LAW

ON

CIVIL AVIATION OF

THE KINGDOM OF CAMBODIA

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The English Translation is unofficial

January 19, 2008

NS/RK/0108/003

ROYAL KRAM

We

Preah Karuna Preah Bat Samdech Preah Bormneath Norodom Sihamoni Samanaphumcheatsasna Rakatkatteya Khemraradreas Puthendreatharamohaksat Khemreachea Samohopheas Kampuch Ekreachrad Boranasante Supheakmangkalea Sereyvibulea Khemara-sreypireas Preahchao Krong Kampuchea Thebadey

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RD/0704/124, dated July 15, 2004, on the appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RK/0196/23, dated January 24, 1996, promulgating the Law on the formation of the State Secretariat of Civil Aviation; and
- Having seen the requests from Samdech Akka Moha Sena Padei Techo Hun Sen, the Prime Minister of the Kingdom of Cambodia, and the Secretary of State of the State Secretariat of Civil Aviation,

Hereby promulgate

The Law on Civil Aviation of the Kingdom of Cambodia adopted by the National Assembly on the 5th of December 2007 in its 7th Plenary Session of the 3rd Legislature and it was unanimously agreed by the Senate on its entire formalities and substantive provision of the law without modification on the 27th of December 2007 in its 4th Plenary Session of the 2nd Legislature and decided as followed:

LAW

ON

CIVIL AVIATION OF THE KINGDOM OF CAMBODIA

CHAPTER I
General Provisions

Article 1:-

This law is applied to the flight of all civil aircrafts lest in particular herein stated the article 50.

This law, under a particular provision, is not applied to the operations of the state aircrafts unless such state aircraft operations are transitionally conducted in manner are civil aviation operation with respect to the examination of SSCA as stated in this law.

Article 2:-

This law is enacted:

- To maintain the safety and order of civil aviation operations within the Kingdom of Cambodia;
- To administer air traffic service within the demarcated airspace of the Kingdom of Cambodia to ensure the general safety of all aircrafts;
- To govern and develop the civil airports in the Kingdom of Cambodia;
- To regulate the operations of the air transport industries; and
- To promote the development of safe, reliable, and economical civil air transport.

Article 3:-

The air traffic control of all civil aircrafts in the airspace of Kingdom of Cambodia is the competence of the State Secretariat of Civil Aviation.

No any civil aircraft shall be authorized to operate within or over the territory of the Kingdom of Cambodia unless such operation is undertaken in accordance with all the provisions set forth herein and in accordance with all relevant international conventions and protocols to which Cambodia is a signatory.

Article 4:

In co-operation with other relevant ministries, institutions, State Secretariat of Civil Aviation may issue, when deemed necessary, other norms to effectively conduct and examine gist of this law.

CHAPTER II
Aircraft

Article 5:-

Prior to permitting their operation in the airspace of the Kingdom of Cambodia, all aircrafts shall:

1- Have proper and valid registration;
2- Carry national mark and registration mark if the civil aircraft belongs to a company behalf of one national; and
3- Carry the company's trademark and registration mark behalf of a private company.

Article 6:-

Any aircraft registered in the Kingdom of Cambodia shall have Cambodian nationality, and in the valid period of the registration such aircraft shall not be for registration in another State.

Any aircraft registered in one State shall not be eligible for registration in the Kingdom of Cambodia where such registration is still valid.

The fees for registration and other services shall be determined in sub-decree.

Article 7:-

The aircraft registration in the Kingdom of Cambodia must abide by the procedures by State Secretariat of Civil Aviation determined.

The State Secretariat of Civil Aviation may issue, suspend, terminate or transfer aircraft registration in the Kingdom of Cambodia.

The State Secretariat of Civil Aviation shall maintain all the records associated with the registration of all the aircrafts in Kingdom of Cambodia.

The certificate of registration shall become invalid upon the occurrence of anyone of the following events:

1- Expiration of validity of such certificate;
2- Missing or irreparable damage of the aircraft;
3- Dismantlement or abandonment of the aircraft;
4- Aircraft de-registration from the Kingdom of Cambodia.

Article 8:-

A valid certificate of airworthiness for aircraft navigation of the airspace of the Kingdom of Cambodia issued by the State, where such aircraft was properly registered, shall also be deemed valid by the Kingdom of Cambodia.

A certificate of airworthiness issued or whose validity is extended by another State shall be recognized as valid by the Kingdom of Cambodia on condition that the requirements under which such certificate was issued or rendered valid by another State equate to the minimum standard of airworthiness established in the Chicago Convention.

State Secretariat of Civil Aviation may issue, suspend, or revoke the certificate of airworthiness for any aircrafts registered in the Kingdom of Cambodia, and shall set the basic standards, and standards obliged to apply by State Secretariat of Civil Aviation.

