

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
GOVERNMENT

Decree-Law No. 1 /2003
Of 10 March

BASIC LAW ON CIVIL AVIATION

Considering the need to establish a systematized corpus of rules and principles to be followed within Civil Aviation, in accordance with Agreements, Conventions and other international acts to which Timor-Leste is a party or that it is intending to ratify.

Considering that with such legal basis all standard technical requirements will be in place for the adequate regulation of civil aviation activities in the country to ensure its orderly development.

Under the terms of paragraph d), section 116, of the Constitution, the Government enacts the following that shall have the force of law:

CHAPTER I
General provisions

Section 1

1. Without prejudice to provisions of international Treaties, Conventions or Agreements to which Timor-Leste is a party, this decree-law shall regulate civil aviation activities within national and international airspace assigned to East Timorese jurisdiction.

2. National air navigation, in either case, and international air navigation in territories under East Timorese sovereignty shall follow the provisions of this decree-law and its regulations, without prejudice to the provisions of international Treaties, Conventions and Agreements mentioned under sub-section 1.1.

Section 2

1. The East Timorese State shall exercise full and exclusive sovereignty over the airspace above its territory and territorial waters.

2. All aircraft belonging to State aviation, irrespective of their location, shall be considered as territory of Timor-Leste.

3. East Timorese aircraft belonging to public and general aviation shall also be considered territory of the State of Timor-Leste while over the seawater or territory not belonging to a State, or while overflying these areas.

4. Every general aviation aircraft in Timor-Leste or overflying territory under its jurisdiction shall be considered to be in territory of Timor-Leste and shall be subject to its jurisdiction.

5. Every act caused by an aircraft considered to be foreign territory shall be considered as an act committed in Timor-Leste and shall be governed by its laws if they bear effects or any other loss in the territory of Timor-Leste, although such acts may have been initiated in foreign territory.

CHAPTER II

Administrative organization

Section 3

Defence, security, orientation, coordination, monitoring and control of all activities related to civil aviation and the national and international airspace under East Timorese jurisdiction, i.e. provision of air transport services, running of airport public services and air navigation support services, shall be the responsibility of the State.

Section 4

1. It is incumbent upon the State body in charge of civil aviation to propose the respective policy, as well as the task of guiding, coordinating, controlling and monitoring air transport services, including the exercise of authority and oversight over civil entities related to that body, as well as civil entities of aeronautical and para-aeronautical sports.

2. It is also incumbent upon the State body in charge of civil aviation to ensure an effective provision of air transport services, operation of airport public services and air navigation support services in accordance with the principle of operational marketability and flexibility of that operation, without prejudice to commitments of Timor-Leste as a result of Agreements, Treaties or any other international acts to which Timor-Leste is a party.

3. For the execution of the responsibilities contained herein, the body mentioned in this decree-law shall be endowed with legal personality and shall take on the nature of Public Institute with financial autonomy and its own property.

4. The functions, responsibilities and organic structure of the body mentioned in this Section shall be determined by the Organic Law of the Ministry of Transport and Communications and Public Works and in the by-laws of that body, which shall be approved with the instrument establishing it.

Section 5

The body mentioned in sub-section 1 of Section 4 above shall be the Aeronautical Authority.

Section 6

1. It is incumbent upon competent military authorities to ensure the defence of the national airspace.
2. The terms and principles regulating the execution of sub-section 1 above shall be defined by special legislation.

CHAPTER III **Use of east Timorese airspace**

PART I **General rules**

Section 7

1. The use of East Timorese airspace by any aircraft shall be subject to provisions and rules set out in this decree-law, international Treaties, Conventions and other acts to which Timor-Leste is a party, as well as in other applicable legislation.
2. Without prejudice to provisions of the following sub-sections, no aircraft registered in or serving a foreign State shall overfly the East Timorese airspace or land on East Timorese underlying territory without clearance.
3. The Aeronautical Authority may however establish exceptions to the legally defined regime for airspace use in case of operations of search, assistance and rescue or flights for health or humanitarian purposes.
4. The Aeronautical Authority shall also establish exceptions to the legally defined regime for airspace use whenever such exceptions are a result of entering into bilateral or multilateral agreements in which the principle of balance and reciprocal advantages is enshrined and on the understanding that such agreements, or amendments and changes thereof, have previously been ratified by the Government of Timor-Leste.
5. Save the exceptional cases expressly provided for in this decree-law, all commercial and non-commercial stopovers by aircraft of foreign countries signatories or not signatories to the International Convention on Civil Aviation shall always be subject to previous clearance by the competent Aeronautical Authority, granted under an agreement or any other means, and operations shall be limited to the terms of such a clearance.

Section 8

1. Except in case of special clearance granted by the competent national Aeronautical Authority, it shall be mandatory for every aircraft registered in another State to make its first landing and last take-off at an international airport.
2. Dili-Comoro and Baucau airports shall be considered international airports in Timor-Leste.
3. The Aeronautical Authority shall define flight operations that by its nature may be allowed at a non-international airport, provided the destination airport or airfield is equipped with the required facilities to that effect.

PART II Limits

Section 9

The Aeronautical Authority may define areas where air traffic is prohibited, restricted or dangerous, establish entry and exit routes, suspend traffic in full or in part or suspend the use of specific type of aircraft or performance of specific air activities whenever security of air navigation or public interest is at stake.

