

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, in the 48th session of the House of Representatives, held on 18 March 2009, and the 28th session of the House of Peoples, held on 27 April 2009, adopted

The Aviation Law Of Bosnia and Herzegovina

PART I – GENERAL PROVISIONS

Article 1.

(Subject)

This Law defines requirements for the safe air traffic within the airspace of Bosnia and Herzegovina (hereinafter: BiH), related to: authorisations in civil aviation and air traffic control; general requirements for civil aviation; air navigation duties and responsibilities; aviation inspection and supervision; air navigation services; airports; search and rescue; aircraft; aviation professional and expert personnel; air operators and other aviation activities; investigation of accidents and incidents; civil aviation security and aviation penalties.

Article 2.

(Scope of Application)

(1) Aviation activities within the airspace above the territory of Bosnia and Herzegovina may only be conducted in accordance with the conditions stipulated by the present Law and the regulations enacted hereunder. In the context of the present Law, the territory of BiH is the state territory as defined in the Convention on the International Civil Aviation (hereinafter: the Chicago Convention).

(2) Outside the territory of BiH the provisions of the present Law and regulations enacted hereunder shall apply to any aircraft registered in BiH provided that these provisions do not contradict the legislation of the state where the aircraft is situated at that moment.

(3) All civil aviation regulations enacted prior to April 1st 1992 shall remain in force unless contrary to the Constitution of Bosnia and Herzegovina, the present Law and regulations enacted hereunder, or any other BiH laws regulating civil aviation.

Article 3.

(Definitions)

In the context of the present Law, the following terms shall mean as follows:

-
- a) «Airport» shall mean a predefined area on land or sea (including any objects, installations and equipment) intended for use wholly or partly for arrival, departure and movement of aircraft;
 - b) «ARC» shall mean an Airworthiness Review Certificate that is issued together with a Certificate of Airworthiness and serves as proof that the continued airworthiness of an aircraft has been ensured.
 - c) «Air carrier» shall mean an air transport undertaking with a valid operating licence and a valid AOC (Air Operator Certificate);
 - d) «Security» shall mean a combination of measures and human and natural resources intended to protect civil aviation against acts of unlawful interference;
 - e) «Cabin crew member» shall mean a crew member who, in the interest of passengers' safety, performs duties assigned to him by the operator or pilot-in-command, but is not allowed to act as a flight crew member;
 - f) «Flight crew member» shall mean a crew member in possession of a valid certificate to perform duties crucial for the operation of the aircraft during flight time;
 - g) «State of Registry» shall mean the state on whose register the aircraft is entered;
 - h) «"ECAA" air carrier» shall mean an air carrier, whose main office is located within a European Union member state or a state which is a party in the Multilateral Agreement on the Establishment of the European Common Aviation Area;
 - i) «ESARRs ("EUROCONTROL Safety Regulatory Requirements")» shall mean EUROCONTROL's regulatory requirements related to aviation safety;
 - j) «Flight» shall mean the time between the moment the first person boards an aircraft with the intention of flight, until the moment all such persons have disembarked.
 - k) «MTOM («Maximum Take-Off Mass»)» shall mean a maximum take-off mass, which corresponds to a certified amount specific to all aircraft types, as stated in the certificate of airworthiness of the aircraft concerned;
 - l) «Operator» shall mean a person, organization or enterprise engaged in or offering to engage in aircraft operations.
 - m) «Operating restrictions» shall mean noise-related actions that limit or reduce access of civil subsonic jet aeroplanes to an airport. The term includes operating restrictions which are aimed at the withdrawal from operations of marginally compliant aircraft at specific airports as well as operating limitations of a partial nature affecting the operation of civil subsonic aeroplanes according to a time period;
 - n) «Air Operator Certificate – AOC» shall mean the certificate authorizing the operator to carry out commercial air transport operations as specified in the certificate;
 - o) «Operating licence» shall mean an approval granted to an operator by Bosnia and Herzegovina, permitting the operator to engage in the carriage by air of passengers, mail and/or cargo, for remuneration, or to conduct local flights not involving carriage by air between different airports, as stated in the operating licence;
 - p) «Special Drawing Right - SDR» shall mean a special drawing right as defined by the International Monetary Fund;
 - q) «Slot» shall mean an estimated time of arrival or departure, available or allocated for a movement of aircraft on a specified date at a coordinated airport;
 - r) «Air Traffic Control – ATC» shall mean the service comprising services provided for the purpose of preventing collisions between aircraft and, on maneuvering areas, between aircraft and obstacles, and improving and maintaining an orderly flow of air traffic;
 - s) «Air Navigation Services - ANS» shall mean the services comprising air traffic control (ATC), air traffic management (hereinafter: ATM), communications, navigation and surveillance systems (hereinafter: CNS), aviation meteorological services (hereinafter: MET), and Aeronautical information services (hereinafter: AIS);
 - t) «Foreign Air Carrier» shall mean an air carrier whose main office is not situated within a European Union member state or a state which is a party in the Multilateral Agreement on the Establishment of the European Common Aviation Area;