The owners of an aircraft awarded a certificate of registration are required to apply to the State Secretariat of Civil Aviation for inspection of the aircraft. The certificate of airworthiness could only be awarded if such aircraft passed inspection shall be deemed proper with respect to the standards determined.

The certificate of airworthiness shall become invalid upon the occurrence of any of the following events:

1- Expiration of the term of validity of the certificate of aircraft;
2- Invalidity of the certificate of registration; and
3- The aircraft being no longer airworthy due to insufficiency to meet the conditions required for safety of flight.

The establishment of a hangar for manufacture or hangar for repair of aircraft engines and propeller including spare parts and other main parts of aircrafts must be applied to the State Secretariat of Civil Aviation to get awarded a certificate. Such hangar for manufacture or hangars of repair may start their operations only after being so certified.

Article 9:-

All aircrafts operating within the airspace of the Kingdom of Cambodia shall be equipped with all kinds of radio transmitting apparatus licensed and installed in accordance with the laws of the State of registry of the aircraft, and operated in accordance with rules prescribed by SSCA of the Kingdom of Cambodia.

State Secretariat of Civil Aviation shall be empowered to decide on the standards of installation and maintenance of radio transmitting apparatus on aircrafts registered in the Kingdom of Cambodia.

Article 10:-

All aircrafts operating in the airspace of the Kingdom of Cambodia shall maintain a journey logbook in which shall be entered the particulars of the aircraft, its crew, and of each flight, in such form as require by the law of the State of registry of the aircraft.

The State Secretariat of Civil Aviation has determined the use the form and the same detailed contents of the logbook with respect to an aircraft registered with Cambodian nationality.

Article 11:-

Each registered aircraft with Cambodian nationality shall carry aboard the following documents:

1- The certificate of registration;
2- The certificate of airworthiness;
3- The licenses of each member of the flight crew;
4- The journey logbook;
5- The aircraft radio installation license;
6- The flight operation manual;
7- The passenger and cargo manifest;
8- The valid insurance certificate; and
9- The other documents determined by the State Secretariat of Civil Aviation;

The papers carried aboard an aircraft registered in another State shall be consistent with the requirements of such other State. The Kingdom of Cambodia has the rights to necessarily examine all documents through competent authorities.

The above documents are not required for balloon Glider and Ultra Light Aircraft.

CHAPTER III
Personnel

Article 12:-

The State Secretariat of Civil Aviation shall determine:

- The organization structure, formation, and necessity examination of flight crew on duty aboard aircraft registered in the Kingdom of Cambodia.
- Standards for flight crew members, including maximum duty hours and required break periods.

No any flight shall be permitted to conduct operations if the standards involved in the type of flight shall not be strictly applied by flight crew or any flight crew without capacity consistent with the standards related to other duty conditions.

The staff of civil aviation, air traffic controllers, flight crew, mechanics, or ground handling specialists shall not be allowed to perform their assigned duties unless they have valid licenses.

Article 13:-

Members of flight crew operating in the airspace of Kingdom of Cambodia are required to hold valid licenses or certificates issued or awarded by the state of registered aircrafts and recognized as valid by the Kingdom of Cambodia.

The license or certificate of competency issued or rendered valid by another State shall be recognized as valid by the Kingdom of Cambodia under the condition that the requirements which such license or certificate was issued or rendered valid by such other State are equal or excessive to those minimum standards, which may be regulated or added consecutively under Chicago convention.

The State Secretariat of Civil Aviation could determine standards and procedures for issuing licenses or certificates of competency in Kingdom of Cambodia and shall be temporarily entitled to suspend or revoke such licenses or certificates. It may issue certificate of competency regarding licenses issued by other States. The State Secretariat of Civil Aviation may include conditions or limitation on licenses or certificates deemed necessary to safety.

The State Secretariat of Civil Aviation may determine standards to further issue licenses or certificates of competency to flight crew members and other civil aviation personnel.

Any person with a license or certificate, engaging in the operation of an aircraft or performing any duty related to aircrafts shall not act beyond the limitation of the license or certificate, except in the necessary case.

Any flight crew operating an aircraft shall have a valid medical certificate or meet the complete condition of licensing requirements.

All flight crew shall be obliged to present license for the inspection upon the requirement of the competent agents of the State Secretariat of Civil Aviation of the Kingdom of Cambodia or relevant civil aviation authority of other State.

Article 14:-

For each flight route, each aircraft operator shall designate a sufficiently qualified member of the operating crew as the aircraft captain, another flight crew as assistant, and as a captain when necessary.