Section 10

1. Stunt flying or manoeuvres with an aircraft that may be dangerous to its occupants, air traffic, facilities or people on the ground are prohibited.
2. Test and demonstration flights, whenever carried out in accordance with rules or procedures determined by the Aeronautical Authority, shall be exempted from the prohibition imposed by the previous sub-section.

Section 11

1. Except in case of special clearance by the Aeronautical Authority, no civil aircraft shall transport explosives, ammunition, firearms, war material, equipment for aerophotogrammetric survey or exploration, or any other objects or substances considered dangerous to the security of the public, the aircraft itself or its occupants.
2. Transportation of equipment for photography or moviemaking, electronic devices or nuclear materials on board of aircraft may be limited or prohibited if security to air navigation or public interest so require.

CHAPTER IV Aircraft

PART I
General provisions

Section 12

1. For the purposes of this decree-law, an aircraft is any apparatus that can be self-sustained and move in the atmosphere through reactions of air, provided these are not reactions of the aircraft itself against ground surface.
2. Aircraft, irrespective of their type, are divided into State aircraft and civil aircraft.
3. State aircraft are:
 - a) military aircraft, which comprise all aircraft belonging to the defence force, including those legally requisitioned for military missions;
 - b) aircraft belonging to the Government, used for delivering customs services, public postal services or police services.
4. Civil aircraft are those used in public and private air services.

PART II
Nationality and registration

Section 13

1. Any aircraft is considered to be of the nationality of the State where it has been registered.
2. The features of nationality markings and registration plates of national aircraft, as well as the conditions and requirements for the granting and use thereof, shall be defined by a regulation.

PART III
Aeronautical registry of Timor-Leste

Section 14

1. An Aeronautical Registry of Timor-Leste is hereby established and it will function under the Aeronautical Authority.
2. Registration of East Timorese aircraft shall be undertaken by the Aeronautical Registry of Timor-Leste, which shall issue certificates thereof.
3. The establishment of an aircraft record by the Aeronautical Registration of Timor-Leste shall be preceded by the cancellation of its registration in any other country.

4. When registering an aircraft, the Aeronautical Registry of Timor-Leste shall issue nationality markings and a registration number for the aircraft, which shall identify it for all purposes.

Section 15

1. The Aeronautical Registry of Timor-Leste shall have a public nature, and any person may obtain a certificate of data registered therein.

2. All acts as expressly required by this decree-law or subsequent legislation under the terms of sub-section___ below, or of any other legislation in force in Timor-Leste, shall be registered by the Aeronautical Registry of Timor-Leste.

PART IV Airworthiness

Section 16

1. No aircraft shall be allowed to fly without prior issuance of a required airworthiness certificate, which shall only be valid for an established period, as long as mandatory requirements mentioned therein are followed.

2. Requirements, conditions and necessary proof to obtain or renew an airworthiness certificate, as well as the period of validity and cases of suspension or cancellation shall be determined in a specific regulation.

3. Airworthiness certificates issued abroad may be validated provided they meet the requirements established under the terms of the previous sub-section and internationally accepted conditions.

PART V Operation of Aircraft

Section 17

1. Operation of an aircraft shall mean the legitimate use of such an aircraft by a person who owns it or not on a private basis, either directly or through a third party, for the purpose of air transport, whether for profit or not.

2. For the purposes of the previous sub-section, a person who operates an aircraft on a private basis is the person who, owning it or not, is in charge of its technical and nautical management.

3. Mere commercial management of an equipped and manned aircraft shall not be considered operation under this decree-law.

Section 18

1. The operator or contractor of an aircraft shall mean the person that, under the terms of the previous sub-section, uses the aircraft on a private basis.
2. The operator or contractor of an aircraft shall only be considered as such if he or she is registered with the Aeronautical Registry of Timor-Leste, except for determining civil liability related to the operation of the aircraft.

PART VI

Establishment, modification and termination of rights over an aircraft)

SUB-PART I

General principles

Section 19

Any matter that is not specifically regulated in this decree-law and other special applicable legislation, any act or legal business to establish, modify or terminate rights over aircraft shall be governed mutatis mutandi by applicable general law.

Section 20

The rights referred to under the previous sub-section shall only be valid if they are recorded in the Aeronautical Registry of Timor-Leste.

SUB-PART II

Acquisition and loss of ownership over an aircraft

Section 21

Ownership of an aircraft is obtained by construction and other modes provided for by the law.

Section 22

1. Ownership of an aircraft shall be forfeited by abandonment, demise and other modes provided for by the law.
2. An aircraft shall be considered abandoned when it is not possible to determine its legal origin or when the owner displays willingness to abandon it.
3. An aircraft is considered demised after 180 days from the date when it notified for the last time by competent aeronautical services or upon certification that it can no longer be recovered.

4. After certification of abandonment or demise of an aircraft, following an enquiry by competent aeronautical services, the registration number recorded in the Aeronautical Registry of Timor-Leste shall be cancelled.

SUB-PART III Seizure of an aircraft)

Section 23

There shall be no seizure or imposition of other encumbrances on:

- a) aircraft exclusively used in a State service, other than commerce;
- b) aircraft serving in fact a regular line of public transport;
- c) aircraft involved in public mail service, even though operated through an outsourcing contract;

PART VII Contracts on aircraft

Section 24

A contract on an aircraft is a grant to operate the aircraft, or a lease and charter of the aircraft.

