

LAO PEOPLE'S DEMOCRATIC REPUBLIC PEACE INDEPENDENCE
DEMOCRACY UNITY PROSPERITY

National Assembly

No. 43/PO

DECREE

of the

PRESIDENT

of the

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Civil Aviation

Pursuant to Chapter 6, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 24/NA, dated 20 May 2005, of the National Assembly of the Lao People's Democratic Republic regarding the adoption of the Law on Civil Aviation; and

Pursuant to Proposal No. 05/NASC, dated 23 May 2005, of the National Assembly Standing Committee.

The President of the Lao People's Democratic Republic Decrees that:

Article 1. The Law on Civil Aviation is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 25 May 2005

President of the Lao People's Democratic
Republic

[Seal and Signature]

Khamtai SIPHANDON

Translation Endorsed by the Law Committee of the National Assembly of the Lao PDR
LAO PEOPLE'S DEMOCRATIC REPUBLIC PEACE INDEPENDENCE
DEMOCRACY UNITY PROSPERITY

National Assembly

No. 01/NA

19 May 2005

LAW ON CIVIL AVIATION

Part I

General Provisions

Article 1. Purpose

The Law on Civil Aviation defines principles, regulations and measures relating to the establishment, operation and management of civil aviation in the Lao PDR aiming to ensure safety, convenience, speediness, growth, modernisation, achievement of international standards and effectiveness, thus contributing to the nation's socio-economic development.

Article 2. Civil Aviation

Civil aviation refers to activities relating to the operation of aircraft for the purpose of transporting passengers, baggage, cargo and mail, conducting surveys and scientific research, and conducting activities in the areas of agriculture and forestry, education, culture, public health, sports, search and rescue and other civil activities.

Article 3. Definitions

Terms that are used in this Law on Civil Aviation shall have the following meanings:

1. **Aircraft** refers to any vehicle capable of deriving support from and moving in the air;
2. **Overflight** refers to an authorised flight of an aircraft over the territory of the Lao PDR without landing;
3. **Overflight charge** refers to an air traffic service charge imposed by the government and collected from the operator of an aircraft that has conducted a flight over the territory of the Lao PDR;
4. **Air carrier** refers to a person authorised to operate a transport service using aircraft;
5. **Foreign air carrier** refers to a foreign person authorised to operate as an air carrier in the Lao PDR;
6. **A flight crew member** refers to any licensed pilot, navigator, flight engineer or mechanic charged with duties to command an aircraft during any flight;

7. **A cabin crew member** refers to any licensed crew member who performs duties in the interests of safety, good order and discipline in the cabin, and facilitates and serves flight crew members and passengers;
8. **Pilot-in-command** refers to the pilot who has the power to make ultimate decisions, and to take on and direct all responsibilities to command an aircraft and ensure the safety of the flight;
9. **A crew member** refers to a flight crew member and cabin crew member;
10. **In flight** refers to the time that is covered from the moment that the external doors of an aircraft are closed until the moment that any such doors are opened;
11. **In flight for air transport** refers to the time covered from the moment that the external doors of an aircraft are closed following the embarkation of passengers and baggage and the loading of cargo and mail until the moment that any such doors are opened for disembarkation and unloading at the destination;
12. **A flight** refers to the period of time from the moment that the passengers exit the door of the terminal building at the airport of origin until they enter the door of the terminal building at the airport of destination;
13. **Aerodrome** refers to a defined area on the land including the runway, taxiway, apron, buildings and other facilities for civil aviation;
14. **Ground handling** services refers to the services for passengers, baggage, cargo, mail and aircraft at the airport.

Article 4. Policies¹ for the Promotion of Civil Aviation

The State promotes domestic and foreign investors to invest in the development of civil aviation, such as: aircraft, aerodromes, vehicles, technical equipment, personnel and air transport services, through the different policies provided in the relevant laws and regulations of the Lao PDR.

Article 5. Scope of Application

This Law on Civil Aviation shall apply to regulate the establishment and activities of civil aviation in the Lao PDR, including other relevant sectors.

¹ The term “policies” in this context takes the meaning of “privileges”.

Article 6. International Relations and Cooperation

The State promotes the establishment of international relations and co- operation with foreign States and international organisations for the exchange of experience and expertise on the development of infrastructure, technology, data, aeronautical information, personnel development and the connecting flight network within the country and with other countries, aiming to ensure convenience, safety, modernisation, effectiveness and the achievement of international standards.

Part II

Civil Aviation

Chapter 1

Components of Civil Aviation

Article 7. Technical and Material Components of Aviation

Civil aviation has the following technical and material components: aircraft, aerodromes, vehicles, miscellaneous equipment, spare parts and aviation fuel.

Article 8. Personnel Components

Civil aviation has the following personnel components: crew members, aviation technicians, technical and administrative officials and service staff.