The aircraft captain shall be totally responsible for the safe operation of the aircraft in flight and safeguarding the aircraft, persons, and property aboard the aircraft. (S)he shall always take care of the air regulations, follow up appropriate directions from air traffic controllers, and include other requirements imposed by this law or by other regulations.

The captain shall solely decide aboard the aircraft and shall be vested with the necessary rights, especially the rights enumerated in Chapter III of the Tokyo Convention, to take steps and actions in consequence, deeming reasonably necessary to implement his duties and responsibilities.

While on duty and acting in his official capacity in flight, the captain of an aircraft operated by an air transport enterprise shall not be personally liable and shall be exempted from any liability for damages stemming from any action or oversight of the captain, or of any personnel applying his/her own instruction, if considered reasonably necessary and prudent to safeguard the aircraft, persons, and the property aboard the aircraft.

The State Secretariat of Civil Aviation may provide additional duties, and responsibilities for the aircraft captain if deemed necessary for the interest of safety by regulating order.

Article 15:-

The personnel of civil aviation shall report on:

1- Violation of laws and regulations;
2- Incidents or any acts having adverse effects or impacts on the safety of civil aviation; and
3- Any aircraft having accident shall be reported in a timely manner and in such forms required by the State Secretariat of Civil Aviation.

Any report submitted in accordance with the above paragraph of this article shall make an investigation and urgently determine an event, if deemed necessary to take the additional action.

CHAPTER IV
Aircraft Operations

Article 16:-

The State Secretariat of Civil Aviation shall issue and announce the rules of the airspace, governing the aircraft in flight and air traffic control practices within the territory of Kingdom of Cambodia. Such rules shall be in conformity with those provisions under the Chicago Convention.

Each aircraft being operated within the airspace of Kingdom of Cambodia shall be operated in conformity with the rules of the airspace promulgated by the State Secretariat of Civil Aviation.

Each aircraft registered in Kingdom of Cambodia and operated in the airspace of another State shall abide by the effective regulations of the airspace in such other State or if such aircraft is operated over the international sea borders, the rules shall be applied consistent with the Chicago Convention.

Article 17:-

The State Secretariat of Civil Aviation shall be responsible for the establishment and maintenance of a common air traffic control system governed by the Kingdom of Cambodia to ensure the safety of aircraft navigated in its airspace.

The State Secretariat of Civil Aviation shall determine the capacity of personnel and standards of air navigation facilities to be used in the air traffic control services in conformity with the recommendations for application set up under the Chicago Convention.

To ensure the safety and effectiveness of the air transport, air transport enterprises shall pay the service fees to authority of civil aviation. All air navigation facilities and services are as follow:

1- Navigating the flight within and flight over, and
2- Landing

Article 18:-

The State Secretariat of Civil Aviation may establish air routes and determine the prohibited, restricted, or dangerous areas. By such air routes, the civil aircraft shall be conducted by the operation time, within the airspace and for essential requirements of military base, or public safety of the Kingdom of Cambodia.

The duty of every aircraft captain flying over or maneuvering within the airspace of the Kingdom of Cambodia shall abide by the air routes as established by the State Secretariat of Civil Aviation and shall avoid those areas designated as prohibited, restricted, and dangerous areas.

Any aircraft deviating from the established air routes or entering a prohibited, restricted, or dangerous area shall be considered as an illegal operation. The captain of the aircraft involved in such an illegal operation shall immediately take corrective measures or shall essentially comply with any special instruction of the competent authorities, including any forcing to land at a designated location.

Article 19:-

Unless essentially authorized by the State Secretariat of Civil Aviation, the essence implementation of the condition limitation shall be prohibited:

1- To carry aboard an aircraft, explosives, weapons, ammunition, poisons, flammable substances, radioactive, or magnetic tools, acid-oxide substances, strongly-smelled substances, metal corrosives, and other goods considered dangerous;
2- To take photographs, motion pictures, videos or use other video graphic devices over or within an aircraft;
3- To use radio transmitting or receiving apparatus from an aircraft;
4- To fire gun or fireworks or launch a rocket in the air from aircraft;
5- To launch an unmanned aircraft or a flying object that may jeopardize the safety of the aircraft; and
6- To use any machine, equipment or device which interferes with civil aviation radio communications.

The State Secretariat of Civil Aviation may make exemption or determine additional restricted-actions deemed necessary for the public safety and interests.

Article 20:-

The search and rescue unit for aircraft and ship of National Committee for Disaster Management works as a major agency for coordinating and leading search and rescue while having incident or accident of aircraft within the territory of the Kingdom of Cambodia.

The State Secretariat of Civil Aviation shall form a permanent search and rescue unit to conduct its necessary operation for a missing accident aircraft within the territory of the Kingdom of Cambodia. In carrying out its duties, the State Secretariat of Civil Aviation shall collaborate with the National Committee for Disaster Management, airport authorities, armed forces, local authority, and other concerned institutions.