Section 25

1. A grant for operation or the leasing of an aircraft is an onerous contract whereby one of the parties transfers on a temporary basis to the other the operation of the aircraft.
2. A grant for operation or the leasing of an aircraft shall be entered into by public deed and recorded in the Aeronautical Registry of Timor-Leste.
3. Failure to register an operation contract or leasing of an aircraft shall render the contract null and void, except for determining civil liability of its operator.

Section 26

1. Charter is a contract whereby an operator, referred to as the charterer, makes available the full or partial capacity of an aircraft to a non-operator, referred to as the charterer, against payment of the charter by the latter, to undertake one or more pre-determined trips, or for a specific period of time.

2. For the purposes of chartering an aircraft, the charterer shall reserve the operation or technical and nautical management of the aircraft.
3. A charter contract shall be entered into in writing.

Section 27

Contracts on aircraft shall be governed by a specific instrument.

CHAPTER V Aeronautical activities

PART I General provisions

Section 28

1. Aeronautical activities means air transport and air work, whether or not for commercial purposes, and they may be carried out on a public or private basis.
2. Activities of public air transport comprise air transport of passengers, goods or mail, whether regular or not, domestic or international, and may be carried out by public and private entities, under the terms and limits established by law to that end.
3. Aeronautical activities shall be considered to be of public nature when carried out for the benefit of the general public.
4. Aeronautical activities shall be considered to be of private nature when carried out for the benefit of the operator himself or herself, and activities shall cover areas such as:
 - a) entertainment, tourism or sports;
 - b) transport reserved to the owner or the operator of the aircraft;
 - c) air work or specialized air services carried out for the exclusive benefit of the owner or operator of the aircraft.

PART II Regular international air transport

Section 29

Regular international air transport means transport of passengers, baggage, cargo or mail carried out between points of the territory of various States adhering to a pre-established programme and schedule.

Section 30

Regular international air transport shall only be carried out by designated national air transport companies and by foreign companies so designated and, in either case, for the provision of these services as per bilateral or multilateral agreements on air transport or following a provisional authorization for operation, which shall only be issued during the period when negotiations of such agreements are under way.

Section 31

1. The Government of Timor-Leste shall establish rules and conditions for the exercise of rights relating to air traffic, in accordance with the principles enshrined in specific bilateral or multilateral agreements for air transport, to which Timor-Leste is a party.
2. The rules and conditions mentioned under the previous sub-section shall be established with a view to safeguarding fair competition among air carriers and protecting national interests in an adequate way.

Section 32

1. A foreign company designated by the Government of its country under the terms of Section 30 of this decree-law, and authorized to operate in Timor-Leste, shall only initiate its activities provided it submits to the Aeronautical Authority:
 - a) tariffs the company is intending to apply between the points indicated in the air agreement;
 - b) schedule, equipment and capacity to be used;
2. In addition to what is provided for in the previous sub-section, a designated foreign company shall only carry out its activities if it meets the other requirements established for this purpose by the competent Aeronautical Authority.
3. Any modification that involves equipment, schedule, frequency and stopovers in the national territory shall depend upon prior authorization by the Aeronautical Authority, unless otherwise provided for in specific bilateral or multilateral agreements.

PART III

Regular domestic air transport

Section 33

1. Domestic air transport means transport carried out by aircraft the starting points, stopovers and destinations of which are located in the national territory, following a pre-established programme and schedule.
2. Domestic air transport shall not lose this nature if, as a result of *force majeure*, the aircraft makes a stopover in foreign territory but its starting point and destination are in the territory of Timor-Leste.

Section 34

1. Regular domestic air transport can only be carried out by national air carriers that are duly authorized for this purpose, without prejudice to bilateral or multilateral agreements Timor-Leste has entered into.
2. Without prejudice to the provision of the previous sub-section, and should there be no national air carriers interested in operating a specific internal route, the Aeronautical Authority may authorise that route to be operated by a non-national air carrier, establishing the conditions for this purpose.

PART IV Non-regular air transport

Section 35

For the purposes of the present decree-law, non-regular transport is one that is not carried out on a regular basis, the operation regime of which comprises granting the user total or partial capacity of the aircraft against payment.

Section 36

1. Non-regular air transport, including air taxis, shall only be undertaken by national air carriers that are duly authorized for this purpose by the Aeronautical Authority.
2. An exception to the provision of the previous sub-section are cases of reciprocity or cases arising from international protocols or agreements of a bilateral or multilateral character, to which Timor-Leste is a party.
3. The rules for access to activities and operation of non-regular air transport shall be subject to a special regulation and it shall be incumbent on the Aeronautical Authority to define conditions and procedures to enforce the provisions of that regulation.

PART V **Air work**

Section 37

1. For the purposes of the present decree-law, air work is any activity undertaken on aircraft with a view to achieving specific goals related to civil aviation.
2. Activities of air work shall only be carried out following permission from the competent Aeronautical Authority.

CHAPTER VI

Air transport contract

Section 38

1. Under an air transport agreement, the carrier commits himself or herself to transport passengers, baggage, cargo or mail against payment.
2. A carrier is a person with a licence to undertake air transport activities.

Section 39

1. There shall be an air transport agreement when it is adjusted in a single legal deed through one or more air tickets or cargo documents, although it may successively be undertaken by more than one carrier.
2. In case of combined transport, provisions of this decree-law shall apply to aircraft.

Section 40

Air transport contracts shall be governed by a specific instrument.

