
CIVIL AVIATION LAW OF MONGOLIA

21 January, 1999

Ulaanbaatar

CHAPTER I GENERAL PROVISIONS

Article 1. Purpose of the Law

1.1. The purpose of this law shall be to regulate flight operations as conducted by civil aircraft within the airspace of Mongolia and all matters related to the civil aviation safety and security. /this provision had been amended on 6 December 2001/

Article 2. Legislation on Civil Aviation

2.1. The Civil Aviation legislation consists of the Constitution of Mongolia, this law and other acts of legislation enacted in conformity with them.

2.2. If an international agreement to which Mongolia is a party provides otherwise than this law, then the former shall prevail.

Article 3. Definitions

3.1. Definitions used in this Act shall be interpreted as follows:

3.1.1 "air route" means a designated airspace path with identified width and height, for performing flights safely;

3.1.2 "air navigation" means complex activities which determine aircraft position and movement, and provide air traffic control services of aircraft;

3.1.3 "air gate" means a geographical position at which aircraft can enter or exit the state frontier through the specified air route;

3.1.4 "aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface; /this provision had been amended on 6 December 2001/

3.1.5 "pilot-in-command" means the pilot who controls aircraft and is responsible for its operation and flight safety; /this provision had been amended on 6 December 2001/

3.1.6 "aerodrome" means a defined area on land or water designated and equipped for the arrival, departure and surface movement of aircraft;

3.1.7 "aerodrome safety area" means a defined area on the ground or water, selected as a suitable area over which aircraft may perform safe climb and approach; /this provision had been amended on 6 December 2001/

3.1.8 "dangerous goods" means articles or substances which are capable of posing significant risk to health, safety or property when transported by air; /this provision had been amended on 6 December 2001/

3.1.9 "state aircraft" means an aircraft used in military, customs and police services; /this provision had been amended on 30 May 2003/

3.1.10 "civil aircraft" means any kind of aircraft other than state aircraft;

3.1.11 "airspace of Mongolia" means air of the earth atmosphere above the territory of Mongolia; /this provision had been amended on 6 December 2001/

3.1.12 "flight" means in the case of a heavier-than-air aircraft, the operation of the aircraft from the moment at which the aircraft first moves to take-off until the moment at which it comes to rest after landing; and in case of a lighter-than-air aircraft, the operation of the aircraft from the moment when it becomes detached from the surface of the earth until the moment when it becomes again attached to the surface of the earth;

3.1.13 "aviation safety" means a circumstance and ability to safely maintain flight operations and other aviation related activities without any harm to human health, life and property; /this provision had been amended on 6 December 2001/

3.1.14 "Flight Mach Number" means the ratio of true air speed to the speed of sound;

3.1.15 "airworthiness" means the compliance of an aircraft, or parts thereof which are applied to them for the purposes of air safety requirements; /this provision had been amended on 6 December 2001/

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- 3.1.16 "aviation" means activities of designing and manufacture of aircraft and aeronautical products, and operations thereby;
- 3.1.17 "aviation security" means measures intended to safeguard the aviation against actions of unlawful interference;
- 3.1.18 "airport" means complex area with aerodrome and facilities for air transportation;
- 3.1.19 "aviation document" means any license, permit, certificate or other documents issued by the Civil Aviation Authority with respect to activities (any person, aircraft, aerodrome, aeronautical product and aviation related service) which, under conformity with this law and procedures and regulations issued in conformity therewith relate to aviation; /this provision had been amended on 19 December 2008/
- 3.1.20 "international flight" means flight performed in airspace of any two or more countries; /this provision had been amended on 6 December 2001/
- 3.1.21 "investigation" means a process for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and, when appropriate, drawing of safety recommendations;
- 3.1.22 "Chicago Convention" means the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944, to which Mongolia is a party since 7 September 1989, and Annexes to it; /this provision had been amended on 6 December 2001/
- 3.1.23 "air operator" means any organization or an enterprise engaged in aircraft operation on the basis of Air Operator Certificate; /this provision had been amended on 6 December 2001/
- 3.1.24 "Air Operator Certificate" means a special permission, authorizing to carry out specified commercial air transport operations; /this provision had been amended on 6 December 2001/
- 3.1.25 "flight crew" means a licensed crew member, charged with duties essential to the operation of an aircraft during flight time. /this provision had been amended on 6 December 2001/
- 3.1.26 "aircraft passenger" means a person who has made an agreement with the air operator about transportation on its aircraft. /this provision had been amended on 6 December 2001/