Chapter 2

Aircraft

Article 9. Nationality and Registration of Aircraft

Any aircraft that intends to fly within the airspace of the Lao PDR shall be registered and shall have nationality and registration marks in accordance with the laws of the Lao PDR or of the concerned² State.

Article 10. Registration Conditions

Aircraft registration in the Lao PDR must be carried out in accordance with the following conditions:

1. The individual registering the aircraft shall be its owner or another individual who has the right to operate such aircraft. This could be, but is not limited to, the following:
 - The government of the Lao PDR;
 - A Lao citizen;

² The term “concerned” is used in the sense of “relevant”.

- An alien, foreign individual or apatrid³ who has a principal place of business or permanent residence in the Lao PDR;
 - An enterprise, company or association established in accordance with the laws and regulations of the Lao PDR.
2. Aircraft registered in the Lao PDR shall not be eligible to be registered in another State; likewise, aircraft registered in another State shall not be eligible for registration in the Lao PDR, unless the former registration is cancelled.

Article 11. Cancellation of Registration

Aircraft registration shall be cancelled in cases where:

- [The aircraft is] seriously damaged beyond repair;
- The term of operation [of the aircraft] has expired;
- [The aircraft is] declared missing;
- [The aircraft is] registered in another State;
- [The aircraft is] in violation of the laws and regulations.

Article 12. Recognition of Rights in Aircraft

When a person or organisation has duly registered its own civil aircraft in the Lao PDR, the rights in such aircraft shall be recognised in accordance with the relevant international conventions to which the Lao PDR is a party.

Article 13. Documents Carried Onboard the Aircraft and During Flight

Each aircraft shall have the following documents:

1. Certificate of registration;
2. Certificate of airworthiness;
3. Licenses of each crew member;
4. Certificate of noise;
5. Aircraft communication license;
6. Journey logbook;
7. Flight manual and operations manual;
8. Load and trim sheet, list of passengers and their baggage, cargo and mail manifest, and relevant insurance documentation for the transport of passengers and cargo.

With the exception of numbers 6 and 7, the above-mentioned documents shall state their periods of validity.

³ Readers may wish to refer to the Law on Lao Nationality for the distinction between aliens, apatrids (i.e. persons unable to certify their nationality) and foreign individuals.

Article 14. Certificate of Airworthiness

A certificate of airworthiness refers to a document that certifies the readiness and capability of an aircraft to fly safely [that is] issued by the Ministry of Communication, Transport, Post and Construction of the Lao PDR.

An aircraft of a foreign State operating within the airspace of the Lao PDR shall also have a similar certificate issued by the competent authority of the relevant country and recognised by the Ministry of Communication, Transport, Post and Construction of the Lao PDR.

The certificate of airworthiness of each aircraft shall be consistent with airworthiness standards under international conventions and shall be valid.

Article 15. Journey Logbook

An aircraft will only be permitted to operate within the airspace of the Lao PDR if it has a journey logbook in which a competent person must enter important details during the flight of the aircraft and [details of] the implementation of activities of crew members in each flight, in such form as provided in the laws and regulations of the State of registry.

Entries in any logbook are considered prima facie proof of the truth of the circumstances that occurred in flight and form the basis for investigation⁴ when there is a violation of laws and regulations, or orders or directives relating to civil aviation.

Article 16. Aircraft Communication Equipment

Each aircraft shall be equipped with standard, licensed communication equipment that has been installed in accordance with technical standards and with methods prescribed in regulations, and that is working. Only aircraft correctly equipped with working communication equipment in accordance with regulations will be permitted to operate within the airspace of the Lao PDR.

Article 17. Flight Manual and Operation Manual

Flight manual refers to the manufacturer's document that provides details of technical instructions of aircraft performance and control to assist the crew members in proper operation.

Operation manual refers to the air carrier's document that provides enterprise policies, rules and procedures with which the crew members have to comply for the safe and efficient conduct of flight.

⁴ The Lao word for "investigation" is a compound word: "investigation-interrogation", where investigation has the sense of inquiries through means other than the questioning of witnesses. Since the English word "investigation" does not connote a similar exclusion or carve-out, the translators have translated the compound word (and its variants) simply as "investigation".

Article 18. Certificate of Noise

Only aircraft with a certified noise limit in accordance with the international standards provided in the Convention on International Civil Aviation will be permitted to operate within the airspace of the Lao PDR.

Chapter 3

Aerodromes

Article 19. Components of Aerodromes

An aerodrome shall consist of the following basic components:

1. A general area designated in accordance with relevant aerodrome classification standards in a suitable location with a perimeter wall or fence to ensure safety;

2. Runway, taxiway, and apron that meet [relevant] standards, including other facilities, such as: wind direction indicator, lighting system, signs and markings;
3. Buildings, consisting of passenger terminals, administration offices, technical and service buildings, warehouses, factories or hangars, and [buildings to house] safety and security equipment;
4. Buildings for communication equipment and other facilities for air navigation.