CHAPTER VII

Civil liability

PART I

General provisions

Section 41

For all matters not specifically regulated by international Conventions and other acts of international law to which Timor-Leste is a party, by this decree-law and other applicable special legislation, civil liability resulting from the execution of an air transport contract, from damage caused by aircraft to third parties on the surface, as well as damage as a result of aircraft collision, shall be governed *mutatis mutandi* by applicable general laws.

Section 42

Every carrier or operator of an aircraft shall be obliged to enter into an insurance contract for possible compensation for damage provided for in this chapter.

Section 43

Prosecution for civil liability shall be initiated, under pain of lapsing, within two years from the date the aircraft has or should have arrived at its destination or from the

date when transport was interrupted or, in case of damage to third parties, from the date of verification of damage or when it was notified.

PART II **Contractual responsibility**

Section 44

1. In the execution of an air transport contract, the contractor shall be responsible:
 - a) for death, injury or any other bodily harm sustained by a passenger, provided that the incident which caused the damage has occurred on board of the aircraft or during any operation of embarkation or disembarkation;
 - b) for damage caused by destruction, loss or breakdown of goods or baggage, provided that the fact causing the damage has occurred during the air transportation, comprising the period during which the baggage or goods are under the contractor's custody;
 - c) for damage resulting from delay in air transportation in relation to the schedule announced by the carrier.
2. In case of successive carriers, under the terms of this decree-law, responsibility shall fall on the carrier who has undertaken the transportation during which the damage or delay has occurred, except if otherwise provided for in the contract.
3. When the transport contract is entered into by a carrier and executed by another carrier, both shall be jointly liable if the execution of transportation is a result of a mutual agreement.

Section 45

1. Any contract clause that exonerates the contractor from his or her responsibility is null and void.
2. The nullity referred to under the previous sub-section shall not annul the contract itself.

PART III **Non-contractual responsibility**

Section 46

Without prejudice to the provisions of international Conventions and other acts of international law to which Timor-Leste is a party, the operator or contractor of the aircraft is responsible for damage caused by the aircraft and that is not a result of the execution of an air transport contract under the terms of this decree-law, considering for this purpose damage to third parties, on the surface, by flying aircraft or by something falling therefrom.

Section 47

1. The operator of the aircraft is responsible for damage resulting from collision.
2. In case of concurrence in the cause of collision, the operator of each of the aircraft involved shall repair the damage caused, otherwise the responsibility of one and the other shall be aggravated or mitigated taking into account the liability of each in causing the damage; if one is pleaded guilty, he or she shall take on the entire responsibility.
3. The following shall be considered damage resulting from a collision:
 - a) damage to people or goods aboard an aircraft involved in a collision;
 - b) damage sustained by an aircraft involved in a collision;
 - c) damage resulting from impediment to normal use of an aircraft involved in a collision;
 - d) emerging damage that the operator of the aircraft is obliged to repair.
4. For the purposes of this decree-law, collision shall mean any crash between two or more aircraft in midair or on the surface.

Section 48

1. The operator or contractor of the aircraft is responsible for the damage provided for by this Part, irrespective of his or her registration or non-registration with the Aeronautical Registry of Timor-Leste.
2. The owner of the aircraft shall be liable together with the operator or contractor of the aircraft if the latter is not registered in the Aeronautical Registry, unless he or she proves that his or her failure to register is ascribable to the operator or contractor of the aircraft.

PART IV Limits and degrees of liability

Section 49

1. Limitation of civil liability provided for under this chapter is subject to the regime established in international conventions applicable to the country on this matter, taking into account the necessary adaptations and without prejudice to the provisions of this decree-law.

2. Civil liability based on a premeditated action shall not be limited and there shall be a premeditated action whenever the carrier acts with an intention to cause damage and whenever the carrier assumes the risk of damage.

Section 50

1. Liability of the aircraft operator or contractor, in case of collision, except if otherwise provided for in subsection 50.2 below, shall not exceed:

- a) the limits established under the terms of Section 49 of this decree-law in case of death or bodily injuries to people on board or on the surface, damage to goods, to registered baggage and to objects under the personal guard of passengers on board of the aircraft involved in a collision;
- b) the cost of repair or replacement of parts of the aircraft involved in a collision, if recoverable, or its real value immediately prior to the collision, if repair is not possible;

2. The limits of liability established by this Section shall not apply:

- a) if the collision is a result of premeditated action by the aircraft operator or contractor;
- b) if the person liable for the collision has illegally appropriated the aircraft, using it without permission of the owner or legal possessor.

CHAPTER VIII

Aeronautical infrastructure and air navigation services

PART I

General provisions

Section 51

Aeronautical infrastructure shall comprise all of the bodies, facilities or ground structures to support air navigation to enhance security, reality and efficiency.

Section 52

For the purposes of this decree-law, aeronautical infrastructure shall comprise structures, facilities and equipment for use in:

- a) airfields and aeronautical servitudes;
- b) air traffic control;
- c) aeronautical telecommunications;
- d) aeronautical information;
- e) aeronautical weather forecast services;
- f) prevention, rescue and fire fighting;

- g) disembarkation facilities , including ancillary services;
- h) prevention and investigation into aeronautical accidents and incidents;
- i) facilitation and security services;

Section 53

It is incumbent upon the Aeronautical Service to coordinate and monitor the execution of the policy on aeronautical infrastructure.

PART II Airfields

Section 54

For the purposes of this decree-law, an airfield is comprised of all the area of ground or water, which may also include buildings, facilities and materials, intended to be used for arrival, departure and movement of aircraft on the surface.

