operator is obliged to reimburse the owner the amount specified in especial declaration notice in addition to the compensation for the damage, unless the transport operator airline proves that the inserted amount in especial declaration notice is more than the actual value of luggage, in which case the airline shall be obliged to pay the actual price of luggage.

(3) If the air transport operator proves that damage or loss of luggage is due to quality, deficiency or packaging of good, in that case the air transport agency is excused from payment of compensation.

(4) In case the victim is not satisfied with the decision mentioned in clause (2 & 3) of this article, the issue can be solved through commercial mediation (compromise) and commercial arbitration. If not, the issue can be referred to the relevant court

#### **Article 68- Statute of Limitation**

Claim for compensation of luggage or good against air transport operator shall be entertained within (2) year period from the date of arriving aircraft to destination. After the deadline, the claim is under time lapse and can't be reheard.

#### **Article 69- Transportation of Hazardous Materials**

Bearer of allowed hazardous materials is obliged to observe the safety requirements of the Civil Aviation Authority in carrying of baggage during national and international flights.

#### **Article 70 – Transportation of Prohibited Items**

(1) Transportation of explosive materials, weapon and combat equipment without especial permit from Ministry of Interior and the Civil Aviation Authority is prohibited in the civil aircraft.

(2) The Air Transport Operators is obligate to take the weapons and ammunition mentioned in clause (1) of this article from passenger and transport it safely.

#### **Article 71- Entrance to Prohibited Areas**

Entrance to the areas of the aerodrome, which are identified with special signs and signals, are prohibited.

#### **Article 72- Domestic Air Transportation**

Transportation services within points in the territory of Afghanistan shall take place by the national aircrafts.

#### **Article 73 - International Air Transportation**

International air transportation is arrange and enforced according to the bilateral agreements or international conventions to which the Afghanistan is acceded.

### **Chapter 9 Penal Code**

#### **Article 74- Illegal possession**

The person inside the plane during the flight who intends to use force or resort to use of other forms of threat in order to have possession of the plane or try to hijack the plane is regarded as criminal and punished according to the law.

#### **Article 75 - The violation of air transportation agency**

(1) The air transportation Carriers obligate to pay cash fine of Two Million Five Hundred Thousands Afghanis (2500000) or its equivalent in US dollars in each of the below violation:

- 1- In case the relevant aircraft is assign to fly without certificate of airworthiness
- 2- In case the relevant aircraft is assign to fly without National Registration Mark.

3- In case the airworthiness certificate of the relevant aircraft scheduled for flight is expired.

(2) The Air Transport Carrier in case of violation from Article (86) of this law is bound to cash fine of Hundred Thousands Afghanis (100000) or its equivalent in US dollars.

#### **Article 76 - Violation of the captain**

(1) The aircraft captain is obligate for cash punishment of Five Hundred Thousand Afghanis (500000) or its equivalent in USD. for following

1- In case of flying the aircraft without license.

2- In case of flying the aircraft without airworthiness certificate.

3- In case the flying of the aircraft over the restricted area is in contradiction to the article (48) of this law.

(2)- The captain in view of the receipt condition in the following cases shall be bound to pay cash fine of One Hundred Fifty Thousand Afghanis (150000) or its equivalent in US dollars.

1- In case the aircraft flying with expired airworthiness certificate

2- When the details and reports are entered in the Journey logbook in a wrong way.

3- In case the flight operation and the flight security is violated during the flight

(3) In case any flight crew member (excluding aircraft pilot) flies with an expired airworthiness certificate shall pay One Hundred Fifty Thousands Afghanis (150000) or its equivalent in US dollars.

#### **Article 77- Violation by Any Person**

Person who violates the orders contained in Article (51 and 69) of this law is bound to pay One Hundred Thousand Afghanis (100,000) or its equivalent in US dollars.

#### **Article 78- Prosecution**

The following people will be introduced for prosecution to the relevant authorities.

(1) The person who will use falsify document for the implementation of clause 2 of Article (16) of this law.

(2) The person who flies an aircraft with falsify airworthiness certificate.

(3) Person who violates the clause 1 of Article (70) and Article (71) of this law.

#### **Article 79- Refusal to pay taxes and fines**

(1) Whenever a person, department of Air Transport Carrier fails to pay financial duties and fines contained in this law within 15 days, they shall pay five percent of the actual amount as fine.

(2) Whenever an Air Transport Carrier doesn't pay its duties and fines within time period mentioned in clause 1 of this article, besides paying the cash fine, their flights should be suspended for 45 days.

(3) Whenever the Air Transport Carrier per clause 2 of this article doesn't pay their duties and fines their Air Operator Certificate will be revoked after 30 days,

#### **Article 80 - Authority for Enforcement the penalties**

Implementation of penalty mentioned in this chapter is the authority of the Civil Aviation Authority up to One Million Five Hundred Thousands Afghanis (1500000) or equivalent in US dollars and beyond that its implementation is the authority of the relevant departments.

## **Chapter 10**

### **Miscellaneous Provisions**

#### **Article 81 - Immunity from production pay and custom charges**

Import of airplane, engines and spare parts, supervision and technical machinery and repair of airplane, all ground equipments relevant to air transportation (stair cases, baggage carriers and loading and evacuation equipments, special weighing machine, fire brigades equipments for aviation, explosive and weapon detention machines for maintaining the safety of the aerodromes), the documents of Air Transport Carrier (passenger air tickets, air way bills), the documents of Aircraft flight schedule and international civil aviation organization(ICAO), world meteorological organization(WMO) international air transport association(IATA) publications are exempted from custom duties and complications .

#### **Article 82 - Free meteorological services**

Meteorological services for flights in Afghanistan shall be freely available.

#### **Article 83 - Exclusive services**

The exclusive civil aviation services in disciplines related to the economic development (agricultural, health services and air photography) shall be performed in accordance with orders of this law and permission of relevant afghan authorities by afghan aircraft or in time of need by foreign aircraft.

#### **Article 84- Training Centers**

(1) The Civil Aviation Authority for the purpose of training and technical education of the required technical personnel and for the advancement of the knowledge of the personnel in different civil aviation disciplines establishes training centers.

(2) The affairs related to the training centers mentioned in clause 1 of this article can be organized through a separate legislative document.

#### **Article 85 - The value of aviation documents**

(1) The airworthiness certificate, flight crew members certificates, Air Operator Certificate, and aircraft registration documents will be issued in exchange of fixed fee, which will be regulated through relevant document by the Civil Aviation Authority.

(2) The validity of the certificates mentioned in clause 1 of this article is valid for one year from the issuance date.

#### **Article 86- Reporting Process**

The Air Transport Carriers are bound to present their quarterly report to the Civil Aviation Authority before the specified period when it is required.

#### **Article 87 - Transfer of Revenue**

The Civil Aviation Authority shall transfer the sums mentioned in this law to a government account.

#### **Article 88 - Ratification of procedures and regulations.**

The Civil Aviation Authority for the better implementation of orders of this law can propose regulations and ratify procedures.

#### **Article 89 - Enforcement**

This law shall be effective upon approval date and shall be published in the official gazette, the civil aviation law published in the official gazette no 809, and dated 31/4/1382 shall be nullified.