-
- u) "Oversight" shall mean a comprehensive overview of activities of an organization aimed to establish compliance with regulatory requirements prescribed by the BHDCA (Audit), and a systematic assessment of a feature with the aim to check compliance with regulatory requirements;
 - v) "Aircraft operation" shall mean the use of an aircraft from the moment when power is applied to its engines for the purpose of taxiing or actual take-off until the moment when the aircraft has stopped on the surface and its engines have come to a complete halt; additionally, it shall mean the moving of an aircraft by towing and push-back vehicles or by powers which are typical for the drive and the lift of aircraft;
 - w) "Balanced approach" shall mean an approach that a competent authority will take in considering available measures to take in dealing with noise problems at airports in their territory, namely a predictable effect of aircraft noise reduction at the source, land-use planning and management, noise abatement operational procedures, and operating restrictions;
 - x) "Interested parties" shall mean natural or legal persons affected or likely to be affected by, or having a legitimate interest in the introduction of noise abatement measures, including operating restrictions;
 - y) "Joint Committee" shall mean a body consisting of states which are parties in the Multilateral Agreement on the Establishment of the European Common Aviation Area, established in accordance with Article 18 of this Agreement;
 - z) "Airport protective zone" shall mean the protective zone where installation or construction of facilities and equipment (natural and artificial) is restricted or prohibited due to their impact on the safety of air operations;
 - aa) "Aeronautical Information Publication (AIP)" shall mean a publication that is or was issued by the competent institution of Bosnia and Herzegovina, and containing aeronautical information of a lasting character essential to air navigation;
 - bb) "Developing country" shall mean a state added to the official list of aid receivers by the Organization for Economic Cooperation and Development (OECD).
 - cc) «Aircraft» shall mean any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the Earth. This term comprises:
 - 1) gyroplanes,
 - 2) dirigibles,
 - 3) gliders,
 - 4) aeroplanes,
 - 5) free and moored balloons,
 - 6) hang gliders,
 - 7) parachutes,
 - 8) flying models,
 - 9) air sports equipment,
 - 10) other facilities intended for use in airspace provided that they are not operated at an altitude higher than thirty meters above ground or sea level;
 - dd) "Marginally compliant aircraft" shall mean civil subsonic aeroplanes that meet certification limits under the Chicago Convention by a cumulative margin of not more than 5 EPNdB (Effective Perceived Noise in decibels), where the cumulative margin is the figure expressed in EPNdB obtained by adding the individual margins (i.e. the differences between the certificated noise level and the maximum permitted noise level) at each of the three reference noise measurement points as defined in the Chicago Convention.

Article 4.

