

2. Functional supervising officers shall conduct supervision and examination in compliance with applicable laws.
3. Observation, Evaluation, and Reporting
 - a. Observation is conducted for the purpose of finding out the follow-ups of the application and development of appropriate technology. Such observation shall be organized by institutions for the application and development of appropriate technology hierarchically in accordance with level of administration.
 - b. Evaluation is an appraisal of the application and development of appropriate technology based on criteria decided therefore.
 - c. Report on the application and development of appropriate technology, which is conducted hierarchically by groups of society. The report made by the group of societies shall be recapitulated into report of Head of Village/District, which will be submitted to the Regent/Mayor. The Regent/Mayor shall prepare recapitulation of report of each Village/District to the Regent/Mayor, the Regent/Mayor shall prepare recapitulation of report on District, which will be submitted to Governor, and the Governor shall

submit recapitulation of regency/Municipality to the Minister of Home Affairs and Regional Autonomy, in this case the Central Coordinating Team for the Application and Development of Appropriate Technology.

The report comprises of monthly, quarterly, and annual reports.

III. FUNDING

The implementation of this Presidential Instruction requires fee, which is coming from the following sources:

1. State Budget of Revenues and Expenditure (APBN) and Regional Budget of Revenues and Expenditure (APBD);
2. Donations from the society, donations from foreign countries, and other legal and binding sources of fund in compliance with applicable laws.

THE PRESIDENT OF REPUBLIC OF INDONESIA
sgd

ABDURRAHMAN WAHID

(E)

FOREIGN AIR TRANSPORT COMPANIES OPERATING FOREIGN-REGISTERED AIRPLANES FROM AND TO INDONESIA AND INDONESIAN-REGISTERED AIRPLANES ABROAD (Decree of the Minister of Communications No. KM.6/2001 dated January 25, 2001)

THE MINISTER OF COMMUNICATIONS

DECIDES :

Considering:

that in order to adjust to technological advancements and requirements for operating airplanes in conformity with standards and recommendations of the International Civil Aviation Organization as well as to guarantee the safety and security, it is necessary to rule about foreign air transport companies operating foreign-registered airplanes from and to Indonesia and Indonesian-registered airplanes abroad by virtue of a decree of the Minister of Communications.

In view of:

1. Law No. 15/1992 regarding Aviation (Statute Book of 1992 No. 53, Supplement to Statute Book No. 3481);
2. Presidential Decree No. 165/2000 regarding Status, Responsibilities, Functions, Authority, Organizational Structure and Working Procedures of Ministries;
3. Decree of the Minister of Air Communications No. T.11/2/4-U regarding Regulations of Civil Aviation Safety, which has most recently been amended by Decree of the Minister of Communications No. KM.13/2000;
4. Decrees of the Minister of Communications No. KM.91/OT.002/Phb-80 and No. 164/OT.002/Phb-80 regarding Organizational Structure and Work Procedures of the Minister of Communications, which has most recently been amended by Decree of the Minister of Communications No. KM 4/2000.

To stipulate:

DECREE OF THE MINISTER OF COMMUNICATIONS REGARDING FOREIGN AIR TRANSPORT COMPANIES OPERATING FOREIGN-REGISTERED AIRPLANES FROM AND TO INDONESIA AND INDONESIAN-REGISTERED AIRPLANES ABROAD.

Article 1

1. Foreign air transport companies operating foreign-registered airplanes from and to Indonesia and Indonesian-registered airplanes abroad are ruled in the Attachment to this decree.
2. Further provisions as mentioned in paragraph (1) shall be ruled by the Director General of Air Communications.

Article 2

This decree comes into full force as of date of stipulation.

Stipulated in Jakarta
On January 25, 2001

THE MINISTER OF COMMUNICATIONS
sgd
AGUM GUMELAR, M.Sc.

