

Act No. 481 dated 12 December 2002

MANAGEMENT OF THE CIVIL AVIATION SECTOR

Chapter I

THE GENERAL OBJECTIVES – ESTABLISHMENT OF THE THE “CIVIL AVIATION AUTHORITY” – ITS HEADQUARTERS – ITS TITLE

Article 1:

This law aims at developing the Civil Aviation sector utilizing a modern organization of the matters of management; commercial activities; supervision and control in different services related to the Civil Aviation.

Article 2:

A public entity known as the “Civil Aviation Authority” shall be established and defined herein under the name of the “Authority”.

Article 3:

The Authority shall acquire legal entity and the administrative and financial autonomy, and shall be governed by the provisions of this law and related regulations *and shall be submissive to the delayed supervision of the General Accounting Office.*

Article 4:

In general, the Authority aims to contribute to the development of the Civil Aviation sector, being a regulator and control authority that oversees the management and investments of all sectors related to the civil aviation, including the air transport services, aircraft navigation, the safety of the civil aviation and the civil airports based on good technical and economic grounds.

Article 5:

The Authority’s headquarters shall be at Beirut International Airport upon its establishment, and it may acquire other location and open branches in all Lebanese regions if necessary.

Chapter II

THE RESPONSIBILITIES OF THE AUTHORITY – ITS FUNCTIONS

Article 6:

The Authority shall, in order to achieve its general objectives, carry out the following functions:

First: As to the safety of the civil aviation and the aircraft technical investments:

1. Enforce the law, and draft new bills for submission to the Minister in charge. As well, prepare and issue regulations related to the civil aviation safety, and oversee its implementation.
2. Elaborate and issue the regulations related to the aircraft technical investments, their viability to fly, and the air training institutions for those working in the civil aviation, and supervise its implementation.
3. Establish exam procedures and carry out these exams to provide pilots, stewards, technical staff and other employees in the civil aviation field with relevant licenses.
4. Issue certificates and licenses and permits related to the matters defined in clause 1,2 and 3 hereinabove.
5. Contribute in the investigation related to aviation accidents and investigate incidents.
6. Control and supervise fire extinction services in coordination with the responsible authorities.
7. Control and supervise the operations of searching, life saving and first aids, in coordination with the responsible authorities.
8. Registration of aircrafts.
9. Establish national civil aviation security policies, and take the necessary measures to execute the national civil aviation security program in compliance with the provisions of the ratified international agreements, conventions and recommendations, after approval of the concerned Ministries and in coordination with the responsible authorities.

Second: As to the air transport

1. Establish the general principles of the civil air transport policy.
2. Supervise and control civil air transport operations and suggest amendments when need be.
3. Authenticate air transport tariffs related to the passengers, cargo and airmail, and supervise its good execution.
4. Grant licensing for airline and air transport companies for operation into the air corridors dedicated for civil aviation, as for corridors other than civil aviation, licenses are subject to authorization from the Ministry of Defense.
5. Carry out negotiations pertaining to air transport agreements and arrangements and ensure compliance following the proper ratification of the agreements.

Third: As to the international relations

1. Ensure the communication, coordination and cooperation with different authorities, civil aviation administrations and foreign airports.
2. Cooperate with the international and regional organizations of civil aviation seeing the interest of the Lebanese civil aviation and the air transport.
3. Apply the provisions of the International Civil Aviation Agreement (Chicago Agreement) ratified by virtue of law issued on the 2nd of April 1947 and its annexes, and the complementary protocols and all international agreements concluded by the Government.

Fourth: As to the organization, supervision and control of the civil airports

1. Identify the conditions of licensing for establishment and operation of civil airports
2. Identify the domains of civil airports and its servitudes, submissive to the approval of the Ministry of Defense
3. Supervise the development of civil airports and their utilities.
4. Supervise the execution of national security program for aviation and civil airports, and make sure they are well executed based on the terms of ratified international agreements, conventions and recommendations, after approval of the concerned Ministries and in coordination with the responsible authorities
5. Enforce Laws and draft new bills for submission to the Minister in charge; prepare and issue regulations related to ground operations and the safety of

passengers, aircrafts, visitors and workers in the civil airports and on planes, and supervise their implementation.

6. Identify the barriers in the surroundings of the civil airports and those that hinder the aircraft navigation auxiliary equipment, and endeavor with the responsible authorities to eliminate them.
7. Organize and control the civil aviation operations in the civil airports, activities and services of the operating commercial aircrafts
8. Supervise and control various operations, equipping and maintenance of the civil airports.
9. Authenticate all fees and tariffs belonging to the civil airports and all services connected to these airports.