(Principle of Harmonisation of the Law with International Regulations)

(1) The present Law is in harmony with the Chicago Convention, standards, recommended practices and procedures issued in accordance with this Convention, as well as with the regulations of the European Union (hereinafter: EU) contained in the Multilateral Agreement on the Establishment of the European Common Aviation Area (hereinafter: the ECAA Multilateral Agreement).

(2) Any regulations enacted hereunder shall be regularly and promptly harmonised with the Chicago Convention, standards, recommended practices and procedures issued in accordance with the said Convention, as well as with the EU regulations contained in the ECAA Multilateral Agreement.

Article 5.

(Authorities in Civil Aviation and Provision of Air Navigation Services)

- (1) Civil Aviation policy shall be under the authority of the Ministry of Communications and Transport of Bosnia and Herzegovina (hereinafter: the Ministry), unless otherwise stipulated by the present Law or any other law.
- (2) The Bosnia and Herzegovina Directorate of Civil Aviation (hereinafter: BHDCA) shall perform duties defined in the present Law, and shall have the authority and responsibility for the execution of the Regulator function and for oversight in civil aviation and air traffic control;
- (3) Air navigation services in the airspace over the territory of Bosnia and Herzegovina shall be provided by the Air Navigation Services Provider (hereinafter: the Service Provider). The foundation, responsibilities, authorities and management, as well as other issues essential to the establishment of the Service Provider shall be regulated under a separate law.
- (4) The Service Provider may provide air navigation services outside the airspace of Bosnia and Herzegovina if so regulated under an international agreement in which one of the contracting parties is Bosnia and Herzegovina.
- (5) Air navigation services providers from other countries may provide ANS services within the airspace of Bosnia and Herzegovina if so regulated under an international agreement in which one of the contracting parties is Bosnia and Herzegovina.

Article 6.

(General Aviation Requirements)

(1) A civil aircraft flight within Bosnia and Herzegovina may be conducted if the aircraft is registered in Bosnia and Herzegovina in accordance with the provisions of the present Law.

(2) Aircraft used for customs and police purposes as well as aircraft used solely for State or Entity purposes, to the exclusion of commercial air transport purposes, shall comply with the provisions of the present Law and any regulations enacted hereunder. For such aircraft, the BHDCA may allow exemptions from the application of the provisions of the present Law and regulations enacted hereunder, provided that the exemptions shall not affect international air traffic within Bosnia and Herzegovina, including the airspace and airports used by such air traffic.

(3) A civil aircraft registered in another state may fly in the airspace of Bosnia and Herzegovina subject to an agreement in force between Bosnia and Herzegovina and such state or if in possession of a special permit issued by the BHDCA.

(4) The provisions of the present Law, applicable to aircraft registered in foreign states, shall equally apply to aircraft registered in non-national registry.

(5) No aircraft shall be allowed to fly at a supersonic speed within the airspace of Bosnia and Herzegovina unless explicitly authorized for such flight by the Ministry.

Article 7.

(Military Aviation and Other Aviation for State Purposes)

- (1) Military air traffic means air traffic involving military aircraft of BiH and foreign military aircraft, for military purposes only.
- (2) Military aircraft of BiH shall be those registered in the Military Aircraft Registry.
- (3) Any regulations governing military aircraft operations in Bosnia and Herzegovina shall comply with the Rules of the Air of Bosnia and Herzegovina in order to prevent jeopardy to civil aircraft operations.
- (4) Regulations governing military aircraft operations in Bosnia and Herzegovina shall be developed by the Ministry of Defence in cooperation with the BHDCA.
- (5) Foreign military aircraft may enter the airspace of BiH and operate within that airspace subject to a special permit issued by the Ministry and with the consent of the Ministry of Defence and in accordance with the terms and conditions of such permit.
- (6) The Ministry of Foreign Affairs shall be responsible for the issuance of landing permits to foreign state aircraft landing in Bosnia and Herzegovina, or overflight permits to foreign state aircraft which have no intention of landing in Bosnia and Herzegovina.
- (7) State aircraft shall be considered to be, in accordance with international treaties, those aircraft which are used for military, customs or police purposes, and those aircraft which are used solely for the carriage of very important persons.