Article 4. Scope of Application of the Law

- 4.1. This law shall regulate the following aviation related operations within the airspace of Mongolia:
- 4.1.1. all national civil aviation operations regardless of type and form of the ownership;
- 4.1.2. all civil aircraft located in the territory of Mongolia or operating within its airspace;
- 4.1.3. operations of Mongolian civil aircraft in the territory of foreign states, unless otherwise provided in laws of those States;
- 4.1.4. operation of an foreign aircraft performing flight in airspace of Mongolia unless an international agreement to which Mongolia is a party states otherwise. /this provision had been amended on 6 December 2001/
- 4.2. This law shall not apply to state aircraft operations, except air traffic services for them. /this provision had been amended on 8 May 2003/
- 4.3. Article 4.2 of this law shall not apply to air traffic control of military operations. /this provision had been added on 30 May 2003/

CHAPTER II STATE REGULATION OF CIVIL AVIATION

Article 5. Powers of the State Great Hural

- 5.1 The State Great Hural shall exercise the following powers in relation to civil aviation:
- 5.1.1 to define state policies with regards to the development of civil aviation;
- 5.1.2 to approve legislation on civil aviation and control its implementation;
- 5.1.3 to take decisions on ratification or denunciation of the international aviation agreements;
- 5.1.4 other powers provided in law.

Article 6. Powers of the Government

- 6.1 The Government shall exercise the following powers in relation to civil aviation:
- 6.1.1. to organize implementation of state policies on the development of the civil aviation;
- 6.1.2. to appoint and dismiss the Director General of the Civil Aviation Authority and the General State inspector of Aviation safety at the suggestion of the Member of Government in charge of civil aviation and

approve by-laws of the Civil Aviation Authority; /this provision had been amended twice: 6 December 2001, 19 December 2008/

- 6.1.3. /this provision had been removed according to the law on 6 December 2001/
- 6.1.4. to adopt National Civil Aviation Security Program;
- 6.1.5. /this provision had been removed according to the law on 6 December 2001/
- 6.1.6. /this provision had been removed according to the law on 6 December 2001/

Article 7. Powers of the Ministry in charge of Civil Aviation matters

7.1 The Ministry in charge of civil aviation matters shall exercise the following powers:

- 7.1.1 to coordinate and administer matters relating to civil aviation, elaborate and implement policies on development of the civil aviation sector;
- 7.1.2 /this provision had been removed according to the law on 6 December 2001/
- 7.1.3 to designate air routes and entry/exit points for performing international flights in the airspace of Mongolia; /this provision had been amended on 6 December 2001/
- 7.1.4 to take measures to ensure flight safety within the scope of international agreements; /this provision had been amended on 6 December 2001/
- 7.1.5 /this provision had been removed according to the law on 6 December 2001/
- 7.1.6 /this provision had been removed according to the law on 6 December 2001/
- 7.1.7 to approve the organizational structure of the Civil Aviation Authority; /this provision had been amended on 19 December 2008/
- 7.1.8 to approve Civil Aviation Regulations;
- 7.1.9 to approve procedures for granting special permissions for engaging in civil aviation services;
- 7.1.10 to approve the design of uniforms specified in Article 8.3 of this law; /this provision had been amended on 6 December 2001/
- 7.1.11 to regulate matters related to the designation of air operators for performing international flights, determination of the flight routes, certification of air operators, establishing of fares and rates, joint ownership and lease of aircraft;
- 7.1.12 to appoint the General Investigator and investigators of the State Aviation Safety Investigation Department and approve its by-laws. /this provision had been amended on 6 December 2001/