Article 20. Aerodrome Surrounding Area

The aerodrome surrounding area refers to the area contiguous to the aerodrome perimeter covering the approach and departure paths of aircraft in accordance with the aerodrome classification.

Within the aerodrome surrounding area, the width and height [of such aerodrome surrounding area], and height limitations on buildings and trees, shall be determined to ensure the safety of flight, people's lives and property, and the environment.

Article 21. Determination of Location, Construction Permit and Classification of Aerodromes

The government shall determine the location, construction permit and classification of domestic and international airports, including determining the airports or locations for temporary landing or take-off.

Article 22. Construction and Operation

The construction of civil aviation aerodromes in the Lao PDR shall be in accordance with technical standards prescribed from time to time by the International Civil Aviation Organisation.

Foreign and Lao aircraft conducting international transport shall be permitted to operate only at the international airport except when specific authorisation is received from the government to operate at other airports.

Article 23. Aerodrome Management

All civil aviation aerodromes in the Lao PDR shall be under the management of the government of the Lao PDR by delegating authority to the management organisation subject to assigned levels of management prescribed in this law.

In the case of aerodromes that are constructed by, or in respect of which concessions have been granted to, domestic or foreign investors, such investors will have the right to operate, maintain and gain benefits⁵ as provided in the laws and regulations of the Lao PDR.

Chapter 4

Crew Members and Civil Aviation Technical Officers

Article 24. Composition of Crew Members

The type of aircraft, configuration, flight stage lengths and particular use in which the aircraft is engaged will be taken into consideration for the composition of crew members.

The composition of crew members shall be in accordance with the regulations of the Ministry of Communication, Transport, Post and Construction and consistent with standards of the International Civil Aviation Organisation.

Article 25. Composition of Aviation Technical Officers

Aviation technical officers include:

- Quality control manager;
- Aircraft mechanic;
- Flight operations officer;
- Air traffic controller;
- Communications operator; and
- Other necessary technical officers.

The composition of aviation technical officers shall be subject to their specialties, skills and competencies, and shall be in appropriate numbers to fulfil their tasks in accordance with the regulations of the Ministry of Communication, Transport, Post and Construction.

⁵ This is a literal translation. The translators are unable to definitively resolve whether “maintain” qualifies “aerodromes” (like operate) or “benefits”.

Article 26. Standards for Crew Members and Aviation Technical Officers

General standards for flight crew members and aviation technical officers are as follows:

- [Must be] conscientious of regulations and discipline, highly responsible, incorruptible, honest, polite, law abiding;
- [Must be] skilled and competent, with specialisation and education certificate;
- [Must have] foreign language proficiency, especially in English;
- [Must have] good health, and physical and mental competency as certified by relevant medical personnel.

Additional standards for flight crew members:

- Pilots must have knowledge and skills relating to aircraft control, air navigation, aircraft engines, aircraft component parts and equipment and aviation meteorology;
- Air navigators must have knowledge and skills relating to good navigation and aviation meteorology;
- Engineers or technicians must have knowledge and skills relating to engine control, aircraft component parts and equipment.

Additional standards for cabin crew members:

- [Must have] good interpersonal communication skills, and knowledge and skills in providing services and instructing passengers to use emergency equipment;
- [Must have] knowledge and skills of aviation safety and security and good order and discipline on board;
- [Must have] skills in providing first aid to passengers in the event of emergency.

Additional standards for aviation technical officers:

Knowledge and skills relating to maintenance and repair of aircraft, inspection and quality assurance, flight dispatch, air traffic control and communication operations.

Detailed standards and conditions will be determined in separate regulations.

Article 27. Designation of Pilot-in-Command

The air carrier shall designate one pilot as the pilot-in-command for each flight segment and another as his assistant who shall, when necessary, assume command.

Article 28. The Responsibilities of a Pilot-in-Command

In flight, the pilot-in-command shall be responsible to fly to the destination in accordance with the schedule taking into consideration the safety of passengers, baggage, mail, cargo, and crew members on board and that of the aircraft.

Article 29. Powers and Duties of Pilots-in-Command

The pilot-in-command shall have the principal powers and duties to:

1. Command the aircraft for take-off, flight and landing at the destination in accordance with the schedule;
2. Command the crew members to strictly observe air traffic rules and carry out their duties;
3. Adjust the approved flight plan, return to the aerodrome of departure, make a forced landing or cancel the flight when necessary in order to avoid any danger which threatens the safety of the flight;
4. Restrain acts that endanger the safety of the aircraft or jeopardise good order and discipline on board with necessary measures or, in the case of a serious offence, deliver the relevant person to the competent authority after landing;
5. Give orders to all those on board in the event of an emergency landing or in other cases deemed necessary.

Article 30. Licenses

In carrying out his duties, every individual crew member and technical officer shall be the holder of a personal license issued by the Ministry of Communication, Transport, Post and Construction.

Each crew member of an aircraft registered in another State shall also be the holder of a personal license issued by the competent authority of the relevant State.

