

GEN 1.6 SUMMARY OF NATIONAL REGULATIONS AND INTERNATIONAL AGREEMENTS/CONVENTIONS

1 .INTRODUCTION

Following is a list of civil aviation legislation, air navigation etc, in force in the Republic of the Union of Myanmar. It is essential that person engaged in air operation in this territory be acquainted with relevant regulations.

Copies of documents may be obtained from the Government Printing and Stationary Office, Yangon. Price Kyats 4.80.

The Republic of the Union of Myanmar Aircraft Manual, a compilation of the legislation and Rules Governing Civil Aviation in the Republic of the Union of Myanmar, Revised edition 1963 corrected up to 30 June 1951 and includes amendment up to 16 June 1952.

Title	Contents
Chapter 1	- Rules relating to the manufacture, use, operation, sale, import and export of aircraft.
Chapter 2	- The Republic of the Union of Myanmar aircraft rules
Chapter 3	- Rules relating to aircraft arriving in or departing from Myanmar
Chapter 4	- Rules relating to Carriage by Air
Chapter 5	- Rules relating to Public Health

2 .MISCELLANEOUS INFORMATION

2.1 Subject to observance of the applicable rules, conditions and limitations set forth in this document and in legislation described in para.2, foreign civil aircraft registered in any foreign country which at the time is a member of the International Civil Aviation Organization may be navigated in Myanmar.

2.2 Aircraft registered under the laws of foreign countries, not members of the International Civil Aviation Organization, which grant reciprocal treatment to Myanmar Aircraft and Airmen may be navigated in Myanmar subject to the observance of the same rules, conditions and limitation applicable in the case of aircraft of ICAO member states.

2.3 Aircraft Accident and Incident Reporting

2.3.1 **Accident** means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which;

1. a person is fatally or seriously injured as a result of;
 - a. being in the aircraft, or
 - b. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - c. direct exposure to jet blast, except when the injuries are from natural causes, self - inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
2. the aircraft sustains damage or structural failure which;
 - a. adversely affects the structural strength, performance or flight characteristics of the aircraft; and
 - b. would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
3. the aircraft is missing or is completely inaccessible.

2.3.2 **Incident** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

2.3.3 **Serious incident** means an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

2.3.4 As authorized under article 7 of the Republic of the Union of Myanmar Aircraft Act 1934 and Myanmar Aircraft Accident and Incident Investigation Rules, the Aircraft Accident Investigation Bureau(AAIB):

- a. shall conduct investigations separate from investigations conducted for the purposes of establishing blame or civil or criminal liability;
- b. shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13;
- c. shall carry out investigations into any accident or serious incident:
 - 1. that occurs in Myanmar;
 - 2. that occurs outside Myanmar, that involves a Myanmar registered aircraft or an aircraft operated by a Myanmar operator and if either of the following conditions:
 - a. the occurrence is in any non-member State which does not intend to carry out an investigation of the accident or serious incident in accordance with Annex 13;
 - b. the investigation has been delegated to Myanmar by another State by mutual arrangement and consent; or
 - 3. that occurs in a location which cannot be definitely established as being in the territory of any State and that involves a Myanmar registered aircraft or an aircraft operated by a Myanmar operator.
- d. shall carry out such other investigations into incidents (other than serious incidents):
 - 1. that occurs in Myanmar from which air safety lessons may be derived; or
 - 2. that occurs outside Myanmar, that involves a Myanmar registered aircraft or an aircraft operated by a Myanmar operator, and from which air safety lessons may be derived; and
 - 3. that may discharge such other function which is incidental or conducive to the attainment or furtherance of the purposes of this Chapter.

2.3.5 (a) When an aircraft accident or incident takes place, the owner, operator, pilot-in-command and any crew member of the aircraft, the operator of the airport, and any air traffic controller having knowledge of an accident or incident shall notify to the Accident Investigation and provides as much information as is possible as soon as possible and by the quickest means available.