7.2. The Ministry in charge of civil aviation matters may delegate to the Civil Aviation Authority its powers in full extend or partially, except those specified in Articles 7.1.7, 7.1.8, 7.1.9, 7.1.10 and 7.1.12 of this law. /this provision had been amended twice: 6 December 2001, 19 December 2008/

Article 8. Civil Aviation Authority and Its Powers

/title of this Article had been changed on 19 December 2008/

8.1. The Civil Aviation Authority is a government executive agency charged with professional oversight and regulation of operation of civil aviation in Mongolia. /this provision had been amended twice: 6 December 2001, 19 December 2008/

8.2. The Civil Aviation Authority shall direct its activities toward ensuring safety and security in all civil aviation-related areas. /this provision had been amended twice: 6 December 2001, 19 December 2008/

8.3. Safety inspectors of the Civil Aviation Authority shall use uniforms. /this provision had been amended twice: 6 December 2001, 19 December 2008/

8.4. The Civil Aviation Authority shall exercise the following powers: /this provision had been amended on 19 December 2008/

- 8.4.1 to set up aviation safety standards pursuant to Annexes to Chicago Convention and present them for approval or registration to relevant authorities and control implementation thereof;
 - 8.4.2 /this provision had been removed according to the law on 6 December 2001/
 - 8.4.3 to resolve matters relating to air navigation and paid services;
 - 8.4.4 to collect, publish, exchange and distribute aviation related information, and collaborate with others in these matters;
 - 8.4.5 to dispose incomes derived from civil aviation services for the purpose of ensuring aviation safety within the limits of the legislation;
 - 8.4.6 to approve organizational structure of its subordinate units and supervise the structure and functions;
 - 8.4.7 to take preventive actions and adopt remedial steps as submitted by the accident/incident investigation reports; /this provision had been amended on 6 December 2001/
 - 8.4.8 other powers conferred to it by law.
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8.5 The Civil Aviation Authority may delegate to employee of the Civil Aviation Authority or an appointed inspector certain part of its powers relating to aviation safety on the basis of an agreement. Functions and responsibilities of the employee and inspector shall be specified in the agreement. /this provision had been amended twice: 6 December 2001, 19 December 2008/

8.6 The Civil Aviation Authority shall have its own emblem. /this provision had been amended on 19 December 2008/

8.7 The control over the operation of civil aviation-related activities shall be implemented by the Aviation Safety and Regulations Department of the Civil Aviation Authority. The head of the Department shall be conferred a status of the General State Inspector of Aviation safety. /this provision had been amended twice: 6 December 2001, 19 December 2008/

Article 9. Powers of the Civil Aviation Authority Inspector in control of Air Safety

/title of this Article had been amended twice: 6 December 2001, 19 December 2008/

9.1. The inspector in control of air safety shall have the following powers: /this section had been amended on 6 December 2001/

- 9.1.1 to have an unrestricted access to civil aviation related areas for the purpose of conducting safety inspections;
- 9.1.2 to demand copies of documents related to civil aviation;
- 9.1.3 to detain an aircraft in case of necessity;
- 9.1.4 to suspend, when necessary, civil aviation documents of any person.

Article 10. Ownership of Integrated Systems of Constructions, Buildings and Facilities Used for Air Traffic Services

10.1 Integrated constructions, buildings and facilities designated for air traffic services shall be in the state ownership.

Article 11. Civil Aviation Regulations

11.1 In regulating civil aviation related services in conformity with international conventions and agreements to which Mongolia is a party, the Civil Aviation Regulations shall apply.