Fifth: As to the organization, supervision and control of the aircraft navigation, communication and meteorology

1. Within the civil aviation corridors, management of Lebanon's airspace, and provide aerial control services and aircraft navigation activities, and direct the movement of aircraft traffic and its safety.
2. The operation of the aircraft navigation auxiliary equipment.
3. The communications related to the civil aviation and aerial communications with aircrafts and airports outside the Lebanese aerial vicinity
4. The meteorological services of the civil aviation.
5. Authenticate the fees and tariffs of the air navigation and communication services.

Sixth: As to the meteorological information

The Authority shall study the weather conditions in the different Lebanese territories, analyze the meteorological information and prepare weather forecasts related to the various social matters and aviation; ***identify and collect charges and tariffs related to these services***, and in a manner that does not defy Article 15 – Clause 15 of this law.

Seventh: As to the technical training

The Authority shall take charge of the technical training of its workers and other workers in the civil aviation sectors, organize the courses and the final examinations, and provide licensing in all fields of this training.

Eighth: The Civil Aviation Safety Center

1. The Civil Aviation Safety Center, established by virtue of Law implemented by the Decree n° 13677 on August 23, 1963, shall be merged with the Authority. The Authority shall replace the Center in all its rights and duties, and shall carry out all functions that are entrusted to the center.
2. The functional status of the workers in the Center shall be settled in accordance with the provisions of Article 18 in this law.
3. The Authority shall be authorized to execute the functions that are attributed to it as a result of the merge of the Civil Aviation Safety Center in accordance with Article 12 in this law.

Chapter III

RELATION BETWEEN THE AUTHORITY AND THE MINISTRY – MANAGEMENT OF THE AUTHORITY – ITS REVENUES – ITS MEANS OF OPERATION

Article 7:

1. The Authority shall be attached to the Ministry of Public Works and Transport that exercises administrative tutelage over it. Matters that are subject to the administrative tutelage shall be determined by a decree upon the proposal of the Minister of Public Works and Transport.
2. Upon the proposal of the Minister of Public Works and Transport, the following matters are to be determined by decrees adopted by the Council of Ministers:
 - One- The regulations of the Authority (the bylaws – the financial regulation and all other regulations), and the functions and responsibilities of the Board of Directors.
 - Two- The indemnities of the Chairman and members of the Board of Directors of the Authority.
 - Three- The regulations, organization plans, and salary scales, the ranks, and the indemnities of the employees.

Article 8:

1. The regulatory authority in the Civil Aviation Authority shall be entrusted to the Board of Directors composed of five members, including the Chairman, all are appointed by a decree adopted in the Council of Ministers upon the proposal of the Minister of Public Works and Transport. Appointments are valid for five years and are renewable or extendable.

2. The chairman and the board members must be holders of acknowledged university degrees in the following fields of specialization: airport management, business administration, economics, law, aeronautics or engineering. The specialization diversity is observed while constituting the Board.
3. Furthermore, the chairman and the board members must be Lebanese for more than ten years and must have the civil nationality. It is not allowed to appoint them among the following categories:
 - The one who has a financial interest, directly or indirectly, with any person or corporation that offers services in different sectors of the civil aviation, or who had relations in any way with the above-mentioned person or corporation that may cause a conflict of interests.
 - The one whose cessation of payment or bankruptcy has been judicially declared.
 - The one who has been revoked at any time from any position in an administration or a public or private corporation due to his misconduct.
4. The Chairman of the Board must have a minimum five-year experience in the field of civil aviation besides holding of one of the abovementioned university degrees.
5. The Chairman of the Board shall be a full timer, and shall carry out at the same time the responsibilities of the “General Director” of the Authority.
6. Upon appointment, each of the Chairman and the board members is bound, during the term of his functions and throughout two years after quitting his position from the Authority, not to be involved, directly or indirectly, with any of the persons or corporations mentioned in clause 3 herein. In case of violation, the penalty shall be exercised per article 364 of the Penal Law.
7. Termination of membership
 - The term of each of the Chairman and board members expires at the term expiry, death, resignation, membership termination or revocation in accordance with this Law.
 - The term of the Chairman or the member may be terminated by a decree adopted in the Council of Ministers upon the proposal of the Minister of Public Works and Transport, when they seriously infringe the obligations of the position or violate the conditions provided herein, and after the matter is justified by a committee composed of the principal of civil service board, the principal of the Central Financial Control and the Principal of the General Accounting Office, upon the request of the Minister.
 - The seats of Chairman or the member shall be revoked in case he commits an offence or a serious crime described in the Public

Employees General Law, and the revocation shall be exercised by a decree upon the proposal of the Minister of Public Works and Transport.