Section 55

1. Airfields shall be classified as civil and military. The former shall be meant for use by civil aircraft and the latter by military aircraft.
2. Civil airfields may be used by military aircraft and military airfields may be used by civil aircraft, provided the rules jointly established by the Aeronautical Authority and competent military bodies are respected.

Section 56

1. Civil airfields shall be classified as public and private and they shall be grouped in categories as determined by the type of traffic to which they are open and by their respective support facilities for aircraft operations, embarkation and disembarkation of people and goods, in accordance with the provisions of regulations on this matter.
2. A private airfield is for the exclusive use of its owners or people specifically authorized by the former, and a public airfield is for public service and, as such, it may be used by all national aircraft.
3. The Aeronautical Authority shall establish conditions that foreign aircraft will have to meet to use public airfields.
4. No civil airfield shall be used if it is not appropriately registered by the competent Aeronautical Authority and is not declared open to aircraft traffic by this authority.

Section 57

1. No airfield shall be built without prior permission from the Aeronautical Authority.
2. A private airfield shall be built, managed and operated by its owner, in accordance with instructions and rules established by the Aeronautical Authority.
3. Public airfields shall be managed by the State, either directly or through public sector entities or companies.
4. The installation and operation of any services of aeronautical infrastructure, inside or outside of a civil airfield, shall always depend upon prior permission from the competent Aeronautical Authority that shall monitor those services.
5. The management and operation of military airfields shall be an exclusive competence of military authorities.

Section 58

Public airfields may be used by any aircraft without distinction of ownership or nationality, except if, on grounds of operations or security, restrictions are imposed on their use by a certain type of aircraft or air services.

Section 59

1. Public airfields, as universalities with specific objectives, are public domain assets.
2. Airfields shall comprise areas for:
 - a) the management;
 - b) landing, take-off, manoeuvres and parking of aircraft;
 - c) assistance to, and movement of, passengers, cargo and mail;
 - d) providers of air services and commercial activity;
 - e) ancillary services;
 - f) public users and car parking;
 - g) access to airport area.

Section 60

1. The use of public domain areas and assets at airfields for installation and operation of air services, ancillary services or commercial establishments shall be granted through a contract endorsed by the Aeronautical Authority.

2. A fee to be established by the Aeronautical Authority shall be collected, in accordance with the law, for the use of the areas and assets mentioned under the previous subsection.

Section 61

1. Public airfields equipped with installations and facilities to support aircraft operations and embarkation and disembarkation of people and goods shall be considered airports.

2. Airports shall be classified by administrative act that shall establish the specifications of each class or type.

3. Airports intended for national and foreign aircraft, providing regular or non-regular international services, shall be classed as international airports.

PART III (Aeronautical servitudes)

Section 62

1. Properties located close to airfields and to air navigation support facilities are subject to special restrictions referred to as aeronautical servitudes, which are intended to ensure aircraft security.

2. The restrictions dealt with by this Section are related to:

- a) the use of properties as buildings, farming lands or others;
- b) the use of animals, vehicles, lighting signs or other objects of a temporary or permanent nature;
- c) anything likely to hinder manoeuvres of aircraft or cause interference with support signs for radio navigation or impair the visibility of visual support facilities.

3. These restrictions shall be in force after the Government has approved the General Plan of Airfield Servitude Zones, which shall comprise the following zones:

- d) airfield protection zone;
- e) noise zone;
- f) protection zone for air navigation aids.

4. Depending on conveniences and peculiarities of flight security, specific plans shall be drawn up and applied to each airfield, based on instructions established by the general plan mentioned under the previous sub-section.

5. The Aeronautical Authority may stop any works or construction of any nature, which is contrary to the plans referred to in this Section, or even order the demolition of buildings erected in disregard of those plans.

6. If the established restrictions impose demolition or destruction of buildings erected before the publication of the plans referred to in previous sub-sections, the owner of those buildings shall be entitled to a fair compensation, the value of which shall be established by an agreement.

7. Should there be no agreement, the value provided for under the previous sub-section shall be established by a court.

PART IV
Air navigation services

SUB-PART I
Common provisions

Section 63

1. Air navigation services shall be considered as those listed under paragraphs b) to j) of Section 52 of this decree-law.

2. The provision of air navigation services is incumbent upon the State, either directly or through public companies or entities, and the organization and operation of those services shall be determined by a specific instrument.

SUB-PART II
Air traffic control services

Section 64

The services that control air traffic over the national territory shall adhere to the provisions of this decree-law and of international Conventions and agreements to which Timor-Leste is a party, as well as to the provisions of other applicable legislation.

Section 65

1. An aircraft that is ordered to land by the air traffic control body shall proceed immediately to the indicated airfield and land.

2. In case of manifest disobedience to the order given, all means considered appropriate shall be used to force an aircraft to land.

Section 66

The flying rules to be observed by aircraft in the national airspace shall be established by the Aeronautical Authority.

SUB-PART III Aeronautical telecommunication services

Section 67

1. The aeronautical telecommunications services shall comprise the following categories:

- a) fixed aeronautical service;
- b) mobile aeronautical service;
- c) aeronautical radio navigation service;
- d) aeronautical broadcasting service;

2. The fixed aeronautical service shall be organized and equipped with a private aeronautical telecommunications network capable of meeting specific requirements of civil aviation, adhering to the provisions of applicable law on telecommunications.

Section 68

The rules for the aeronautical telecommunications services, including specifications for types and essential parameters of radio aids, requirements in terms of power, radio frequency, modulation, signal characteristics and respective control of reception and alignment conditions, shall be established by the Aeronautical Authority, after consultation with the competent telecommunications authority.