ATTACHMENT**CIVIL AVIATION SAFETY RULES****PART 129****FOREIGN AIR TRANSPORT COMPANIES OPERATING
FOREIGN-REGISTERED AIRPLANES FROM AND TO INDONESIA
AND INDONESIAN-REGISTERED AIRPLANES ABROAD****129.1. Scope**

- a. Unless otherwise stipulated in paragraph (b), the Attachment to this Decree of the Minister of Transportation and Telecommunications No ... stipulates a regulation on foreign air transport companies as holders of licenses issued by the Directorate General of Air Communications pursuant to item 13 (2) of the Aviation Law of 1992, which operate their airplanes to and from the territory of the Republic of Indonesia.
- b. Articles 129.14 and 129.20 shall also be applicable for Indonesian-registered airplanes, which are operated by individuals or foreign air transport companies outside the territory of the Republic of Indonesia. What is meant by foreigner in the Attachment to the Decree of the Minister of Transportation and Telecommunications, is a foreigner, who is not an Indonesian citizen operating Indonesian-registered airplanes outside the territory of the Republic of Indonesia.

129.5. Operation of International Civil Airplanes From and To the Territory of the Republic of Indonesia

Nobody is allowed to operate foreign civil airplanes to and from the territory of the Republic of Indonesia, unless the relevant has fulfilled the requirements specified in paragraph 129.1 (a).

129.11. Operational Specifications

- a. The respective foreign companies shall operate their airplanes to and from the territory of the Republic of Indonesia in accordance with the operational specifications issued by the Director General on the basis of the Attachment to this Decree of the Minister of Transportation and Telecommunications and Standard and Recommended Practices contained in Part I (International Commercial Air Transport) of Annex 6 (Operation of Aircraft) of Convention on International Civil Aviation Organization. The Operational Specifications must contain information on:
 1. Airports;
 2. Flying routes; and
 3. Operation rules and practices required for preventing collision between foreign airplanes and other aircraft;
 4. Evidence of registration of Indonesian-registered aircraft.

- b. Application for issuance or amendment to operational specifications shall be made in duplicate and delivered to the Air Worthiness Certification Directorate of the Directorate General of Air Communications not later than 30 days before starting operation in the territory of the Republic of Indonesia. Detailed requirements regarding application for issuance or amendment to operational specifications are contained in Appendix A.

129.13. Air Worthiness Certificate and Registration certificate

- a. Foreign air transport companies are prohibited from operating aircraft to and from the Indonesian territory, unless the aircraft bears registration certificate and air worthiness certificate, which are valid and issued or are declared as valid by the countries where the aircrafts are registered, in compliance with Article 83 bis of Chicago Convention, and show evidence of nationality and registration of the countries.
- b. Foreign air transport companies are prohibited from operating foreign aircraft to and from the territory of the Republic of Indonesia, unless the aircraft has complied with maximum weight for the operation, which has been determined for the aircraft in the country of origin.

129.14. Maintenance Program Requirements and List of Minimum Equipment

- a. Foreign air transport companies and foreigners operating Indonesian-registered aircraft to, from, and outside the territory of the Republic of Indonesia shall affirm whether the operated aircraft is maintained in conformity with the program that has been approved by the Director General.
- b. International aviation companies or foreigners operating Indonesian-registered aircrafts are prohibited from operating aircraft with dysfunctional instruments and equipment, unless the aircraft had fulfilled the following requirements:
 1. Aircraft of that type possesses List of Minimum Equipment;
 2. The foreign air transport companies submit List of Minimum Equipment, which is prepared in accordance with Mother List of Minimum Equipment to the Air Worthiness Certification Directorate of the Directorate General of Air Communications for evaluation and approval. Prior to obtaining approval of the List of Minimum Equipment, the foreign air transport companies must be able to show that maintenance procedures used in conformity with maintenance program has been sufficient in supporting use of the List of Minimum Equipment

3. Should chartered aircraft, which are maintained and operated in conformity with continued air worthiness maintenance program, Indonesian air transport companies and approved List of Minimum Equipment, the foreign air transport companies shall submit continuous air worthiness maintenance program and approved List of Minimum Equipment in compliance with item (b) (2) to the Air Worthiness Certification Directorate of the Air Communications Directorate for review and evaluation. The international aviation companies shall be able to prove that they are able to implement maintenance program, which has been approved by the chartering party. And they must also be able to fulfil maintenance and operation requirements specified in the List of Minimum Equipment, which has been agreed as being owned by the lessor.
4. Bring letter of authorization issued by the Director General of Air Communications, which allows foreign air transport companies to use the approved List of Minimum Equipment. List of Minimum Equipment and letter of authorization constitutes Supplement to Certificate of the aircraft.
5. The approved List of Minimum Equipment is a guide to a number of aircraft instruments and equipment, which are allowed to dysfunction in aircraft operation.
6. Aircraft registration available for aviators must contain details on dysfunction instruments and equipment.
7. Aircraft shall be operated in conformity with all requirements and limitations contained in the List of Minimum Equipment and letter of authorization.