- In case of vacancy of the chairman's position, the eldest member of the Board of Directors shall substitute him. In case of vacancy of two positions or more in the Board of Directors, it is authorized upon a decree rendered by the Minister of Public Works and Transport to delegate employees in the Ministry from the 2nd category at least, in order to fill in the vacancy temporarily, till the appointment takes place according to the duly adopted principles, and for a maximum period of three months.

8. The existing Board of Directors shall continue to exercise its functions until the appointment of the new Board of Directors.

Article 9:

The General Manager takes over the executive authority assisted by the administrative, technical, and financial departments of the Authority.

Article 10:

1. The General Accounting Office shall exercise its delayed control on the Authority pursuant to a special regulation drawn by the Board of Directors, and agreed upon by the Council of Ministers upon the proposal of the Minister of Public Works and Transport.
2. The Authority shall not be submissive to the supervision of the Civil Service Board.

Article 11:

The revenues of the Authority shall be composed of:

- The fees applied on licenses, certificates and authorizations that are issued by the Authority. These fees are specified in decrees adopted by the Council of Ministers upon the proposal of the Minister of Public Works and Transport.
- The budgetary allocations that may be exceptionally allocated to it within the budget of the Ministry of Public Works and Transport.
- The treasury loans.
- Allocated loans by virtue of the laws in force.
- The contributions, grants and subsidies assigned to the Authority in order to fulfill the objectives for which the Authority has been constituted.
- Any other resources that are allocated to the Authority by special provisions.
- A fraction of the fees that are collected by the corporation(s) mentioned in Chapter IV of this law. The Fees subjected for collection and the fraction

allocated to the Authority shall be determined in the relevant investment contracts.

Article 12:

For execution of its functions including regulating, controlling and supervising of all the sectors, the Authority shall apply all legal and financial means and the commercial norms required for such services and activities, whether directly, by way of concession, through private or mixed companies, or by any other means determined by the financial system. The Authority shall be exempted pursuant to this law from the provisional law related to the administration of the public and private properties of the Government excluding rights to sell..

Article 13:

1. Concerned party has the right to request the reconsideration of the decisions issued by the Authority within a period of a month from the date of publishing the decision. It is up to the Authority to decide, within a period of one month from the date of publishing the decision, to revise the decision on the bases of the request provided by the party, or suspend its execution, or take temporary measures, in order to avoid any damage, until the time a final decision is taken by legal or administrative authorities.
2. The consideration of any legal case against the administrative decisions issued by the Civil Aviation Authority, falls under the jurisdiction of the Council of the State (Conseil d'Etat) and administrative legal courts and its regulations, while the disputes between the Authority and its employees or falls under the jurisdiction of the courts of justice and its regulations.

Chapter IV

**AS TO THE INVESTMENTS OF BEIRUT INTERNATIONAL AIRPORT AND
THE SERVICES OF AIRCRAFT NAVIGATION, COMMUNICATION AND
METEOROLOGY**

Article 14:

1. The Government shall be authorized:

within one year from the date of issuing this law:

- a) To constitute a joint-stock company called “Beirut International Airport Corporation”; its object is to provide airport services, aircraft navigation, communications, meteorology and all relevant and subdivided activities, pursuant to the provisions of this law, and to determine its capital and establish its bylaws,

and the principles for the constitution of the Board of Directors, in compliance with the provisions of the Commercial Law of the Anonymous Companies, and the regulations and norms effected for business transaction, in a way consistent with the provisions of this law.

The entire shares of the corporation shall be the property of the Government, and may be sold entirely or partially within the periods and according to the rules mentioned in the Chapter II of the Privatization Law n° 228 dated May 31, 2000, provided that certain percentage of the shares will be open to public through the **Bourse de Beyrouth** in compliance with conditions to be determined by a decree.

- b) Or, to transfer the management and investments of services – or some of them – to the private sector, as described in this article, according to the rules specified in the Chapter II of the above-mentioned Privatization Law.
- c) Or to award by concession these services – or some of them – according to the provisions of article 12 of this law.