Section 69

The aeronautical information services are intended to centralize, compile, edit, publicize and distribute information necessary for air navigation relating to the national and international territory under the jurisdiction of Timor-Leste.

Section 70

1. Aircraft crews shall notify the aeronautical information services, through airfields, of any change to the status or functioning of air navigation installations or services they become aware of.
2. All services linked to the operation of aircraft must submit in due course all information required by the aeronautical information services.

SUB-PART V **Aeronautical weather forecast services**

Section 71

1. The aeronautical weather forecast services are intended to provide weather information required for security, regularity and efficiency of air navigation.
2. It is incumbent upon the body of State Administration responsible for weather forecast services to coordinate, administratively monitor and ensure technical weather assistance to air navigation.

Section 72

1. Aeronautical Weather Forecast Centres shall be established at the main national airfields, which shall have the required facilities and personnel.
2. Close coordination shall be ensured between users of aeronautical weather forecast information and the aeronautical weather forecast centres referred to under the previous sub-section.

Section 73

A fee to be established and collected in accordance with future provisions shall be paid for weather forecast assistance services.

Section 74

1. Flying aircraft must notify the weather forecast information services of all important weather phenomena they encounter along the route.
2. As for route forecasts, all aircraft shall be provided with timely and precise information on weather conditions along the route, as well as at destination and alternative airfields, so as to plan their flight paths in most favourable weather conditions.

Section 75

Weather observation centres shall be established at all airfields and other points of interest for air navigation in territory under the jurisdiction of Timor-Leste.

SUB-PART VI

Search and rescue services

Section 76

The organization and functioning of search and rescue services shall integrate a national system and shall be subject to special regulation.

Section 77

The bodies responsible for coordinating search and rescue operations may, if other resources are not available, ask any aircraft to undertake specific missions in these operations.

Section 78

1. Every aircraft or ship captain, or any other natural person on the ground, shall, provided they can do it without any danger to themselves or other people, assist any individual in life-threatening danger as a result of a crash or breakdown of an aircraft.
2. Search and rescue work carried out by private people shall be remunerated according to such provisions as may be defined.

SUB-PART VII

Fire-fighting services

Section 79

1. All international airports in the territory of Timor-Leste or under the jurisdiction of Timor-Leste shall be equipped with their own rescue and fire-fighting system, with the required facilities.
2. In order to ensure rescue and fire-fighting services at national airfields, airfield managers may designate public or private entities, duly authorized, through an agreement.
3. For the purposes of the previous sub-section, fire-fighting units of the entities referred to under sub-section 2 above shall have their premises located inside the airfield they are supposed to protect, except if, although located outside the airfield, the minimum requirements for intervention as established by the Aeronautical Authority can be guaranteed.

Section 80

1. It is incumbent upon airport managers to coordinate and administratively monitor fire-fighting services at airfields and they shall ensure to that effect:

- a) the organization of such services;
- b) the equipment and other necessary materials;
- c) the assignment of specialised personnel and their training and qualification;

2. Everything necessary for an effective discharge of protection activities shall be ensured through cooperation and assistance agreements.

Section 81

Coordination between fire prevention and fighting services at airfields and public protection services shall be ensured through cooperation and assistance agreements.

Section 82

It is incumbent upon the Aeronautical Authority:

- a) to determine the level of protection to ensure at an airfield;
- b) to regulate the extent of the critical zone to be protected in case of fire caused by an accident at the airfield;
- c) to settle debits of fire-fighters;
- d) to regulate minimum requirements for intervention;
- e) to regulate categories of airfields, number of fire-fighters that should be available in accordance with the category of each airfield;
- f) all other matters related to the rescue and fire prevention and fighting services requiring specific regulation.

SUB-PART VIII

Disembarkation facilities and ancillary services

Section 83

1. For the purpose of this decree-law, facilities are the means, systems and areas indicated as follows:

- a) pre-embarkation area;
 - b) passenger buses and vans;
 - c) conveyor belt systems for shipment and collection of baggage;
 - d) flight information systems;
 - e) sound systems;
 - f) general air-conditioning and lighting;
 - g) areas for public services;
 - h) other facilities whose installation is allowed by the Aeronautical Authority.
2. All facilities used to assist aircraft, passengers, baggage and cargo shall be under the responsibility of carriers or autonomous providers of ancillary services.

Section 84

1. For the purpose of this decree-law, ancillary services shall comprise:
- a) air cargo agencies;
 - b) apron or runway services;
 - c) airfield catering services;
 - d) services to support commercial activities and the functioning of companies at airfields;
 - e) health services;
 - f) customs and immigration services;
 - g) other services related to air navigation or to aeronautical infrastructure as established in a regulation by the competent Aeronautical Authority.
2. The functioning of the service providers mentioned under paragraphs c) and d) of the previous sub-section shall be subject to permission from the Airport Authority.

Section 85

1. The use of the airfield areas referred to under subsection 2 of section 84 shall be subject to prior bidding in a manner to be determined by the aeronautical authority, in accordance with the rules pertaining to public tendering.
2. Legislation on urban lease shall not apply to the use of the areas referred to under the previous sub-section.

Section 86

The regime of public tendering shall be dispensed with for the use of airport areas by providers of public air services, for shipping facilities, offices, workshops and repositories or for shelter, repair and replenishment of aircraft.