Such licenses shall be consistent with the standards of the International Civil Aviation Organisation.

Chapter 5

Air Traffic Control

Article 31. Air Traffic

Air traffic operating within the airspace of the Lao PDR shall strictly comply with the air traffic rules of the Lao PDR consistent with the air traffic rules established by the International Civil Aviation Organisation.

The pilot-in-command of an aircraft of Lao registry flying in the airspace of another State shall strictly comply with the air traffic rules of such

State or, if over the high seas, such rules established by the International Civil Aviation Organisation.

Article 32. Airways and No-fly Zones

Airway refers to a flight corridor with bearing, width and height limits established by the government of the Lao PDR based on regulations of the International Civil Aviation Organisation.

No-fly zone refers to [a zone] that has been deemed as prohibited, restricted or dangerous for flight.

A prohibited area refers to a State-reserved area into which aircraft shall never be permitted to fly.

A danger area or restricted area, such as a military training area, densely populated area, magnetic area, or area with turbulent air, refers to an area within which a risk of flight safety may exist. Aircraft may be permitted to enter these areas during specified periods and at specified heights.

All aircraft shall strictly fly in an established airway, and never fly into any prohibited area or enter into any danger area or restricted area. In the event that an aircraft deviates from an airway, flies into a prohibited area, or into a danger area or restricted area outside of the specified period and height, the pilot-in-command shall promptly resume an authorised airway as ordered by the air traffic controller. If not, the appropriate measures shall be applied to that aircraft.

Article 33. Air Traffic Service

Air traffic service refers to the provision of facilitation and control of air traffic, including for overflights over the territory of the Lao PDR. Air traffic services shall be conducted under common regulations throughout the entire country, consistent with regulations of the International Civil Aviation Organisation for ensuring the safe, speedy, and orderly flow of air traffic.

Article 34. Overflight Service

Overflight service refers to the control of, and provision of facilitation to, air traffic in overflight over the territory of the Lao PDR by using modern means⁶,

equipment and technology, and qualified personnel, that can be integrated into the communication systems of countries in the region and at the international level, in order to ensure the effectiveness of overflight.

⁶ In the Lao language, the same word is used for “instruments”, “vehicles” and “means” in their conceptual sense (e.g., “words are the vehicles of meaning”) and also to refer to physical, tangible instruments and vehicles. Generally, the translators have used the more neutral “means” rather than “vehicles”, which is likely to be understood as tangible, motorised vehicles, unless the context clearly indicates that vehicles is intended.

Article 35. Incidents and Accidents Involving Aircraft

An incident refers to an occurrence to an aircraft in flight that can be solved and may or may not affect the safety of such flight.

An accident refers to a serious occurrence to an aircraft in flight such as major damage, a crash or a disappearance that causes injury, loss of life and damage to property.

Individuals or organisations that discover an aircraft accident are obligated to immediately inform local administrative authorities or concerned officers.

Article 36. Assistance, Search and Rescue

In the event that an aircraft incident or accident occurs within the airspace of the Lao PDR, air traffic services and search and rescue units from the Ministry of Communication, Transport, Post and Construction shall take all necessary measures to render appropriate and immediate assistance.

In the event of an aircraft accident, the National Search and Rescue Committee shall coordinate with airport authorities, local administrative authorities and other concerned officers to promptly carry out search and rescue operations.

When an incident or accident involves an aircraft of foreign registry within the territory of the Lao PDR, the air carrier or the officers of the concerned government may be permitted to participate in search and rescue operations, which at all times will be under the control of the relevant authority of the Lao PDR.

When requested by other States or by international organisations, the government of the Lao PDR will consider rendering search and rescue assistance to a foreign aircraft, where an accident has occurred in a neighbouring State.

Article 37. Investigation

The investigation of any aircraft incident or accident occurring in the territory of the Lao PDR shall be conducted immediately, comprehensively and completely, in conformity with the laws and regulations of the Lao PDR.

In the event that an incident or accident involving an aircraft registered in another State results in loss of life or serious injury in the territory of the Lao PDR, the government may consider requests to permit observers duly appointed by such other State to be present at the investigation.

The government of the Lao PDR shall notify said foreign government of the results of the investigation.

Chapter 6

Ensuring Flight Safety

Article 38. Measures for the Safety of Passengers

Each air carrier shall have measures for the safety of passengers in conformity with the standards specified in the operation manual. In addition, the air carrier shall prepare and maintain the existing emergency equipment in readiness for use at all times, such as: seat belts, breathing apparatus, life jackets, pressurisation system, warning lights, first aid kits and other necessities.

Cabin crew members shall give instructions, assist passengers in the use of safety equipment and immediately aid sick passengers.

Article 39. Measures for the Safety of Baggage, Cargo and Mail

Each air carrier shall have measures for the safety of baggage, cargo and mail by checking and properly securing [them] in conformity with relevant regulations to ensure protection against damage or loss.