In the case of any aircraft registered in another State missing alert or getting accident within the Kingdom of Cambodia, the State Secretariat of Civil Aviation may permit such aircraft owner or authorities of such states to take measures or necessarily assist during that circumstance. Any assistance or support shall be always under the control of the competent authorities of the Kingdom of Cambodia.

The State Secretariat of Civil Aviation also considers the requests made by other State or international organizations to offer assistance towards the search and rescue of the aircraft missing or in distress in the territory of neighboring countries or in the seas adjacent to its territory.

Article 21:-

In the case of any aircraft incident or accident occurring in the Kingdom of Cambodia, the State Secretariat of Civil Aviation shall assign technical committee to conduct an investigation, lead an urgent exploration, and take any other measures considered if deemed necessary.

In the event, the incident or accident involved with an aircraft registered in another State, and the incident or accident caused the loss of life or serious injury or indicated serious technical malfunction in the aircraft or with the air navigation equipments, official investigators designated by the other State shall be permitted to join such investigation.

The State Secretariat of Civil Aviation shall conduct relations with such other states on final reports or various findings.

Article 22:-

At each airport, except for military services, the service users shall pay fees to the units providing such services for:

1- Landing;
2- Air navigation;
3- Parking;
4- Services for passengers and goods; and
5- Ground handling services

CHAPTER V
Air Transport

Article 23:-

No any permission for air transport enterprise to conduct exploitation in air transportation within the Kingdom of Cambodia if it does not obtain a valid Air Operator Certificate.

The issuance of such Air Operator Certificate (AOC) shall be determined by proclaim of the State Secretariat of Civil Aviation.

Prior to the issuance of Air Operator Certificate for aircraft operator, the State Secretariat of Civil Aviation shall ascertain that such aircraft operators are competent, possible, and entirely responsible for the operation. After issuing the Air Operator Certificate, the State Secretariat of Civil Aviation shall control and pursue such

aircraft operator to comply with the regulation to ensure safety and economical operation and to promote aircraft operators to abide by the organization structure and regulation of airlines.

Article 24:-

All air transport enterprises wishing to conduct their air transportation business shall be required to apply for Air Operator Certificate in such sample formats and forms as determined by the proclaim of the State Secretariat of Civil Aviation.

Article 25:-

With respect to domestic air transportation, the State Secretariat of Civil Aviation shall examine and judge capacity and quality of the Air Operator Certificate applicant and the AOC issuance must be consistent with the public interests.

With respect to international air transportation:

1- In the case of the international air carrier, in addition to the criteria stipulated in the above paragraph, the State Secretariat of Civil Aviation shall consider existing international conventions of which the Kingdom of Cambodia is a signatory party with mutual understanding and reciprocity;

2- With respect to a foreign air carrier, the State Secretariat of Civil Aviation shall issue the certificate if such issuance is consistent with the international conventions or agreements of which the Kingdom of Cambodia is a signatory party with mutual understanding and reciprocity; and

3- The air transport enterprises as stipulated in the first and second paragraphs shall accept as the priority civil aviation personnel with Khmer nationalities to employ their enterprises.

Article 26:-

In issuing the public transport certificate, the State Secretariat of Civil Aviation shall attach essence, conditions, and limitations deemed necessary for the public interests.

Article 27:-

The State Secretariat of Civil Aviation may have the rights to amend, suspend, or revoke the awarded certificate after informing the air transport enterprise. Such information shall state clear reasons.

Article 28:-

The air transport enterprise conducting air transportation business shall abide by the transportation tariff under a detailed rate that the State Secretariat of Civil Aviation deems appropriate except such air transportation tariff is calculated with the international standards available.

Article 29:-

Unless there is a special case, the air transportation tariff shall be rated by the air transport enterprise with formal approval from the State Secretariat of Civil Aviation before being taken to apply.

The State Secretariat of Civil Aviation may suspend a current transport tariff if such tariff deemed unfair which is naturally caused opposite to the public interest.

Article 30:-.

The mutual liability by the air transport enterprise and the passenger or goods shipper shall constitute a carriage contract as evidenced by the documents.

The contract documents for such transportation promulgated in the Kingdom of Cambodia must be consistent with current international treaties or conventions.

CHAPTER VI
Aerodromes

Article 31:-

The State Secretariat of Civil Aviation shall designate the Royal Government areas within the Kingdom of Cambodia which may be used as civil airport or as a temporary place for taking-off or landing of civil aircraft.

The State Secretariat of Civil Aviation shall differently classify airports and shall determine some specified airports which may be used as international airports by both domestic and foreign air carriers.