2. In all cases mentioned in this present article:

- Identification of investment conditions should be specified in related tendering documents and in operating licensing.
- The contract operation should not exceed 30 years.

3. The Government may apply paragraphs (1) and (2) of this Article and Articles 15 of this Law on any other civil airport in Lebanon as well it may award the equipping, development, management and operation of this airport to one or more concerned entity mentioned in paragraph (1) in this Article through general tendering complying to related regulations.

Article 15:

The corporation(s) mentioned in the previous article shall undertake:

- 1. To equip, operate, maintain and develop all facilities, services and activities in the airport.
- 2. To manage and operate the facilities, spaces, offices and stores, and all services and activities of commercial and industrial nature in the airport, including the ground services, fuel farms, car parking, hotel activities, sales market, duty-free areas, restaurants, catering, cargo and mail terminals, and the like. And it shall have the exclusive right of any commercial exploitation within the airport.

3. To implement the laws and regulations related to the ground operations, the safety of the passengers, planes, airlines, visitors and workers in the airport and on the airplanes, in coordination with the specialized **security** authorities.
4. To organize the work in all spaces and facilities pertaining to the airport, including organizing the entry to the banned areas in coordination with specialized authorities; and to issue the required licenses for this purpose after the approval of specialized security authorities.
5. To determine the locations and areas used by the administrative public entities and commercial bodies operating in the airport in order to exercise their functions, in coordination with the responsible authorities.
6. To provide fire fighting services.
7. To provide the searching, life saving and first aids services, in coordination with the responsible authorities.
8. To execute the national security program for airport in coordination with the responsible authorities, in accordance with Article 6-fourth-paragraph 4.
9. To identify the banned, security areas, training areas for aviation and civil aviation clubs in coordination with the responsible **security** authorities.
10. To determine and collect the fees and tariffs relating to various services that the company carries out in the airport, after being authenticated by the Authority.
11. To manage Lebanon's airspace for civil aviation and to provide aerial control services and aircraft navigation, and to direct the movement of aircraft traffic and its safety.
12. To operate the aircraft navigation auxiliary equipment.
13. To provide communications related to the civil aviation and communications with aircrafts and airports in and outside the Lebanese air vicinity, in compliance with laws and regulations and in accordance with the concerned authorities.
14. To provide meteorological services for civil aviation.
15. To determine and collect the fees and tariffs related to the air navigation, communications, and meteorology that the company carries out after being authenticated by the Authority.
16. To implement the provisions of the International Civil Aviation Agreement (Chicago agreement) ratified by virtue of the Law issued on the 2nd of April 1947 and its annexes, and the complementary protocols and all international

agreements related to the civil aviation and concluded by the Government, in all matters relevant to the Airport Corporate(s) operations.

Article 16:

The corporation(s) mentioned in article 14, each according to the nature of its own work, shall be in charge of controlling the execution of the airport BOT contracts concluded by IDAL before the publication of this law.

All remaining proceeds and balances resulting from these contracts shall be transferred *to the company after its establishment*

Chapter V

GENERAL PROVISIONS – PROVISIONAL REGULATIONS

Article 17:

1. The last paragraph of clause 1 in article 4 of the law n° 247 dated August 7, 2000 – “the merger, revocation and constitution of ministries and councils” shall be made void and shall be replaced by the following provision:
 - The General Directorate of Civil Aviation shall be revoked; and the government commissariat at the Civil Aviation Authority shall be introduced in the Ministry of Public Works and Transport.
 - Attached to the MoPW&T shall be both of the Civil Aviation Authority and the Railways and Combined Transport Service.
2. The expression of the “General Directorate of Civil Aviation” shall be replaced wherever it is mentioned with the expression of “ the Civil Aviation Authority”.

Article 18:

The Conditions of employees, state employees, and contractual employees of the Directorate General of Civil Aviation (DGCA) and Civil Aviation Safety Center(CASC):

First: Transitory Period.

- 1) Within three months from the date of publication of this law in the official gazette, the Ministry for Public Works and Transport shall issue organizational decrees appertaining to the government commissariat and defining its staff establishment. Staff of the DGCA and CASC who have the qualifications that comply with the

organizational conditions are transferred to the new establishment in accordance with the provisions of said organizational decrees.