11.2. The Civil Aviation Regulations shall regulate following issues: /this provision had been amended on 6 December 2001/

- 11.2.1 registration of aircraft in Mongolia;
- 11.2.2 issuing airworthiness certificates;
- 11.2.3 conducting inspections at aircraft and their parts, maintenance and repair stations, other civil aviation related services and access there;
- 11.2.4 contracting works in civil aviation sector, cooperation with relevant organizations for the purposes of ensuring civil aviation safety, granting aircraft inspection approvals;
- 11.2.5 entry by aircraft of the state frontier of Mongolia, landing on or taking-off from the specified aerodrome and conditions of flight operations and air traffic control within the airspace of Mongolia;
- 11.2.6 transportation of passengers and goods by air and use of aircraft for other purposes;
- 11.2.7 minimizing possible adverse effect in the process of use of air navigation apparatus, installation and utilization of equipment, lights and signs for the purposes of preventing aircraft and air navigation from such adverse effect and hazards;
- 11.2.8 securing safety, efficiency and regularity of air navigation and safety of aircraft, persons and property carried therein and prevention of air navigation from possible hazards;
- 11.2.9 issuing certificates to aviation meteorological service organization;
- 11.2.10 use of signals and communications to aircraft;
- 11.2.11 flight operations within restricted areas of airspace of Mongolia;

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- 11.2.12 approval of design of all types of civil aviation certificates, licenses and aviation related documents, issuing, suspending, cancellation and keeping thereof;
 - 11.2.13 determining duty time limitations for the employees engaged in flight operations;
 - 11.2.14 establishing types and procedures for civil aviation paid services and disposing income therefrom;
 - 11.2.15 setting aircraft noise restriction within the airspace of Mongolia.

Article 12. Regulating Civil Aviation during the State of Emergency or War

12.1. In case of declaring state of emergency or war, occurrence of disaster, hazards, accidents in the territory of Mongolia, civil aviation shall be regulated by the relevant legislation. /this provision had been amended on 2 February 2017/

Article 13. Special Permissions for Engaging in Civil Aviation Activities

13.1. An organization or individual intending to engage in the following civil aviation activities shall obtain special permission:

- 13.1.1 air transport operations with use of aircraft;
- 13.1.2 operation of aerodromes and airports;
- 13.1.3 provision of aircraft maintenances services.

13.2 The special permission specified in Article 13.1 of this law shall be granted by the Civil Aviation Authority according to the Civil Aviation Regulations. /this provision had been amended twice: 6 December 2001, 19 December 2008/

Article 14. Use of Foreign Language in Civil Aviation

14.1. All technical and technological documents to be used in civil aviation may be drawn up and used in English or Russian languages. /this provision had been amended on 6 December 2001/

14.2. Air traffic control in the airspace of Mongolia may be performed in English language. /this provision had been amended on 6 December 2001/

CHAPTER III CIVIL AIRCRAFT

Article 15. Airworthiness of Civil Aircraft

15.1. /this provision had been removed on 20 January 2011/

15.2. A foreign-manufactured aircraft can be used in Mongolia for civil aviation purposes upon recognition of such aircraft /type/ by the Civil Aviation Authority. /this provision had been amended on 19 December 2008/

Article 16. Registration of Aircraft

16.1 Unless an individual, business entity or an organization has registered civil aircraft in its ownership in a foreign state, the aircraft shall be registered in Mongolia and obtain a national identification mark and a certificate of registration.

16.2 In case of non-eligibility of civil aircraft for operations or transfer it to a foreign state, it shall be removed from the state register.