Article 32:-

All civil aircrafts must be operated to or from a designated airport or temporary place for landing and taking-off except such civil aircraft operation is stipulated in a particular provision.

Article 33:-

Construction or expansion of civil aerodromes can be carried out, provided that there is a license for such construction or expansion issued by the State Secretariat of Civil Aviation after the approval from the government. The aerodrome may be carried out its operation provided that its performance is in accordance with the terms and conditions of the license.

Article 34:-

The issuance of the license, the State Secretariat of Civil Aviation shall depend on to safety and security at the airport, and shall issue the regulations to implement the requirements stated in the license.

The State Secretariat of Civil Aviation has the right to correct, suspend or revoke any aerodrome license if found out that such aerodrome lacks technical means to ensure safety.

Article 35:-

The management, development, and operation over civil aerodromes are the rights of the State Secretariat of Civil Aviation or any institution appointed by the Royal Government of Cambodia. Natural person or legal entity could manage, develop and operate civil airport unless there is permission from the Royal Government and implement provisions of this law and the technical standards as prescribed by the State Secretariat of Civil Aviation.

CHAPTER VII
Liability and Insurance

Article 36:-

Governing rights and liabilities of air carriers on passengers, consignors, consignees, and other persons involved in any air transportation shall be consistent with the terms and conditions of Warsaw Convention adopted October 12, 1929.

Damages to be compensated by the air carriers are based on the Warsaw Convention.

Article 37:-

Any air transport enterprise performing domestic transportation shall be liable for damages by incidents causing injury or death to passengers, or event causing injury or death happening during on board, embarking, and disembarking to the passengers.

The air transport enterprise shall not be liable if such damages caused by the carelessness of the injured passenger. In case the scope of damages affects others, the air transport enterprise shall share liability for the damage.

Article 38:-

Any air transport enterprise performing domestic transportation shall be liable for damages causing loss or damage to any checked baggage or goods if the occurrence caused such loss or damages lies in the flight.

Duration of the domestic transportation is the period which the baggage or goods are the responsibility of the air transport enterprise whether in an airport or on board an aircraft, or in the case of landing outside an airport.

The air transport enterprise shall not be liable for damages causing damage of baggage or goods if such damages result from one of the following cases:

1- The nature of baggage or goods or inherent negligence and defect;
2- Improper packaging;
3- The negligence of the passenger, consignor, consignee or any agent representing any of them;
4- The actions of competent authorities of the Royal Government; and
5- War or arm conflict.

Article 39:-

Any air transport enterprise performing domestic transportation shall be liable for damages caused by unreasonable delay in the transportation of passengers, baggage and goods.

The air transport enterprise, however, shall has no liabilities in case of finding out that such unreasonable delays are not the fault of the enterprise and its agents.

Article 40:-

Any aircraft operator, while an aircraft is in flight, shall be liable for damages stemming from the aircraft or the operation or any person or object aboard the aircraft pertaining to the aircraft which caused injury or death or damage to property of a third party.

The aircraft operator shall not be liable if such damages derived from the negligence of the third party.

In case, the aircraft causing such damage is a leased aircraft without crew, the leaser of the aircraft shall share liabilities with the aircraft operator.

Article 41:-

Any liability imposed on an air transport enterprise or other aircraft operator pursuant to the Article 36, 37, 38 may be reduced or acquitted if the liable party reveals the damages resulting from the negligence of the injured party.

Article 42:-

The State Secretariat of Civil Aviation shall be entitled to decide additional conditions and orders which are not stated in this Chapter if deemed necessary for the public interests with approval from the Royal Government.

Article 43:-

Agreements made by an international air transport enterprise on liabilities and insurance for passengers, consignors or consignees in order to reduce or waive its liabilities shall be abrogated if the State Secretariat of Civil Aviation find out that all agreement contents are contrary to the Warsaw Convention, or other provisions of this law.

Article 44:-

Except stipulated in this law or the Warsaw Convention, an air transport enterprise may have the rights to take legal action for compensation from any individual caused the accident after finding out the cause of accident. And such individual shall be forced to pay compensation like amount as the air transport enterprise pays to the victims in accident.

Article 45:-

The aircraft operator and the air transport enterprise with an air operator certificate stipulated in the Chapter VII of this law shall have insurance. Such insurance with a minimum amount shall be determined by the State Secretariat of Civil Aviation or as stated in agreements governing other liabilities.

The State Secretariat of Civil Aviation shall have the rights to arrest aircrafts to grounding to revoke or suspend AOC or to put various sanctions regarding the air transportation enterprises failing to ensure or without any insurance with the determined minimum amounts.