Article 40. Measures for the Safety of People

For the safety of human life, each aircraft must fly at the assigned altitude. [There shall be] no acrobatic or training flights above densely populated areas, unless specific authorisation is received from the Ministry of Communication, Transport, Post and Construction on the basis of prior coordination with the other concerned sectors⁷.

Article 41. Measures for the Safety of Aircraft

Each air carrier shall regularly inspect, maintain, repair, and use equipment and aircraft in conformity with the prescribed regulations, so as to maintain their airworthiness and readiness for use and the capacity to fly of the aircraft, including having safety equipment such as fire extinguishers and warning systems.

Article 42. Measures for the Safety of Aerodromes

Aerodromes shall have perimeter walls or fences to ensure safety, shall clearly define public areas and prohibited areas, and shall have personnel and equipment to ensure safety that meets international standards, such as fire fighting and rescue systems, security protection and safety systems, information and communication technology and public relations.

⁷ The term “sector” is used in many Lao laws to refer to the cluster of government ministries or agencies engaged in a particular activity.

Article 43. Measures for the Safety of Crew Members

Crew members shall be protected from any interference from outsiders while on duty. In addition to this, they shall receive regular medical assessments and adequate rest periods, shall refrain from the consumption of any psychotropic substances before or while on duty, and shall strictly comply with the on-duty requirements.

The air carrier shall assign crew members in conformity with regulations on flight duty periods, follow up on their medical assessments, and intensively improve their knowledge and skills relating to flight safety.

Article 44. Safety Measures for Transporting Dangerous Materials

The transport of dangerous materials such as chemicals, inflammable materials, explosive items, firearms and other dangerous substances shall be operated by specific flights in conformity with the regulations on the safe transport of dangerous goods by air of the Lao PDR and consistent with such regulations of the International Civil Aviation Organisation.

Article 45. Emergency Landings

In the event of an airborne emergency to any Lao or foreign aircraft operating within the airspace of the Lao PDR, officers from all concerned sectors shall fully follow-up, assist, and provide facilitation in order to help the aircraft to land immediately, to ensure safety and minimum loss.

Article 46. Prohibited Acts

No individual or organisation shall:

1. Enter any restricted area in the aerodrome; or, while on board [any aircraft], create any noise disturbance to other passengers, use any electronic devices such as mobile telephones, personal computers or radio transceivers, or take any photos without obtaining prior permission;
2. Smoke in the aircraft or the non-smoking areas of an aerodrome;
3. Cause loss of life or injury to any passenger or other person;
4. Hijack or seize any aircraft;
5. Assault, intimidate, threaten or commit any such act that endangers the safety or causes loss of life or damage to the property of crew members, passengers and other people;
6. Bring unauthorised firearms, explosives, dangerous chemical substances, live animals or other unauthorised substances onto the aircraft without prior inspection from the relevant officers;
7. Forge, counterfeit, alter or falsely make any certificate or license or other aviation document;
8. Intentionally perform any act that causes damage to the aircraft or to the facilities at the aerodrome;
9. Destroy or damage any vehicle, technical equipment, or radio used to control or assist air traffic;

10. Remove or withhold any part or property which was on board an aircraft involved in an accident without prior authorisation.

In addition, no air carrier or crew member shall:

1. Abuse its duties⁸ for personal interests;
2. Impede or inconvenience service;
3. Load an aircraft exceeding the authorised weight limit;
4. Transport dangerous materials without prior authorisation in accordance with regulations;
5. Use expired licenses or certificates;
6. Deviate the aircraft from any airway, or enter a prohibited area, a danger area or a restricted area.

Chapter 7

Fees and Service Charges

Article 47. Aviation Fees

Aviation fee refers to a payment for the issuance of licenses, certificates and permits, such as: license for the establishment of aviation enterprise, license for crew members and aviation technical officers, air operator certificates, certificates of aircraft registration, certificates of airworthiness of aircraft, certificates of noise and other fees relating to aviation.

Article 48. Aviation Service Charges

Aviation service charge refers to a payment for the provision of services, such as: overflight service charge, landing service charge, service charges relating to air navigational aid, airport tax, service charge for certification of technical inspection, service charge for inspection of passengers, baggage and cargo, service charge for transport,⁹ service charge for transport of cargo, service charge for mail, service charge for ground handling services, and other services.

Article 49. Management of Revenue from Fees and Service Charges

The State determines the rates of fees and service charges relating to civil aviation.

Relevant State organisations collect fees and service charges relating to civil aviation, including overflight service charge, in conformity with their assigned roles and duties, the management and utilisation of which shall comply with the State Budget Law.

Income from services of State enterprises shall be managed and used in conformity with laws and regulations.

⁸ Readers may wish to refer to Article 155 of the 2005 Amended Penal Law for more information on this concept.

⁹ This term is intentionally broad. The apparent slight overlap with the next term is also intended.