16.3 Including in and removal of a civil aircraft from the state registry shall be performed by the Civil Aviation Authority. /this provision had been amended on 19 December 2008/

16.4 Mongolian-registered aircraft shall be insured.

Article 17. Aircrew of Civil Aircraft

/title of this Article had been amended on 6 December 2001/

- 17.1 Aircrew of civil aircraft shall consist of flight crew and other members of the aircrew.
- 17.2 Mongolian civil aircraft shall have flight crew as determined by the Civil Aviation Authority. */this provision had been amended on 19 December 2008/*
- 17.3 Foreign citizens may be flight crewmembers in Mongolian civil aircraft.
- 17.4 Flight attendants and other persons involved in the flight operations shall be deemed as aircrew members other than flight crew.
- 17.5 Flight operations without complete flight crew shall be prohibited.
- 17.6 */this provision had been removed on 6 December 2001/*

Article 18. Powers of Pilot-in-Command

- 18.1 Aircrew and passengers on board shall be obliged to obey the duties given by the Pilot-in-command with the purpose of securing flight safety, protecting lives and property of passengers. */this provision had been amended on 6 December 2001/*
- 18.2 Pilot-in-command of civil aircraft shall exercise the following powers during the flight:
- 18.2.1 to ensure safety of the aircraft and persons carried;
 - 18.2.2 to take final decision concerning the origination, continuance and rejection of the flight and forced landing;
 - 18.2.3 in case of obvious threat to flight safety, for the purposes of saving lives of the persons carried, to reserve the right to take decision deviating from the flight plan and instructions provided by the Air Traffic Controller;
 - 18.2.4 to maintain order in the aircraft during the flight, and take all possible measures to suppress actions of persons who jeopardize flight safety;
 - 18.2.5 in case of impossibility of continuing flight normally, to report immediately the situation to the Air Traffic Controller.
- 18.3 No Pilot-in-command may leave the aircraft in case of danger to the aircraft until he has taken all possible measures to save lives of the passengers on the board.

CHAPTER IV AERODROME

Article 19. Establishment of an Aerodrome

- 19.1 Procedures for establishment, operation of aerodrome and suspension of its services, as well for including in and removal it from the state registry, aerodrome certification and operation of provisional aerodrome shall be regulated by the Civil Aviation Regulations.
- 19.2 It shall be prohibited to operate an aerodrome for regular air services without state registration.

Article 20. Security Area of Aerodromes

/title of this Article had been amended on 6 December 2001/

- 20.1 For the purpose of safe operations, the Civil Aviation Authority shall determine the aerodrome security area in consultation with the Governor of the corresponding district or soum. */this provision had been amended twice: 6 December 2001, 19 December 2008/*
- 20.2 All issues related to use of land of aerodrome security area shall be regulated by the Civil Aviation Regulations. */this provision had been amended on 6 December 2001/*

Article 21. Markings at Aerodrome

21.1 Visual aids and markings for safety of taking off, landing and taxiing shall be installed at aerodrome and within the safety area of aerodrome as provided for in the Civil Aviation Regulations.

21.2 Installation of lights or markings similar to the items specified in Article 21.1 of this law within the safety areas of aerodromes shall be prohibited.

Article 22. Obstruction Lights and Markings on Buildings and Facilities

22.1 For the purpose of securing flight safety, owners and users of buildings and facilities shall install aeronautical obstruction lights and markings on the constructions owned by them as provided for in the Civil Aviation Regulations. /this provision had been amended on 6 December 2001/

CHAPTER V FLIGHT OPERATIONS

Article 23. Performing Flights

23.1 No flight shall be performed until:

23.1.1 the civil aircraft and its aircrew have made pre-flight preparations and obtained permission to flight as provided for in the Civil Aviation Regulations;

23.1.2 an authorized flight crew to perform flight by the respective type of aircraft is completed;

23.1.3 the aircraft to perform flight has obtained national registration, certificates of airworthiness, permission for radio station and had aircraft logbook and other required documents;

23.2. Provisions of Articles 23.1.2, 23.1.3 of this law shall not apply to operations of the ultra-light aircraft, balloons and models of aircraft.

Article 24. Coordination of Air Traffic

24.1 The air traffic control within the airspace of Mongolia shall be performed by the civil aviation Air Traffic Service. /this provision had been amended on 6 December 2001/

24.2 Separation of flights performed within the airspace of Mongolia, air routes, their width and altitude shall comply with the international standards. /this provision had been amended on 6 December 2001/

24.3 Air routes, through which flights are performed within the airspace of Mongolia, shall be equipped with communication and navigation systems at the level as to ensure flight safety.