CHAPTER VIII
Security of Civil Aviation

Article 46:-

Except there is a particular reservation by the Royal Government of Cambodia about security affairs, the conditions and contents of the Security Conventions shall be applied. And the condition and the content shall be well organized and strengthened by the State Secretariat of Civil Aviation, the Ministry of Interior, and other concerned ministries because it is a vital factor to ensure safety, civil aviation security, and the public interest.

The State Secretariat of Civil Aviation of the Kingdom of Cambodia may make decision on the statute, order, and other standard instruments if deemed necessary to apply with such convention through consultation with the Ministry of Interior and other concerned ministries.

Article 47:-

Any person on board in flight shall be considered as a criminal committed one of the following acts:

- Hijacking;
- Threatening and intimidating, occupying, or seizing aircraft; or
- Attempting to commit the above acts;

Any accomplice and conspirator to commit the above acts shall be considered as a criminal as well.

Article 48:-

Any person who intentionally commits one of the following acts or unlawfully acts against civil aviation shall be considered as a criminal:

1- Committing violence against any person on board in flight, causing affect to the safety of the aircraft;

2- Destroying an aircraft in service or making damage to the aircraft unable to be operated, and affecting the safety of the aircraft in flight;

3- Placing or hiding tools or substances aboard an aircraft in service and causing damage to the aircraft or endangering safety of the aircraft in flight;

4- Destroying or damaging air navigation facilities or interfering with their operation processes, causing damage to the safety of the aircraft in flight;

5- Communicating misinformation, which may cause hazard to the safety of an aircraft in flight;

6- Using any device, substances or all kinds of explosives to commit any violent act against any person who works for civil aviation at an airport, and causing serious dangers or loss of life and hazard to the safety at that airport;

7- Using any device, substance or all types of explosives which may destroy or seriously damage the facilities of an airport serving for civil aviation or aircraft not in service there or disrupting the services of the airport and causing serious hazard at the airport;

8- Attempting to commit any of the acts prescribed above from 1-7; and

9- Being in complicity with committer or attempting to commit any act as stated above.

Article 49:-

Under the competent limits of the jurisdiction of Kingdom of Cambodia, the offenses are Sated as follow:

1- Any offense or other acts committed against or aboard any aircraft registered in Cambodia wherever such aircraft is located;

2- Any offense or other acts committed within the territory of Cambodia, regardless of the nationality of the aircraft;

3- Any offense or other acts committed aboard an aircraft which lands in Cambodia including the alleged offender on board;

4- Any offense or other acts committed aboard aircraft without crew to a lessee who has his base of business or his permanent residence in Cambodia; and

5- Any offense or other acts stipulated in the Conventions on Security in the territory of Cambodia where the alleged offender is present and is not extradited pursuant to Article 8 of Hague Convention or the Montreal Convention or extradited to any other State mentioned in Article 4, paragraph 1 of the Hague Convention or Article 5, paragraph 1 of the Montreal Convention.

The Kingdom of Cambodia may apply additional jurisdiction in accordance with the Conventions on security.

CHAPTER IX
Exemption

Article 50:-

The State Secretariat of Civil Aviation, in accordance with international conventions or based on international reciprocity, may request for exemption or some reductions regarding all conditions stipulated in this law for the humanitarian purposes, urgent rescue, emergency or serving for the public interest.

CHAPTER X
Penalty

Article 51:-

The civil aviation personnel, prescribed in Chapter III, who committed any of the following offensive acts shall be punished by revoking or suspending the license or refusing not to issue certificate of competency for a period of one year in case:

A. Found using or containing alcoholic substance of more than the maximum quantity in blood as defined by the regulations of the State Secretariat of Civil Aviation.

B. Found using drug overdoses or prohibited drugs which may affect work performance.

C. Denying being examined alcoholic substance when there is suspicion. In case of committing offenses for the 2nd time shall ultimately revoke the license or certificate.

Article 52:-

Anyone caught stealing goods from the storehouse, facilities at the airport or passengers' luggage sent in or out shall be imprisoned from one (1) year to three (3) years and fined from two million (2,000,000) Riels to six million (6,000,000) Riels.

Article 53:-

Anyone found committing any of the following offences shall be sentenced to jail from one (1) year to five (5) years and given fine between one million (1,000,000) Riels and ten million (10,000,000) Riels:

A. Counterfeiting or attempting to counterfeit license or certificate of competency or journey logbook or any report to be noted or kept;

B. Holding invalid license or certificate of competency. In case, committing violation for the second time shall result in double punishment.