Part III
Civil Aviation Business
Chapter 1

Civil Aviation Business Operation

Article 50. Aviation Business

Aviation business includes the following activities:

1. Domestic and international air transport;
2. Ground handling services;
3. Aircraft maintenance and repair;
4. Spare parts and aviation fuel supply;
5. Pilot and aviation technical officer training services;
6. Air travel agent;
7. Other activities relating to aviation.

Article 51. Establishment of Aviation Enterprises

In addition to the conditions under the Business Law, the establishment of an aviation enterprise shall also comply with the following conditions:

1. An enterprise engaging in domestic air transport shall have:
 - Aircraft that meet the [relevant] standards;
 - Crew members and relevant technical officers who are knowledgeable, skilled and experienced, as specified in Article 26 of this law, and appropriate to the size of the business;
2. For an enterprise engaging in international air transport:
 - If it is a Lao air carrier, it shall, besides fulfilling the conditions set out in paragraph 1 above, also fulfil the requirements of existing bilateral agreements or international conventions to which the Lao PDR is a party or which it has acceded to;
 - A foreign air carrier wishing to establish a representative or branch office to undertake operations in the Lao PDR shall be considered according to the conditions in the agreement that [the Lao PDR] has signed with that country or in international conventions to which the Lao PDR is a party;
3. Enterprises engaging in ground handling services shall have higher diploma technicians who have experience in ground handling services, modern vehicles, and tools and equipment for the provision of their services;
4. Enterprises engaging in aircraft maintenance and repair shall have experienced engineers, relevant skilled technicians, and modern vehicles, tools and equipment;
5. Enterprises engaging in the training of pilots and aviation technical officers shall have:

- Training centre, aircraft, flight simulator, equipment and suitable training area;
 - Instructor who is an experienced pilot, appropriate to the type and make of aircraft to be used in training, is a licensed pilot instructor and has a permit to implement his duties;¹⁰
6. Air travel agents and enterprises engaging in other aviation activities shall have modern equipment and skilled specialists who are highly responsible, as appropriate for such activities.

Article 52. Air Operator Certificates

In addition to the license for the establishment of business enterprise, an air carrier shall also have an air operator certificate issued by the Ministry of Communication, Transport, Post and Construction.

Chapter 2

Air Transport

Article 53. Types of Air Transport

There are two types of air transport:

- The transport of passengers with baggage and mail; and
- The transport of cargo and mail.

Article 54. Domestic Air Transport

Domestic air transport refers to the operation of an aircraft transporting passengers and cargo from one place to another within the territory of the Lao PDR.

Article 55. International Air Transport

Cross-border or international air transport refers to the use of aircraft for transport from a place in the territory of the Lao PDR to one or several places outside the territory of the Lao PDR according to flight schedules and then to return to the Lao PDR.

¹⁰ The Lao language does not require nouns to contain information as to whether they are singular or plural. See Explanatory Notes 6(ii). This was an instance where the translators could not resolve whether a term was intended to be singular or plural and have used the singular form.

Article 56. Air Transport Agreement

The air transport agreement is a document that certifies an agreement between the air carrier and passengers, or cargo or mail owners. There are also two kinds of agreements corresponding to the kinds of transport described in Article 53 of this law.

The air carrier has the obligation to transport passengers with baggage, cargo and mail to the destination safely, without loss, damage, deterioration or change in form.

Passengers, and cargo and mail owners, have the obligation to pay for the transport as agreed. The detailed contents and format of the agreement shall be consistent with the relevant laws and regulations.

Article 57. Tariffs for Air Transport

The government determines the tariffs for domestic air transport.

The tariffs for international air transport shall comply with agreements that the Lao PDR has signed with foreign countries.

Chapter 3

Liabilities of Air Carriers

Article 58. Civil Liability to Passengers

In each flight, the air carrier shall be civilly liable for damages to passengers in the following cases:

- A passenger's loss of life, disability, injury, or sickness;
- A delayed or cancelled flight;
- Destroyed, damaged, delayed or lost baggage.

The air carrier shall not be civilly liable or shall only be partly liable for damages in the following cases:

- If the passenger's loss of life, disability, injury, or sickness results from his own health problems, from his own fault or from the act of a third party;
- If it is proven that the air carrier took all necessary measures but was unable to prevent the delay or cancellation of such flight;
- Where destruction or damage to baggage results from its quality or from the act of officers from other sectors who take custody [of such baggage].

¹¹ This is a literal translation. The intention is to refer to "those matters that must be included". See Article 11 of the Contract Law for a similar use of "contents".

Article 59. Civil Liability for Cargo and Mail

The air carrier shall be civilly liable for damages to the cargo or mail owner in the event that the cargo or mail is lost, is damaged, is destroyed, has deteriorated or is delayed.

The air carrier shall not be civilly liable for the damages so incurred when caused by any of the following:

- Original deficiency of cargo and mail;
- Armed conflict;
- Fault of cargo or mail owners;
- Third parties.