Section 87

Customs control and immigration services at international airports shall be provided by competent bodies, in accordance with the law.

SUB-PART IX

Services of prevention and investigation of aeronautical incidents and accidents

Section 88

1. Services for the prevention and investigation of aeronautical incidents and accidents are a responsibility of the Aeronautical Authority.
2. The Government shall establish a Committee of Prevention and Investigation of Aeronautical Incidents and Accidents composed of specialists of recognized qualifications and expertise on the matter and the main task of such committee shall be providing support to the Aeronautical Authority in planning, directing, coordinating, monitoring and executing activities of prevention and investigation of air incidents and accidents.

Section 89

The investigation of any other accident related to aeronautical infrastructure, provided it does not involve aircraft, shall not be a specific responsibility of the committee provided for under the previous sub-section.

SUB-PART X

Civil aviation facilitation and safety services

Section 90

The Government shall establish a National Committee of Civil Aviation Facilitation and Safety and define its responsibilities, composition and functioning.

Section 91

The Government shall design a national programme of civil aviation safety the execution of which shall be coordinated by the Aeronautical Authority.

Section 92

The Aeronautical Authority shall ensure the necessary additional resources for civil aviation facilitation and safety services, which, by their nature or specificity, do not fall under the responsibility of any other State body.

Section 93

1. It is incumbent upon the Aeronautical Authority:
 - a) to prepare airport emergency plans in accordance with the terms that may be regulated for this purpose;
 - b) to implement training programmes for personnel working in the area of airfield safety or in other emergency situations that may come about in civil aviation.
2. The Government shall promote the availability of the necessary means for the safety and security of public airfields.

Section 94

Every operator of a private airfield where flight services are provided shall submit to the approval of the competent Aeronautical Authority a safety plan of the airfield, in accordance with the directions on that matter provided for under the National Safety Programme referred to under section 91 of this decree-law, and strictly respecting the rules and guidelines that may be determined by competent authorities on this matter.

CHAPTER IX

Training and qualification of civil aviation personnel

PART I

Recruitment and employment of aeronautical technical personnel

Section 95

1. Aeronautical technical personnel are individuals who perform professional air navigation or related activities.
2. The conditions for recruitment and employment of technical personnel performing air navigation and related activities shall be subject to a regulation to be approved by the Aeronautical Authority.
3. For the purposes of the previous sub-section, the Aeronautical Authority shall determine the maximum number of working hours and other service conditions for pilots, co-pilots, flight engineers and other navigation personnel, air traffic controllers and other personnel to whom the application of such special regime may be deemed convenient.

Section 96

All aeronautical technical personnel shall hold a licence and certificate of competency issued by the Aeronautical Authority allowing them to perform air navigation and related activities.

PART II Navigation personnel

Section 97

1. For the purpose of this decree-law, navigation personnel are all individuals duly qualified to perform tasks on board of an aircraft.
2. The performance of duties on board of a national aircraft shall be reserved to national citizens.
3. The Aeronautical Authority may, on an exceptional basis and in the absence of qualified East Timorese navigation personnel, authorize the recruitment of foreign citizens as crew members through specific contracts whereby their respective conditions of employment are established.
4. For the purpose of the previous sub-sections, a qualified individual is any national citizen holding a commercial licence or equivalent certificate issued by the Aeronautical Authority of Timor-Leste.

Section 98

Aircraft crews shall hold on a mandatory basis the licences and certificates of competency required by law, allowing them to perform duties on board.

Section 99

The composition, duties, competencies and responsibilities of crews on board of East Timorese aircraft shall be set out in a regulation and in handbooks approved by the Aeronautical Authority.

PART III Training of aeronautical personnel

Section 100

1. Civil aviation schools or courses, as well as related activities, including refresher courses or on-the-job training at maintenance workshops and factories of aeronautical materials, shall only run following prior permission from the Aeronautical Authority and in accordance with the conditions established by this authority.
2. Aviation schools or courses or related activities exclusively intended for the military are exempted from the provisions of the previous sub-section.

Section 101

It is incumbent upon the Government to establish training and qualification conditions for personnel involved in civil aviation activities.

Section 102

The institutions provided for in the previous sections shall be considered public utilities.

Section 103

Training and qualification programmes for civil personnel linked to aeronautical infrastructure shall consist of training and specialisation of technicians for all services considered crucial to air navigation, including the use, revision and maintenance of flight safety or related aeronautical products.

CHAPTER X Infringements and penalties

Section 104

The penalties provided for under this Chapter shall be applied by the Aeronautical Authority in accordance with the seriousness of the infringement.

Section 105

The application of the penalties provided for in the present instrument is independent of any other penalty provided for by the law.

Section 106

A crewmember certificate or licence to carry out air transport operations, services or work shall be suspended or forfeited if the following infringements are incurred into:

- a) Procedures or practices, while on duty or off duty, revealing lack of competency to perform such duties;
- b) Use of aircraft to carry out activities prohibited by the law;
- c) Execution of air services or works jeopardising public order and security;
- d) Grant or transfer of rights expressed in licences to carry out air services or work, without due authorization from the Aeronautical Authority.