Article 54:-

Any air transport enterprise owner shall be sentenced to jail from one (1) to five (5) years and given fine ranging from five million (5,000,000) Riels to ten million (10,000,000) Riels for:

A. Having no registration;
B. Having no trade mark;
C. Having no certificate of airworthiness;
D. Operating and permitting the operation without the Air Operator Certificate;
E. Counterfeiting registration marks or other documents related to the aircraft; and
F. Holding no insurance certificate; in the case of seriousness, the air operator certificate will be revoked or suspended.

Article 55:-

Anyone abusing the rules by building and flying any other object that makes obstacle or a hindrance to the safety area of the aerodrome shall be fined from five million (5,000,000) Riels to ten million (10,000,000) Riels.

Article 56:-

Anyone abusing the rules of aerodrome as stated in the 2nd paragraph of Articles 31 and 32 shall be subject to the sentence from one (1) to five (5) years in prison and fined, ranging from five million (5,000,000) Riels to twenty million (20,000,000) Riels.

Article 57:-

Any aircraft captain committing any of the following offenses must be punished to jail between three (3) years and five (5) years and fined from ten million (10,000,000) to twenty million (20,000,000) Riels:

A. Operating an aircraft without license or certificate of competency;
B. Destroying any documents aboard the aircraft as stated in Article 11; and
C. Operating an aircraft without the certificate of registration or airworthiness certificate

In the serious case causing danger to death or damage to properties, such captain shall be imprisoned from five (5) to ten (10) years.

Article 58:-

Any individual constructing, managing or using an aerodrome within the territory of Cambodia without permission or licenses awarded from the State Secretariat of Civil Aviation shall be sentenced to jail from five (5) to ten (10) years and be fined of from ten million (10,000,000) to twenty million (20,000,000) Riels.

Article 59:-

Any individual destruction to the airport, equipment and supplies at the airport or abusing someone's rights at the airport, whose acts may result in death or disrupt the operation of the airport will be imprisoned between ten (10) and twenty (20) years and fined from ten million (10,000,000) to twenty million (20,000,000) Riels.

Article 60:-

Any individual committed or who attempts to commit any offences stipulated in Article 48 shall be sentenced to jail from ten (10) to twenty (20) years and be given fine from ten million (10,000,000) to twenty million (20,000,000) Riels.

Article 61:-

Any aircraft captain who directed the flight into prohibited, restricted or dangerous area in:

A. Not causing danger to lives or properties, the captain will be sentenced to jail from one (1) and five (5) years, and fined from ten million (10,000,000) to twenty million (20,000,000) Riels.
B. Causing danger to lives or properties, the captain will be sentenced to jail from ten (10) and twenty (20) years.

Article 62:-

Any air traffic controller while on duty with no sense of responsibility in case:

A. Not causing danger to lives or properties, the air traffic controller shall be sentenced to jail from one (1) to five (5) years and fined from five million (5,000,000) to ten million (10,000,000) Riels.
B. Causing dangers to lives or properties, the air traffic controller shall be sentenced to jail from ten (10) to twenty (20) years.

Article 63:-

Any person who violates any individual and causes affect to safety of the flight shall be sentenced from ten (10) years to twenty (20) years.

Any person who hijacks, seizes, occupies, or destroys any aircraft being in flight or on the ground shall be imprisoned to life.

CHAPTER XI
Final Provisions

Article 64:-

All provisions contrary to this law shall be abrogated.

Royal Palace, Phnom Penh, *January 19,* 2008

RL. 0801.051

Royal Signature and Seal
NORODOM SIHAMONI

To have informed for royal signature from His Majesty
Prime Minister
Signature

Samdech Akka Moha Sena Padei Techo Hun Sen

To have informed Samdech Akka Moha Sena Padei Techo Hun Sen, the Prime Minister of the Kingdom of Cambodia
Secretary of State of the State Secretariat of Civil Aviation
Signature

MAO HAVANNALL

No. *63* C.
For distribution
Phnom Penh, *January 24,* 2008
Secretary-General of the Royal Government
Khun Chinken

ANNEX

In this law, the following definitions shall apply except where the context otherwise requires:

1. Accident: means any situation or occurrence involving an aircraft in flight, or persons or property aboard such an aircraft, which results in serious personal injury or death or to serious property damage.

2. Aerodrome: means a defined area on land or water to be used wholly or in part, for the take-off, landing or movement of aircraft, and includes buildings constructions or installations and equipment in the area defined as well as in the vicinity of the area defined.

3. Air carrier: means the operator of aircraft, being a Cambodian citizen, engaged directly or indirectly in the public airfreight, which accommodates persons, items and package mails for service charges or fees.

4. Aircraft: means any object, which is able to maintain its balance in the airspace by force of the air in the atmospheric pressure.

5. State Aircraft: means any aircraft used in military, customs and police services.

6. Aircraft operator: means any individual, corporation, partnership, association or other entity that is authorized to possess, operate and manage one or more aircraft.