24.4 The permission to cross the frontier of Mongolia and perform flight in its airspace shall be obtained from the Air Traffic Service. /this provision had been amended on 6 December 2001/

24.5 An aircraft which failed to comply with procedure for flight operations within the airspace of Mongolia and for overflight through the entry or exit points of the state frontier, as well as an aircraft performing flight through the state frontier without permission from the competent authority, shall be considered as an aircraft committing breach.

24.6 The Air Traffic Service shall report the aircraft specified in Article 24.5 of this law to the competent authority in charge of ensuring air safety within the airspace of Mongolia and demand from the flight crew of any aircraft to stop immediately the breach or to land in the indicated area. /this provision had been amended on 6 December 2001/

Article 25. Flights over Cities and Villages

25.1. Flights over cities or villages shall be performed at the altitude from which an aircraft can land outside of the territory of the cities or villages or at the nearest aerodrome, in the emergency case.

25.2. Flights over cities or villages for the training, testing and aerobatics or air show purposes shall be prohibited.

25.3. Flights by civil aircraft over cities or villages at speeds equal to or in excess of Flight Mach 1 shall be prohibited.

Article 26. Airspace Safety

26.1 Artillery shooting, explosions, rocket launching and any other operations carried out within the airspace of Mongolia, which may threaten air safety, shall be required to obtain permissions from Civil Aviation Authority. /this provision had been amended twice: 30 May 2003, 19 December 2008/

26.2 Article 26.1 shall not apply to missile or rocket launching and artillery shooting carried out for defense purposes.

Article 27.

/this Article had been removed on 6 December 2001/

Article 28. Utilization of Public Communication Facilities

28.1 In case of failure in communication system used for the air traffic services, an urgent notice related to flight safety and air traffic control services shall come first and be transmitted by all means of public communication without delay. /this provision had been amended on 6 December 2001/

Article 29. Assistance to Aircraft in Emergency

29.1 Search and rescue services for the aircraft in distress shall be arranged by the Civil Aviation Authority in cooperation with the aircraft operator and emergency authority, with the use of specially trained staff, forces and technical devices. /this provision had been amended twice: 19 December 2008, 2 February 2017/

29.2 Local administration, business entities and individuals shall be obliged to immediately report information known to them concerning the aircraft in emergency to the relevant authorities, save the humans' lives, render medical and other necessary aid, as well as take the aircraft and documents therein under protection.

29.3 An aircraft shall be equipped with alerting equipment in accordance with the list approved by Civil Aviation Authority in order to inform immediately the aircrew and passengers of the situation in case of danger to the aircraft. /this provision had been amended twice: 6 December 2001, 19 December 2008/

29.4 Costs related to the search and rescue of the aircraft in emergency and elimination of consequences of an incident or accident may be reimbursed from the operator of the aircraft concerned.

29.5 If a Mongolian registered aircraft faces emergency situation while performing flight within the territory of a foreign state, search and rescue for such aircraft shall be carried out in accordance with laws or regulations in force in the territory of that state and commonly recognized international principles and norms.

CHAPTER VI INTERNATIONAL AIR SERVICES

Article 30. International Flight Permission and Insurance

30.1 International flights performed by Mongolian and foreign aircraft shall be subject to authorization from Civil Aviation Authority. /this provision had been amended twice: 6 December 2001, 19 December 2008/

30.2 Foreign aircraft operating within the airspace of Mongolia shall be insured with guarantee of recovering possible losses, which may be caused to a third party.

30.3 Foreign civil aviation organizations and citizens shall in advance notify to the Civil Aviation Authority the national identification mark of the aircraft intending to perform international flights within the airspace of Mongolia and other information related to flight operations. /this provision had been amended twice: 6 December 2001, 19 December 2008/

Article 31. International Air Route and Airport

31.1 Foreign aircraft shall perform flights within the airspace of Mongolia on the international air routes designated by the competent organization specified in Article 7 of this law.