(b) The notification to the Accident Investigation Authority shall be in plain language as per Sub-rule (a) and contains as much of the information specified in **Schedule I** to Myanmar Aircraft Accident and Incident Investigation Rules as is readily available; but, the dispatch of the notification shall not be delayed due to the lack of complete information.

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2.3.6 (a) Where an accident or a serious incident occurs in Myanmar:

- 1. no person other than the Head of Division, or an investigator-in -charge of the investigation into that accident or serious incident or an authorized person shall have access to the aircraft involved in the accident or serious incident, the contents of the aircraft or the site of the accident or serious incident; and
- 2. no person shall move or interfere with the aircraft, its contents or the site of the accident or serious incident except under the authority of the Head of Division or the investigator-in-charge of the Aircraft Accident Investigation Bureau.

(b) Sub-rule (a) shall not apply if the conduct was necessary:

- 1. to extricate persons or animals from an accident site;
- 2. to remove any mail, valuable property or dangerous goods from the accident site;
- 3. to prevent destruction of any aircraft, the wreckage of an aircraft or other evidence by fire or other cause;
- 4. to move an aircraft, or the wreckage of an aircraft, to a safe place if the aircraft or wreckage is in water; or
- 5. to prevent any danger or obstruction to the public, air navigation or other transport.

Explanation: "Authorized person" shall be deemed any person authorized by the Head of Division or the investigator-in-charge either generally or specifically to have access to any aircraft involved in an accident or a serious incident, and includes any police officer or any officer of customs, and in relation to an accident involving a military aircraft belonging to the Myanmar Armed Forces, any person authorized by the Chief of Air Force.

2.3.7 For the purpose for such investigation an investigator of accidents or incidents shall have power:

- a. to call before him and examine all persons as the investigator thinks fit, and to require such persons to answer any questions or furnish any information;
- b. to require the protection and preservation of:
 - 1. the aircraft accident or incident site(s);
 - 2. the aircraft and any parts thereof, and;
 - 3. all records and documents associated with the occurrence;

- c. to enter and search any place where an investigator believes on reasonable grounds that there is anything relevant to the conduct of an investigation of an accident or incident, and to seize anything that is found in the course of that search;
- d. to prohibit or limit access to the area immediately surrounding the place at which anything involved or likely to have been involved in an accident or incident is located;
- e. to cause such tests, including tests to destruction, of anything that was seized for the purposes of the investigation;

Explanation: *It is practical and safe to do so, and does not unreasonably impede the progress of the investigation, the investigator shall take all reasonable measures to invite the owner and any person.*

- f. to require the provision and to make copies of any documents that the investigation may consider relevant to the accident or incident;
- g. to retain any such documents until the completion of the investigation;
- h. to take statements from all such persons as the investigator thinks fit and to require any such person to make and sign the statements;
- i. to require a person(s) who was (were) directly or indirectly involved in the operation of an aircraft to submit to a medical examination;
- j. to require a physician or other practitioner to provide medical information concerning a patient who the investigator believes on reasonable grounds;
- k. to cause such an autopsy or medical examination to be performed on a body of a deceased person where the investigator believes on reasonable grounds;
- l. to require the person having custody of the body of the deceased person or other human remains to permit the performance of that autopsy or that medical examination; and
- m. to call on the services of local authorities or other authorized person to ensure protection of the accident site, including the aircraft and its contents, until such time as the Accident Investigation Authority is able to directly take over custody and security of the aircraft and its contents.