Article 60. Civil Liability to Third Parties

The air carrier shall be civilly liable for the damage caused by any aircraft, aircraft operation, personnel, part of an aircraft or part attached to an aircraft to

individuals, other than passengers, who may be on board or outside an aircraft, resulting in injury or loss of life or damage to their property.

In the event that a foreign aircraft causes injury or loss of life to any individual outside of such aircraft or damage to his property within the territory of the Lao PDR, the relevant laws of the Lao PDR shall be applied.

The air carrier shall not be liable under the above paragraph if it proves that such damage was caused by the fault of the party concerned.

Article 61. Insurance

To assure the compensation for civil liability as determined in Articles 58, 59 and 60 of this law, Lao air carriers and foreign air carriers undertaking air transport service operations within the Lao PDR, including overflight over Laos, shall have relevant and valid insurance that meets the minimum requirements of the relevant laws and regulations of the Lao PDR or of the State of registry and consistent with relevant international conventions to which the Lao PDR is a party.

Part IV

Civil Aviation Management and Inspection

Chapter 1

Management

Article 62. Management Organisations

The management organisations of civil aviation include:

- The Ministry of Communication, Transport, Post and Construction;
- The communication, transport, post and construction division of each province, city and special zone;
- The communication, transport, post and construction office of each district and municipality.

Article 63. Rights and Duties of the Ministry of Communication, Transport, Post and Construction

In carrying out the management of civil aviation, the Ministry of Communication, Transport, Post and Construction has the following main rights and duties:

1. To study and develop policies and strategic plans on civil aviation and to propose to the government for consideration and approval;
2. To transform the policies, strategic plans and resolutions of the government relating to civil aviation into its own programmes, action plans and projects;
3. To formulate plans for the education and training of human resources;
4. To direct the implementation, and to inspect, summarise and assess such implementation, of programmes, action plans, and projects relating to civil aviation and to report to the government;

5. To study and make recommendations on the establishment of civil aviation enterprises, and to issue civil aviation certificates and licenses;
6. To manage and promote the rights and interests of air carriers and other civil aviation enterprises of the Lao PDR;
7. To issue regulations on the management of civil aviation such as regulations on the management of aerodromes, aircraft, crew members, technical officers, air traffic services, including overflight and ground handling services, and others;
8. To coordinate with other relevant sectors to study civil aviation fees and service charges, including overflight charges, and to submit to the government for consideration and approval;
9. To investigate the import of modern vehicles and equipment for use in civil aviation;
10. To coordinate with relevant organisations within and outside the country to promptly conduct search and rescue operations and render assistance to any civil aircraft that has been involved in an incident or accident, including undertaking investigation of such event;
11. To regularly liaise, coordinate and exchange data and aeronautical information with the International Civil Aviation Organisation and other contracting States;
12. To study necessary measures to counter acts which endanger the safety of civil aviation;
13. To liaise and cooperate with other States and with international organisations to facilitate the development of civil aviation and participate in the negotiation of international air services agreements as delegated by the government;
14. To exercise such other rights and perform such other duties as provided in this law and other relevant laws of the Lao PDR.

Article 64. Rights and Duties of Communication, Transport, Post and Construction Division of each Province, City and Special Zone

In carrying out the management of civil aviation, the communication, transport, post and construction division of each province, city and special zone at which an aerodrome is located, has the following main rights and duties:

1. To implement the plans, regulations and instructions relating to civil aviation issued by the Ministry of Communication, Transport, Post and Construction;
2. To manage and protect the aerodrome(s), including safety facilities, located within its jurisdiction, as assigned by the Ministry of Communication, Transport, Post and Construction, such as: runways, aviation facilities, passenger buildings and perimeter walls or fences;
3. To control the height of buildings and trees in the aerodrome surrounding areas, and in the departure and approach paths of aircraft, as so defined;
4. To administer the air transport statistics within its local area;

5. To coordinate with relevant sectors to study and formulate development and management plans for civil aviation in its location;
6. To regularly report on the implementation of civil aviation duties to the Ministry of Communication, Transport, Post and Construction;
7. To exercise such other rights and perform such other duties as assigned by the Ministry of Communication, Transport, Post and Construction.

Article 65. Rights and Duties of Communication, Transport, Post and Construction Office of each District and Municipality

In carrying out the management of civil aviation, the communication, transport, post and construction office of each district and municipality at which an aerodrome is located, has the following main rights and duties:

1. To implement plans, regulations and orders on the management of civil aviation as formulated by higher authorities;
2. To manage and maintain the aerodrome(s), including safety facilities, within its local area as assigned by the higher authority, such as: runways, aviation facilities, passenger buildings and perimeter walls or fences;
3. To control the height of buildings and trees in the aerodrome surrounding areas and in the departure and approach paths of aircraft, as so defined;
4. To coordinate with relevant sectors in the management of civil aviation;
5. To report on the implementation of civil aviation management to the higher authority;¹²
6. To exercise such other rights and perform such other duties as assigned by the higher authority.