31.2 The Civil Aviation Authority shall approve the list of air routes and airports serving international flights and publish their operational data in the Aeronautical Information Publication. /this provision had been amended twice: 6 December 2001, 19 December 2008/

31.3 Immigration, customs, health and quarantine services shall be located at the international airports.

31.4 Cooperation between organizations engaged in civil aviation services and those specified in Article 31.3 of this law shall be regulated by mutual agreements.

Article 32. /removed/

/this Article had been removed on 6 December 2001/

Article 33. Recognition of Foreign Aircraft Documents

33.1 Foreign aircraft documents shall be recognized as valid within the territory of Mongolia, provided they comply with the provisions of international conventions and agreements.

CHAPTER VII AIR TRANSPORTATION

Article 34. Transportation of Passengers, Baggage, Cargo and Mail

34.1 Air operators shall comply with the provisions of ordinary rules for air transportation. /this provision had been amended on 6 December 2001/

34.2 Transportation of mail by air shall be regulated by an agreement between the air operator and the organization in charge of postal and communication services.

Article 35. Transportation of Dangerous Goods

35.1 Transportation of dangerous goods shall be carried out in accordance with laws, international conventions to which Mongolia is a party, and procedures approved by the Civil Aviation Authority. /this provision had been amended on 19 December 2008/

Article 36. Insurance of Passengers

36.1 Passengers of civil aircraft shall be obliged to insure their lives.

Article 37. Insurance of Aircrew

37.1 The business entity or organization, which employs the aircrew members, shall carry responsibility to insure their lives and health while on flight duty.

Article 38. Liability Insurance of Air Operator

38.1. Air operator shall have a liability insurance for the purpose of paying compensation in case of any loss or damage caused to a third party, passengers' lives and health, as well as missing or damaged baggage, cargo or mail. /this provision had been amended on 6 December 2001/

CHAPTER VIII
SAFETY REGULATION OF CIVIL AVIATION

Article 39. Civil Aviation Security

39.1 The Civil Aviation Authority shall have a national civil aviation security program for ensuring flight safety.

39.2 Domestic and international air carriers and service organizations shall take all necessary measures to prevent from and suppress unlawful interference with civil aviation operations as provided in the legislation of Mongolia.

Article 39¹. Personnel Licensing

39¹.1. The Civil Aviation Authority shall provide person with professional license and health certificate. The procedure of issuing these certificates shall be stated by the Civil Aviation Regulations. /this provision had been amended twice: 6 December 2001, 19 December 2008/

Article 39². Certificate of Airworthiness

39².1. The Civil Aviation Authority shall issue the Certificate of Airworthiness for all civil aircraft registered in Mongolia. The Certificate shall indicate the purpose for which the aircraft is used, term of validity of the Certificate and other conditions, limitations and information needed for ensuring safe operation. /this provision had been amended twice: 6 December 2001, 19 December 2008/

Article 39³. Air Operator Certificate

39³.1. The Civil Aviation Authority shall issue Air Operator Certificate to the organizations engaged in commercial air transport operations indicated in Article 13.1.1 of this law only if they comply with this law and relevant regulations. /this provision had been amended twice: 6 December 2001, 19 December 2008/

Article 39⁴. Duties of Air Operators

39⁴.1. The air operator shall adopt and follow standard operating procedures as stipulated by the manufacture of the aircraft procedures. All such procedure would meet the requirements of safe operations and airworthiness of an aircraft, and ensure that the operations of that air operator are conducted in the public interests and in accordance with the requirements of the this Law and the Civil Aviation Regulations. /this provision had been amended on 6 December 2001/