2.4 Standard conditions applicable to the over-flying the Yangon Flight Information Region and landing, parking or storage of aircraft on aerodromes under the control of the Department of Civil Aviation

The conditions under which aircraft may fly over the Yangon-FIR and may land, be parked, housed or otherwise dealt with at Air Navigation Services Provider or any of the aerodromes under the control of the Department of Civil Aviation:

- a. The fees and charges for the overfly, landing, parking or housing of aircraft shall be those from time to time published by the Director General of Civil Aviation (hereinafter referred to as "the Director General") in the AIP or NOTAM. The fees and charges for Air Navigation Services Provider or any aerodromes under the control of the Director General, by or on behalf of the Director General shall, unless it is otherwise agreed before such fees or charges are incurred, be such reasonable fees and charges as may from time to time be determined by the Director General for that Air Navigation Services Provider or aerodrome. The fees and charges referred to in this paragraph shall accrue from day to day and shall be payable to the Director General on demand.
- b. Payment of such fees and charges shall be paid to the Director General. At any circumstances all aeronautical charges are required to be settled within Twenty days of the letter or e-invoice date. In case of late payment for such fees and charges, The Director General will take action according to the following payment overdue procedure:
 - 1. In the event of late payment, Department of Civil Aviation shall contact owner/ operator of the aircraft or agent of the owner/operator by phone call/ fax/ e-mail/ letter to settle the payment within 45 days of the letter or e-invoice date.
 - 2. In case of failure to comply the above, Department of Civil Aviation will impose 1.5% interest rate per month on the outstanding payment and Department of Civil Aviation shall send reminder (1.5% interest rate per-payment) to owner/operator of the aircraft or agent of the owner/operator to settle the reminder within 60 days the letter or e-invoice date.
 - 3. If payment of such fees and charges is not settle after 60 days of letter or e-invoice date, Department of Civil Aviation will reject the flight permission of unsettled owner/operator of the aircraft or agent of the owner/operator.
 - 4. If the owner/ operator/agent has the claims relating to its Aircraft operational data mentioned on the bill which may be incomplete or inaccurate, owner/operator/agent has to electronically send its claims to the department for data checking and ensuring process not later than a month thereafter the users have received such letter or e-invoice.
 - 5. In case of landing and parking or storage aircraft at the any aerodromes under the control of Department of Civil Aviation, that can refuse to take-off the aircraft of the unsettled owner/operator.
 - 6. In case of failure to comply the above, Department of Civil Aviation will report and take legal action to the unsettled owner/operator of the aircraft or agent of the owner/operator.

2.4.1 Passenger service charges payable by the passenger via owner/operator/agent of the aircraft;

In case of late payment or failure to comply the reminder for passenger service charges for any airports under the control of Department of Civil Aviation, Department of Civil Aviation will take action to the owner/operator of the aircraft or agent of the owner/operator according to the payment overdue procedure described in GEN 1.6, Paragraph 2.4 Section b.

2.5 Traffic of Person and Vehicles on Aerodromes

Demarcation of Zones

The grounds of each aerodrome are divided into two zones:

- a. a public zone comprising the part of the aerodrome open to the public;
- b. a restricted zone comprising the rest of the aerodrome.

Movement of Persons

Access to the restricted zone is authorized only under conditions prescribed by the special rules governing the aerodrome.

The customs, police and health inspection officers and the premises assigned to transit traffic are normally accessible only to passengers, to staff of the public authorities and airlines and to authorized persons in pursuit of their duty.

The movement of persons having access to the restricted zone of the aerodrome is subject to the conditions prescribed by the air traffic regulations and by the special rules laid down by the person responsible for the management of the aerodrome.

Movement of Vehicles

The movement of the vehicles in the restricted zone is strictly limited to vehicles driven or used by persons carrying a traffic permit or an official card of admittance.

Drivers of vehicles, of whatever type, driving within the confines of the aerodrome, must respect the direction of the traffic, the traffic signs and the posted speed limits and generally comply with the provisions of the highway code and with instructions given by the competent authorities.

Policing

Care and protection of aircraft, vehicles, equipment and goods for which the aerodrome facilities are used are not the responsibility of the state or any concessionaire, who cannot be held responsible for loss or damage which is not incurred through action by them or their agents.