2) As for the Authority and the Beirut International Corporate (“the Company”), the terms of selection of needed staff of the DGCA and CASC shall be determined within three months following the appointment of each of the two Board of Directors, in coordination with the Minister for Public Works and Transport and status of parties concerned shall be regularized in line with provisions noted under paragraph 2 of this Article.

3) Any staff or employee of the DGCA and CASC may request the termination of his services within a period starting from date of publication of this law in the official gazette and ending six months after the appointment of the administration of the Authority and the Company. The employee whose resignation is accepted shall be given additional compensation equivalent to the sum of his salaries and indemnities for 30 months provided such sum is not less than 30 million LL and not more than 200 million LL, if such employee has been recruited for more than 5 years. If not, the employee shall be granted an additional compensation equal to two months salary for each year of service, provided such compensation shall be no less than 30 million LL and not more than 50 million LL.

Resignation requests may not be withdrawn after its registration with the competent administration.

Second: In matter of regularization of staff conditions

The conditions of staff and workers of the DGCA and those of CASC shall be regularized as follows:

A. Staff of the DGCA:

- 1) Remaining with the new staff of the DGCA, they reserve their status without any change especially as to rank and pay.
- 2) If they are selected to work with the Authority, they shall be de-listed and attached thereto, in accordance with statutes governing placement outside the State establishment as contained in employees’ regulations of civil servants, without the need for any annual renewal, provided their remuneration should not be less than their previous pay.
- 3) If they are selected to work with the Company with the latter’s approval they shall be paid pursuant to the terms and provisions of this law. And they shall enter into an agreement with the Company pursuant to the latter’s regulations.
- 4) In the other instances
 - staff shall be transferred to positions on other state departments, in accordance with staff regulations governing transfers in public service.

- As for those who shall remain in excess of needs, they shall be put at the disposal of the Ministry and continue to receive their pay and compensation, together with due grading until they reach the age of retirement. It shall be for the Council of Ministers or the concerned Ministers, at any time to charge them with any task at the public departments or institutions, and shall then receive their remunerations from the department to which they have been attached to, subject to action on the part of “Civil Service Council” to fix them in vacant positions at the state departments or institutions, in line with staff regulations and whenever possible during such interim period.

B. As for contractual employees of the DGCA and CASC:

- 1) should they be selected to work with the Authority, their previous services with the National Social Security fund shall be combined with their subsequent services and their monthly remunerations shall not be less than the amount of pay and allowances received previously.
- 2) If they are selected and accept, to work with the Corporate, they shall be subject to applicable laws and regulations
- 3) In other instances, statutes relating to excess staff shall be applicable as of the date of publications of this law.

Article 19:

1. The General Directorate of Civil Aviation and Beirut International Airport shall continue functioning based on the current laws and regulations until the Civil Aviation Authority and its departments begin to operate.
2. Until the Beirut International Airport Corporation or any other corporation that shall be in charge of the airport exploitation is constituted and begins to operate pursuant to the provisions of Article 14 in this law, the General Directorate Civil Aviation and thereafter the Civil Aviation Authority shall continue to provide the services mentioned in Article 15 **of this Law**.
3. The Minister of Public Works and Transport shall determine the startup dates for launching of each of the Civil Aviation Authority’s departments, and the the Beirut International Airport Corporation or any other corporation pursuant to the provisions of this law and the detailed legislative decrees.

Article 20:

All the facilities of the civil airports, the equipment and its administrations shall be at the disposal of the Civil Aviation Authority at the time of its constitution. As well, it

shall be put at the disposal of the Beirut International Airport Corporation or any other corporation according to the legislative provisions that shall be prepared for this purpose.

Article 21:

Contrary to any other provision, *all* all fees and tariffs related to the services of various civil aviation sectors, and that are performed by each of the Civil Aviation Authority and the Corporation (s), shall be fixed and received at the start up date of its operation, and in accordance with the provisions of Article 19 in the present law.

Article 22:

All legal provisions conflicting with the provisions of the present law or inconsistent with its content shall be made void with the exception of the passenger departure fees..

Article 23:

The provisions of the draft law enforced by the decree n° 1540 on November 25, 1978 and the decree n° 5137 on April 22, 1982 shall remain in effect along with all applied terms related to these two decrees consistently with the provisions of the present law.

Article 24:

The details concerning the enforcement of this law shall be specified by Decrees of the Council of Ministers upon the proposals of the Minister of Public Works and Transport, Defense and Interior and Municipalities for the matters in relation to security aspects.

Article 25:

This law shall be become effective upon publication in the official journal.