Article 40. Security Checks of Aircrew, Passengers and their Baggage

/title of this Article had been amended on 6 December 2001/

40.1 In the interest of ensuring air safety, protecting lives and health of passengers and aircrew, the air operator or authorized person shall perform security checks of aircrew members, passengers and their carry-on items in accordance with the regulations approved by the state administration central authority in charge of civil aviation. /this provision had been amended on 6 December 2001/

40.2 If a passenger refuses to undergo security check, the contract of transportation by aircraft shall be canceled.

CHAPTER IX
AIR ACCIDENT INVESTIGATION

/title of this Chapter had been amended on 6 December 2001/

Article 41. Application of air accident definition

/title of this Article had been amended on 6 December 2001/

41.1 The term “air accident” shall be interpreted and applied as specified in Annex 13 to the Chicago Convention. /this provision had been amended on 6 December 2001/

Article 42. Air Accident Investigation

/title of this Article had been amended on 6 December 2001/

42.1 The Air Accident Investigation Department shall conduct investigation, classification and keep the records of the air accident situation and conditions prior to it. /this provision had been amended on 6 December 2001/

42.2 The Air Accident Investigation Department shall be headed by the General Investigator. /this provision had been amended on 6 December 2001/

42.3 The General Investigator shall establish an unrestricted control over the area of the air accident occurred on the territory of Mongolia. /this provision had been amended on 6 December 2001/

42.4 The General Investigator may involve, when he deems necessary, national and foreign experts in the investigation and determining cause of the air accident. /this provision had been amended on 6 December 2001/

42.5 In case of an air accident occurred on the territory of Mongolia, the local administration, police and armed forces shall comply with the provision of Article 29 of this law and render timely assistance in investigation operations to the Air Accident Investigation Department when necessary. /this provision had been amended on 6 December 2001/

42.6 In case of an air accident occurred abroad, in which a Mongolian registered aircraft is involved, the investigation shall be conducted in accordance with the provisions of international laws and agreements, and the Air Accident Investigation Department shall carry out the investigation in cooperation with the Civil Aviation Authority on behalf of Mongolia. /this provision had been amended on 6 December 2001/

Article 43. Powers of Investigator in Charge of Air Accident Investigation

43.1. /this provision had been removed on 6 December 2001/

43.2. The Investigator in charge of air accident investigation shall exercise the following powers: /this provision had been amended on 6 December 2001/

43.2.1 to accurately examine and realistically determine causes of the air accident; /this section had been amended on 6 December 2001/

43.2.2 to carry out the activities specified in the By-laws of the Air Accident Investigation Department and the Annex 13 to the Chicago Convention; /this section had been amended on 6 December 2001/

43.2.3 to bear responsibility for his decisions and conclusions;

43.2.4 /this section had been removed on 6 December 2001/

43.2.5 other powers conferred to him by law.

43.3 The Investigator in charge of air accident investigation shall exercise the following rights: /this provision had been amended on 6 December 2001/

43.3.1. to have unhampered access to the area of the accident, submit to the competent authority the matter concerning taking the area under protection and ensure the protection; /this provision had been amended on 6 December 2001/

43.3.2 to have an unrestricted access to all objects, buildings, and facilities related to civil aviation while on duty;

43.3.3 to demand from relevant persons to produce information, survey or reference materials and any other documents essential for the investigation;

43.3.4 use the communication facilities at first when necessary; /this provision had been amended on 6 December 2001/

43.3.5 to use badge and be supplied with labor-protection uniform and other essential items for working in hard conditions;

43.3.6 other rights conferred to him/her by law.

CHAPTER X.MISCELLANEOUS

Article 44. Liability for Violation of the Law

44.1. If any breach of the legislation on civil aviation in the following way does not constitute grounds for criminal liability, liable official shall be subject to the Law on Public Service.

44.4. Person or legal entity who breached this law shall be liable according to the Criminal Law or Law on Violation. /this provision had been amended on 4 December 2015/

SPEAKER OF THE STATE GREAT HURAL

R. GONCHIGDORJ