129.15. Aircraft Crew Certificate

Nobody is allowed to act as aircraft crew unless the relevant person has a certificate or letter of capability evidencing his/her capability to carry out the duties with regard to aircraft operation, which is issued or declared valid by the country where the aircraft is registered in compliance with Article 83 bis of Chicago Convention.

129.17. Radio instruments

Every foreign air transport company must equip their aircraft with radio instruments required for utilizing air navigation facilities correctly, and for maintaining communications with mainland station located along their passages or near their passages in the territory of the Republic of Indonesia. Foreign air transport companies shall, in completing radio instruments, be in compliance with applicable laws and regulations ruling about ownership and operation of radio instruments.

129.18. [Reserves]

129.19. Air Traffic Regulations and Procedures

- a. Aviators must have knowledge of applicable regulations, navigation and communications facilities, air traffic rules, and other procedures applicable in their passages in the territory of the Republic of Indonesia.
- b. Foreign air transport companies shall prepare procedures securing all their aviators in having knowledge required in paragraph (a), and shall examine the capability of each aviator for carrying out his duty safely in compliance with applicable regulations and procedures.
- c. Foreign air transport companies shall, in organizing their activities in each operation territory in Indonesia, follow the practices, procedures, and other conditions required by the Director General for Indonesian air transport companies.

129.20 Aviation Data Recorder

- a. Nobody shall be allowed to operate aircraft in compliance with the Attachment of this Decree of the Minister of Transportation and Communications, unless the aircraft is equipped with one or more certified Aviation Data recorders. The recorders must be able to record parameters determined to be recorded from the aircrafts operated in compliance with the Schedule of Decree of the Minister of Transportation and Telecommunications No. ... Part 121 or 135, and must have been installed in each aircraft on a date stipulated in the Schedule of the Decree of the Minister of Transportation and Telecommunications.
- b. Nobody shall be allowed to operate aircrafts in compliance with the Schedule to Decree of the Minister of Transportation and Communications, except if the aircrafts are equipped with Steering Room Recorders in compliance with article 121.359 or 135.237 of Schedule of Decree of the Minister of Transportation and Telecommunications No. ...

129.21. Coordination of Traffic

- a. Foreign air transport companies shall provide surface personnel, which are responsible to conduct two-way communications between the aircrafts and surface station at the places, which are considered by the Director General as required for verbal communications, and such communications shall be conducted using language, which is not understood by surface station operators. In providing such personnel, international aviation companies must comply with applicable law and immigration regulations.

b. The

- b. The personnel provided by foreign air transport companies pursuant to paragraph (1), must speak English and the language required for communications with the operated aircrafts, and must assist surface personnel in traffic coordination.

129.23. [Reserves]

129.25. Aircraft Safety

- a. The terms and definitions below are used in this article:

1. "Agreed safety program" means a program of safety required by the Decree of Minister of Transportation and Communications No. KM 73/1996, which has been agreed by the Director General.
2. "Holder of Certificate" means holder of an operation certificate issued by the Directorate General of Air Communications, in the case that such person specializes in scheduled flight or general charter business, or both of them.
3. "Individual charter" means charter for public purpose, and the party who charters controls the whole aircraft capacity for transportation only:
 - (i) Civil or military passengers by air, which is conducted in compliance with an agreement executed with the Indonesian Government or foreign government; or
 - (ii) Passengers being invited by the charterer, all of the costs of which, shall not, either directly or indirectly, be borne by passengers, but shall rather be borne by the charterer.
4. "Public charter" means the one other than "individual charter".
5. "Schedule flight" means the offer for air transport service openly to the public, from air terminal for certain passengers at certain times, which is announced through time or flight schedule, which is published using newspapers, magazines, or other advertising media.
6. "Sterile territory" means a territory, the way for reaching which territory is controlled by examining people and goods in compliance with the approved safety program in line with the Decree of Minister of Communications and Transportation No. KM 73/1996.