Section 107

1. Where liability for an infringement falls simultaneously on the pilot and the owner or operator of an aircraft, the infringement shall be punishable with a fine, or with a fine and suspension of their respective certificates, namely in the following cases:

- a) The use of an aircraft with an expired airworthiness certificate;
- b) The use of an aircraft with an excessive number of passengers or weight over the maximums established in the airworthiness certificate;
- c) The transport without permission of cargo, equipment or substances deemed hazardous to public security or aircraft safety;
- d) The use of an aircraft with equipment for aerophotogrammetric survey, without permission from the competent authority;
- e) The use of an unregistered aircraft or an aircraft registered in a foreign country but not allowed to overfly the national territory;
- f) The throwing out of objects or things from a flying aircraft, except in case of emergency or with a special permission to that effect;
- g) The use of an aircraft with nationality markings or registration numbers not coinciding with the registration certificate;

- h) The disregard of air traffic regulations and rules, as well as of regulations on work duration and flight limits;
- i) The disregard of flight plans, instructions and clearance by air traffic control bodies;
- j) The holding of expired certificates of competency by navigation personnel or the performance of duties on board for which their respective licences or certificates are not qualified ;
- k) The overflying of prohibited areas, the performance of stunt flights below the minimum level and published altitudes or others, in violation of regulation provisions;
- l) The piloting of aircraft without a registration and airworthiness certificate and without a pilot's licence and certificate;
- m) The disregard of rules on assistance and rescue;
- n) The disregard by crew members of rules and regulations affecting order on board or flight safety;
- o) The use of an aircraft without respecting the requirements established in regulations on aircraft operations;
- p) The use of a foreign aircraft or the employment of foreign crew members in violation of the provisions of this decree-law or respective regulations;
- q) The execution or use of maintenance technical services without clearance by the competent Aeronautical Authority;
- r) The use of an aircraft with crew in violation of applicable regulations and rules.

2. Where liability for an infringement falls on the owner, operator or contractor of air services, transport operations or work, the infringement shall be punishable with a fine, or with a fine and suspension of their respective certificates, namely in the following cases:

- a) The violation of tariffs approved by the competent Aeronautical Authority in granting rebates or discounts on tariffs not authorized by law or regulations;
- b) The disregard of provisions of air lines operation programmes and schedules approved by the competent Aeronautical Authority;

- c) The disregard of international air conventions or agreements to which Timor-Leste is a party.
3. Where liability for an infringement falls on a natural person or a corporate body not covered by the previous provisions, the infringement shall be punishable with a fine, or with a fine and suspension of their respective certificates, namely in the following cases:
- a) The building or operation of an airfield or of any facilities or equipment of aeronautical infrastructure without permission from the competent Aeronautical Authority;
 - b) The operation of air services, transport operations or work without a proper licence or permit;
 - c) The piloting of an aircraft or performance of any duties on board without holding the respective licence.
4. Fine penalties shall be gradated between the minimum and the maximum as established on a regular basis or shall be twice as much in case of relapse and these penalties may be cumulatively compounded by the suspension of certificates up to a maximum of one hundred and eighty days.

Section 108

If an infringement is committed as a result of a clearly proved exorbitant or inappropriate order by the owner or operator of the aircraft, liability of the person obeying the order shall be mitigated or lifted according to the seriousness of the infringement.

Section 109

1. Impounding of an aircraft shall be determined by the Aeronautical Authority in the following cases:
- a) landing on or flying over the national territory in violation of provisions of the applicable national law, of permits or authorizations granted or of duly publicised determinations from the Aeronautical Authority;
 - b) entering the national territory without landing at an international airport or any other airport after clearance to do so.
2. An aircraft shall be released once legal requirements have been met.

Section 110

1. An aircraft may be banned:
 - a) in cases provided for under paragraphs a), b), c), d), e), f), o) and p) of sub-section 1, Section 107, and paragraphs a), b) and c) of sub-section 2 of the same Section;
 - b) if the fine imposed on the owner or operator is not paid within the established deadlines;
 - c) when a case is open for investigation into using the aircraft in illegal activities by the owner or operator.
2. In case of requisition by customs authorities, police or immigration services, the competent Aeronautical Authority may ban any aircraft, for a period not exceeding thirty days, when such action is justified for the sake of public security or interest.

Section 111

Maximum and minimum amounts for fines provided for in this decree-law shall be established and collected in accordance with regulations to be determined by the Airport Authority.

Section 112

In case of blatant disregard for the applicable law, regulations or rules on air traffic, the competent authority, in protection of national security or flight safety, may seize an aircraft, by employing all means deemed necessary, including force a landing if the aircraft is flying within the national airspace.

Section 113

Any procedure resulting from an infringement provided for in this chapter shall be initiated at any moment within a period of twelve months from the date of occurrence.

CHAPTER XI

Final and transitional provisions

Section 114

The Government shall regulate this decree-law, except in cases where competence to regulate is specifically ascribed to the Aeronautical Authority, within one year from the date of its publication.

Section 115

This decree-law shall enter into force on the day following its publication.

Seen and approved by the Council of Ministers on 18 July 2002.

The Prime Minister

(Mari Bim Amude Alkatiri)

The Minister of Transport, Communications and Public Works

(Ovídio de Jesus Amaral)

Promulgated on 15 October 2002

The President of the Republic

(José Alexandre Gusmão, Kay Rala Xanana Gusmão)

SCHEDULE 2

REVENUE BUDGET

Unit: \$ 000

Code	Designation	Amount
1	Revenue	85.019
1.1	Taxes	39.100
1.1.1	Income tax	6.700
1.1.2	Salary tax	2.200
1.1.4	Service Tax	18.200
1.1.5	Import tax	12.000
1.3	Grants	31.333
1.4	Other Revenues	9.498
1.5	Balance of the previous fiscal year	5.088