7. Air transportation: means domestic air transportation or international air transportation.

8. Air transport enterprise: means either a Cambodian air carrier or foreign air carrier.

9. State Secretariat of Civil Aviation: means the civil aviation authority of the Kingdom of Cambodia, in charge of all functions stated in this law.

10. Kingdom of Cambodia: includes the land territory, its islands and island group and its territorial waters and air.

11. The Chicago Convention: means the Convention on International Civil Aviation, as amended and adopted at Chicago, on December 7, 1944, together with Annexes thereto.

12. Citizen: means an individual of Cambodian nationality, a permanent resident of Kingdom of Cambodia, or a corporation, partnership, association or other entity organized and existing under the laws of the Kingdom of Cambodia.

13. Civil Aviation Personnel: means any individual who carries out a Civil Aviation operational function, including flight crew, aircraft maintenance workers, air traffic controllers, or an employee of an air carrier or airport.

14. Documents of carriage: include:
- With respect to the transport of passengers and luggage, the properly completed passenger ticket, baggage tags and luggage coupons; and
- With respect to the transport of cargo, the airway bill

15. Domestic air transportation: means transportation by air from place to place within the country.

16. Flight crew: means the aircraft commander and other persons who are on duty and engaged in the operation of the aircraft during flight.

17. Foreign air carrier: means an aircraft operator, not being a citizen of Cambodia, engaged directly or indirectly, in the public air transport, which accommodates the persons, property and package mails for service charges or fees.

18. Incident: means any situation or occurrence involving an aircraft in flight, or persons and property aboard such an aircraft, which presents a menace or danger to the safety of that aircraft, to persons or property aboard, to other aircraft or to any other persons or property, whether or not such menace or danger results in damage or injury.

19. In flight: means at any time from the moment when the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. If an aircraft has no such external doors, the aircraft shall be considered in flight from the moment of disembarkation following landing. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over responsibility for the aircraft and for persons and property aboard.

20. International air transportation: means transportation by air between a place in Cambodia and a place outside thereof.

21. The Security Conventions: mean, collectively, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on September 14, 1963 (The Tokyo Convention); the Convention for the Suppression of Unlawful Seizure of Aircraft done at the Hague on December 16, 1970 (The Hague Convention); and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation done at Montreal on September 23, 1971 (The Montreal Convention); and a Protocol for the Suppression of Unlawful Acts of Violence at Airport Serving International Aviation, Supplementary to the Montreal Convention, done at Montreal on February 24, 1988.

22. Third Party: means any individual, corporation, partnership, association or other entity other than an aircraft operator and the passengers and crew aboard the aircraft of such aircraft operator, except that if an aircraft operator is not an air transport enterprise, third parties shall include persons aboard the aircraft of such aircraft operator.

23. The Warsaw Convention: means the Convention for the Unification of Certain Rules Relating to International Carriage by Air done at Warsaw on October 12, 1929

(The Warsaw Convention), as amended by the protocol to that convention done at Hague on September 28, 1955.

24. Nationality mark: means any symbols representing one's nation, such as a flag or national identity.

25. Registration mark:
Marks issued to aircraft by ICAO to represent that such an aircraft has been registered in a country. For example, the letters XU represents Cambodian airline, HS for Thai aircrafts, 9M for Malaysian aircrafts, and 9V for Singaporean aircrafts, etc.

26. Aircraft of Cambodian nationality: Any aircraft registered in a country shall bear the nationality of that country, for example, an aircraft registered in the Kingdom of Cambodia is of Cambodian nationality and that in America, it shall be of American nationality.

27. Minimum standard: mean a standard established to define necessary inspections of everything aboard the aircraft, including the checking of the landing gear to see if there are spare nosewheels and the engine (how many hours is the engine expected to run).

28. Insurance certificate: Insurance policies

29. License or certificate: means any letters that certify the capacity or duration of the mission. Such license, certificate shall be varied in accordance with the issuing country.

30. Regulation or Rules of the air: means the designation of flight area.

31. Airspace: means a particular area in the air found on the map or the flight area.

32. Ground handling: means all the works done on the ground such as pulling an aircraft, fueling and checking of the aircraft engine and transport to and from the aircraft.

33. Reciprocity: means any relationship or mutual understanding.

34. Price rate of international standard: prices set by the international standards established by IATA. However, our state will set suitable price for local flights.

35. Publication of false information: refer to lies made to create fear that may interrupt the operation of the aircraft.

36. Minimum charge: means the money charged for insurance (passengers and luggage owners).

37. Aerodrome ranking: means the classification of aerodromes depending on their types like 3C, 4C, 4D, or 4E, etc. For example, a large foreign airport is of 4E=60x3500