- b. Foreign air transport companies organizing schedule flights or general charter, which aircrafts land in and depart from the territory of the Republic of Indonesia, shall adopt and apply safety program applicable for each type of flight operation.

- c. Each of the safety program required in paragraph (b) shall be designed for:

1. Preventing or encumbering the entering of explosive, flammable materials, or dangerous weapons into the aircrafts, on or simultaneously

with people or goods that are reachable, except those ruled in Article 129.27 through an examination using facilities or procedures of detection of weapons.

2. Prohibiting from entering into aircrafts without any authorizations.
3. Securing that the luggage handed to responsible international aviation companies; and
4. Preventing of loading of cargoes and luggage, which have been examined, into the aircrafts, except if they were handled in accordance with safety procedures set by the international aviation companies.

- d. Each safety program required in paragraph (b) shall contain procedures for fulfilling requirements regarding law enforcers.

- e. International aviation companies, which must adopt and apply safety program in conformity with paragraph (b), shall possess safety program, which is acceptable by the Director General. A safety program issued by foreign air transport companies may only be acceptable in case that the Director General learned that the safety program is able to provide protection to passengers same as the one provided by Indonesian aviation companies servicing the same airports. Foreign air transport companies shall use procedures of the similar level with the one used by Indonesian air transport companies servicing the same airports, if the Director General considered that the procedures is required for obtaining the Director General's approval on a safety program:

1. Except if given an authority by the Director General, foreign air transport companies, which must have safety program pursuant to paragraph (b), must submit their program to the Director General within 90 days before the beginning of passengers transport operation. The program shall be made using the English language, except if the Director General requires the official language of the country of the air transport company. The Director General will inform that the safety program proposal is able to obtain approval or must be revised within 30 days after acceptance of the safety program proposal. Foreign air transport companies may file a petition to the Director General for re-consideration of revision of the safety program within 30 days after of receipt of the information.

2. Should a safety program be previously agreed, the Director General, within a certain length of time, may still make necessary amendments in a certain length of time and consider air transport or commercial aviation safety factors, and public interest. The above amendments shall be followed by procedures as follows:

- (i) The Director General shall inform the foreign air transport companies in writing on the amendment proposal, which must be made not less than 45 days for foreign air transport companies as applicants, shall deliver information, views, and written arguments in writing, which are related to the amendment proposal.
- (ii) After considering all relevant materials, the Director General shall inform the foreign air transport companies should amendments and validity date still be required, or cancellation of the amendment proposal is submitted. Should the Director General inform that amendments be conducted, the international aviation companies may re-submit their proposal to the Director General to consider the amendment proposal.
- 3. Should the Director General learn of an emergency situation, which requires immediate settlement concerning air transport or commercial flight safety, which, in the procedures specified in item (e) (2) cannot be implemented or is in violation with public interest, the Director General may issue an amendment to the safety program for foreign air transport companies, which is applicable upon receipt of the application by the foreign air transport companies. In such a case, the Director General shall inform findings and brief information on backgrounds of the amendment.
- 4. Foreign air transport companies may file an application for amendment to the safety program to the Director General. The amendment application should have been received by the Director General not later than 45 days prior to date of validity of the amendment proposal, which is proposed by foreign air transport companies, except if the Director General allows submission within a shorter length of time. The Director General shall, within 30 days after receipt of the amendment application, will inform foreign air transport companies whether the amendment proposal is agreed. Foreign air transport companies may submit a proposal to the Director General to re-consider rejection of the amendment within 45 days after receiving information of the rejection.
- 5. Foreign air transport companies, which must comply with the safety program specified in paragraph (b), if required by the Director General and in compliance with prevailing law, must provide information about the application and implementation of the safety program.
- f. Foreign air transport companies, which are transporting passengers, shall not be allowed to land their aircrafts on or depart from the territory of the Republic of Indonesia after learning of threat of bombs or hijacks, except if the following measures were taken:
 - 1. If upon bomb threat the aircrafts are on land, and the following schedule of flight is to or from the territory of the Republic of Indonesia, foreign air transport companies must confirm that the chief aviator be informed to surrender the aircraft for examination into safety, which examination shall be conducted before the next flight.
 - 2. If upon the bomb threat the aircraft is on flight to a place in the territory of the Republic of Indonesia, the foreign air transport companies must secure that the chief aviator be immediately informed for emergency actions required in such a situation, and an examination into safety shall be conducted at the time of landing.
 - 3. If the threat of bomb or hijacks against the aircrafts in operation as mentioned in item (f) (1) or (f) (2) is received, the international airline companies must guarantee that information on the threat has been delivered to the authorized party where the aircrafts will land.
- g. International airline companies, which are in operation, must have safety program in line with paragraph (b), and they shall reject to transport:
 - 1. Individuals who will not be examined in compliance with the safety program;
 - 2. Carried goods owned by individuals, who are not willing to deliver such luggage for examination in compliance with the safety program.
- h. The Director General must conduct examination into safety in the aircrafts owned by foreign air transport companies, which are landing in or flying over the territory of the Republic of Indonesia.