Chapter 2

Inspection

Article 66. Inspection Organisations

Inspection organisations of civil aviation are the same organisations as provided in Article 62 of this law.

Article 67. Rights and Duties of Inspection Organisation

In carrying out the inspection of civil aviation in conformity with the assigned levels of management, the inspection organisations have the following main rights and duties:

1. To inspect compliance with laws and regulations relating to civil aviation management;
2. To inspect compliance with the action plan on civil aviation;
3. To inspect the survey, design, construction, operation and maintenance of every aerodrome including air traffic control systems;

4. To inspect civil aircraft of Lao registry including engines and aircraft components, whenever or wherever necessary, for the purpose of ensuring that these aircraft are airworthy and suitable for operation;

¹² The translators are aware that there are subtle (and presumably intended) differences between this clause 5 and Article 64(6).

5. To inspect the operations of aviation enterprises, crew members and technical officers with respect to aviation safety; 6. To exercise such other rights and perform such other duties as provided in this law and other relevant laws of the Lao PDR.

Article 68. Types of Inspection

The inspection of civil aviation comprises three types:

- Regular inspection;
- Inspection with advance notice;
- Emergency inspection.

Regular inspection refers to an inspection performed regularly according to plans and at pre-determined times.

Inspection with advance notice refers to an inspection which is not included in the plan, which is performed when deemed necessary and for which advance notice is given.

Emergency inspection refers to a sudden inspection without advance notice to the persons to be inspected.

In conducting inspections, the officers of the inspection organisations shall strictly comply with the laws and regulations.

Part V

Policies Towards Persons with Outstanding Achievement and Measures Against Violators¹³

Article 69. Policies Towards Persons with Outstanding Achievement

Individuals or organisations with outstanding achievement in the implementation of laws and regulations on civil aviation resulting in safe and efficient flight operations will be rewarded and granted other policies as appropriate.

¹³ The term “policies” is often used as an indirect way of referring to “incentives” or “privileges” and the term “measures” is often used as an indirect way of referring to “sanctions”.

Article 70. Measures Against Violators

Individuals or organisations that violate any provision of this Law shall be subject to re-education¹⁴, fines or shall be civilly liable for damages and/or be subject to penal sanctions, depending on the severity of the case. In addition, their business operations

may be suspended, and their licenses or certificates of civil aviation operation may be withdrawn.

Article 71. Re-Education Measures

Individuals or organisations may be re-educated if their acts are not dangerous or cause no serious damage, such as:

- Impeding or inconveniencing services;
- Unintentionally deviating from an airway or entering a danger area or restricted area outside of the specified period or height;
- Unintentionally entering the prohibited area of an aerodrome, creating noise that disturbs others in the aircraft, using electronic devices such as: mobile phones, personal computers, radio transceivers or taking a photograph without permission, and other low-level violations.

Article 72. Fines

Individuals or organisations shall be fined if they commit the following acts:

- Intentionally flying an aircraft into a prohibited area;
- Using an expired license or certificate;
- Transporting dangerous materials without authorisation in accordance with regulations;
- Smoking in the aircraft or in non-smoking areas of an aerodrome;
- Repeating any act in respect of which they have already received a warning or been re-educated.

Article 73. Liability for Civil Compensation

An air carrier causing damage to passengers, baggage, cargo, mail or to third parties as provided in Articles 58, 59 and 60 of this law shall be liable in accordance with the laws and regulations of the Lao PDR and consistent with relevant international conventions to which the Lao PDR is a party.

Article 74. Penal Sanctions

An individual shall be punished if he commits any of the following criminal offences:

1. Causing injury or loss of life to any passenger or other person due to his fault;
2. Hijacking or seizing any aircraft;
3. Assaulting, intimidating or threatening a crew member or performing any other act which endangers the safety or causes the death of passengers, crew members, or third parties;
4. Bringing any firearms, explosives, dangerous chemicals or addictive substances onto the aircraft without prior authorisation;
5. Counterfeiting any license, certificate or other civil aviation document;

6. Intentionally performing any act which causes damage to any aircraft or building or to the facilities at an aerodrome;
7. Destroying any vehicle or radio equipment to be used in the provision of air traffic services or as a radio navigational aid;
8. Removing or appropriating any part of the aircraft or any property on board a civil aircraft involved in an accident without prior authorisation;
9. Committing any other penal offence.

¹⁴ Here, “re-education” does not mean the same as “re-education without deprivation of liberty” referred to in the Penal Law.

Part VI

Final Provisions

Article 75. Implementation

The government of the Lao People’s Democratic Republic shall issue a decree and implement this law.

Article 76. Effective Date

This law shall enter into force after ninety days from the promulgating decree of the President of the Lao People’s Democratic Republic.

All regulations or provisions that contradict this law are null and void.

Vientiane, 19 May 2005

President of the National Assembly

[Seal and Signature]

Samane VIGNAKET