129.26. The Use of X-Ray

- a. Foreign air transport companies are not allowed to use X-ray for examining carried goods and goods that must be examined in the territory of the Republic of Indonesia, except if:
 - 1. The X-ray system is proposed by the Director General;
 - 2. The X-Ray System is in compliance with X-Ray cabinet system, which is issued by the Director General, and is mainly designed for examination of carried goods.
 - 3. A first training and refreshment program regarding the use of X-ray system for operators, which program includes radiation safety training, efficient use of X-Ray system, and identifications of weapons and dangerous materials; and
 - 4. Procedures protecting operators, which are operating the system complete with dosimeter

(such as film badge or thermo luminescent dosimeter). The dosimeter, which is used, must be evaluated at the end of every month. Records of operator work hours must be kept by the foreign air transport companies.

b. Foreign air transport companies are not allowed to use X-Ray system as mentioned in paragraph 129.26 (a):

1. Except if during the most recent 12 months, survey into radiation shows that the system has complied with applicable performance standard.
2. After the system is being installed for the first time or after it is moved from one location to another, except if a survey into radiation has been made and the result shows that the system has complied with applicable performance standard. The radiation survey is not required for X-Ray system, which is moved to another location, if the foreign air transport companies are able to show that the system has been designed for moving without changing its performance.
3. Except if there were a clear sign in screening media or in the X-Ray system informing passengers that the goods, which are required for examination, and owned by the passengers, are under examination using X-Ray, and informing them to issue all X-Ray films, scientific films, and high-speed films of the carried goods and goods required for examination before the examination is conducted. This sign shall also inform passengers that they may require examination of photographic equipment and film boxes without using X-Ray system. Should the X-Ray system, during examination against carried goods or goods required for examination, produces more than one miliroentgent, the international airline companies must put a sign, which informs passengers to take out all films and goods prior to examination. Should the passengers require, photographic equipment and film boxes may be examined without using X-Ray system.

c. Foreign air transport companies shall keep at least one newest copy of the result of survey into radiation conducted pursuant to item b (1) or b(2) in the place where the X-Ray system is operated, and shall provide it for examination if required by the Director General.

129.27. Prohibition from bringing weapons

- a. Nobody, inside the aircrafts, which are not operated by foreign air transport companies in the territory of the Republic of Indonesia, shall be allowed to bring dangerous weapons, either secretly or openly. This paragraph is not applicable for:

1. Officials or government employees where the aircrafts are registered, which have obtained license from their countries to bring weapons; and
2. Flight crews and other individuals authorized by foreign air transport companies to bring weapons.

b. Foreign air transport companies are not allowed to issue an official license to their passengers, and no passenger will be allowed to bring dangerous weapons inside the aircraft, which are being operated by the air transport companies in the territory of the Republic of Indonesia. Luggage must be examined, except if:

1. Passengers, prior to examination of luggage, have informed the foreign air transport companies that they carry weapons in their luggage; and
2. The luggage is put in a special place, which cannot be reached by the passengers.

129.29. [Reserves]

Appendix A of Schedule to the Decree of Minister of Transportation and Telecommunications No. ... regarding Application for Operational Specifications for Foreign Air Transport Companies.

- a. General. Each application shall be prepared and submitted by the applicant's employee, who has good knowledge of Schedule to the Decree of the Minister of Transportation and Telecommunications No ..., which is issued by the Indonesian Government.
- b. The following application format is draft of application that must be followed by filling-in the information that will be contained in the application.

APPLICATION FOR OPERATIONAL SPECIFICATIONS FOR INTERNATIONAL AIRLINE COMPANIES (DRAFT)

In compliance with Law regarding Aviation No. 15/1992 and Schedule to the Decree of the Minister of Transportation and Telecommunications No ..., we hereby submit this application for the issuance of Operational Specifications for International Airline Companies.

Name and address of correspondence of Applicant:

Name, Title, and address of correspondence (Indonesian address, if possible) of the officer or employee for correspondence purposes, which is related to the application. Except if otherwise agreed herein, the information that must be delivered by the applicant is only those concerning the operations proposal, which will be conducted to and from the territory of the Republic of Indonesia.

Part I

- A. **Route.** Using Jeppesen map or aeronautics map of the same level, please show alternative routes (if any), which are proposed to enter and to exit from Indonesian air

territory. The routes shall include first-departing airports, last-departing airport abroad, last destination airports in the territory of the Republic of Indonesia, and first airports abroad that will be landed after flight from the territory of the Republic of Indonesia. Using the code of color as follows, please mark the proposed last destination airports, at least two alternatives airports, routes, and the height expected against the said alternatives.

1. Expected route: green lines.
2. Alternative routes (if any): orange lines.
3. Last destination airports proposed: green circles.
4. Alternative airports: orange circles.

Please mark location of radio navigation facility, which will be used in the proposed operation with signs showing type of facility used, such as ADF and VOR.

B. Airports. Please write down information on last destination airports and alternative airports that will be proposed and will be used in operation, which is proposed as follows:

1. Name of airports or landing places;
2. Locations (Direction, distance, and name of nearby cities).

Part II

A. Radio Facility: Communications. Please list down all radio communications facilities, which will be used by the applicant in performing proposed operation in the territory of the Republic of Indonesia and routes between latest dot of the airport abroad over the territory of the Republic of Indonesia.

B. Radio Facility: Navigation. Please list down all primary and secondary navigation facilities along the routes in conformity with capability of the aircrafts and list down the routes, which are not passable due to incomplete navigation equipment required.

Part III

Aircraft. Please write down information of each type and model of aircraft.

A. Aircraft

1. Manufacturer and model;
2. Country of origin;
3. Equipped with one ore more engines. Should it be equipped with many engines, write down total number of engines.
4. Maximum flying and landing weight, which will be used for each type of aircraft.
5. Registration code for each Indonesian-registered aircraft.

B. Aircraft Radio. Please list down radio equipment required for instrumental operations within the territory of the Republic of Indonesia.

C. Certificate. Please write down name of country where the aircraft is certified.

Part IV

Flight Crews: Please write down information regarding flight crews that are going to be employed in the proposed operation to and from Indonesia.

- A. Write down type and class of certificate owned by each flight crew.
- B. Write down whether aviator has been trained to use navigation facilities required for operation performed during flight at a certain height and signs of instrumental landings during the route or along nearby route that will be passed to and from Indonesia.
- C. Write down whether each personnel has knowledge of Civil Aviation Safety Rules (CASR) related to the operation of foreign air transport companies to and from the territory of the Republic of Indonesia.
- D. Write down whether aviator is able to speak and understand English at a required level in order to communicate correctly with Traffic Control Tower at the airports and Airline Radio Communications Station using telephony radio communications.

Part V. Embarkation Officer

- A. Please explain about departing companies proposed to service operation of flights in the territory of the Republic of Indonesia.
- B. Please explain whether the departing personnel have knowledge about law and regulations ruling the operation of international airline companies in compliance with Civil Aviation Safety Rules.
- C. Please explain whether the departing personnel are able to read and write in English in a required limit in order to perform departing duties from and to Indonesia correctly.
- D. Please explain whether the departing personnel have been certified by their countries.

Part VI. Additional Data

- A. Please provide with additional information and supporting data, which are possibly required to accelerate the issuance of operational specifications.
- B. Each application shall be ended with a statement as follows:

I hereby stated that the foregoing information is true.

Executed on day of

(Name of applicant)

by

(Name of proxy)

THE MINISTER OF COMMUNICATIONS

sgd

AGUM GUMELAR, M.Sc.

(E)