Article 8.

(Use of Foreign Documents)

In order to facilitate fulfilment of the obligations and responsibilities under the present Law, the BHDCA may use certificates, authorisations, approvals and technical findings from foreign civil aviation authorities, including agencies designated by such authorities, and may, on a reciprocity basis, provide similar services to such foreign authorities and agencies.

PART II – DIRECTORATE OF CIVIL AVIATION (BHDCA)

CHAPTER I – STATUS OF THE BHDCA

Article 9.

(Status)

- (1) The BHDCA shall be an administrative organization within the Ministry.
- (2) The seat of the BHDCA shall be in Banja Luka.
- (3) The BHDCA shall have regional offices situated in Sarajevo and Mostar.

Article 10.

(Management of the BHDCA)

- (1) A Director General and two Deputy Director Generals shall constitute the BHDCA management. The Director General and his deputies shall be civil servants.
- (2) The Director General shall manage the work of the BHDCA. The Deputies shall manage the work of the Divisions in accordance with the regulation on the internal organization of the BHDCA.
- (3) The Director General and Deputies shall be elected from the three constituent nations respectively, taking into account the ethnic and Entities' representation.
- (4) The Director General shall report to the Minister of Communications and Transport (hereinafter: the Minister). The Deputies shall report to the Director General.

Article 11.

(Organization of the BHDCA)

- (1) The internal organization of the BHDCA shall be defined as a separate entity within the Regulation on the internal organization of the Ministry of Communications and Transport.
- (2) The internal organization of the BHDCA shall consist of an internal structure, types and authority of organizational units, job classification, and management and responsibility in the management of the BHDCA.
- (3) The internal organization of the BHDCA shall be proposed by its Director General, adopted by the Minister and approved by the Ministers Council of Bosnia and Herzegovina (hereinafter: the Ministers Council).

Article 12.

(Labour Relations)

- (1) The BHDCA shall be subject to the Law on Civil Service in the Institutions of Bosnia and Herzegovina and the Labour Law in the Institutions of Bosnia and Herzegovina.
- (2) The BHDCA shall be subject to the Law on salaries and allowances in the institutions of Bosnia and Herzegovina.

-
- (3) The BDHCA employees shall be entitled to a special salary allowance.

Article 13.

(Financing Sources)

- (1) The BHDCA shall be financed as follows:
- a) from the Budget of the Institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina,
 - b) from a share of funds obtained by Bosnia and Herzegovina through user charges for the provision of air navigation services (en-route charges),
 - c) from fees paid by passengers departing from airports in Bosnia and Herzegovina,
 - d) from fees paid by aircraft operators per ton of goods/cargo carried in civil aviation transport,
 - e) from revenues realized through its own line of business, and
 - f) from other sources in accordance with the law.
- (2) The amount of the funds under paragraph 1 item b) of this article shall be defined by the Ministers Council of BiH, following a proposal from the BHDCA, in the Cost Base for overflight charges in accordance with obligations undertaken from international treaties to which Bosnia and Herzegovina is a contracting party.
- (3) Fees under paragraph 1 items c), d) and e) of this article shall be defined by the BHDCA by means of a special decision.

CHAPTER II- POWERS OF THE BHDCA

Article 14.

(Powers to Enact Implementing Regulations)

- (1) Unless otherwise specified in the present Law, the BHDCA shall be responsible for enacting any regulations based on the present Law. Prior to the enactment of the regulations, the BHDCA shall make consultations with any subjects to be affected by such regulations.
- (2) The regulations under Item 1 of this article shall be published in the "Official Gazette of BiH". The BHDCA may also publish regulations in official civil aviation publications.
- (3) In order to facilitate and expedite the regulatory process and to ensure European standardization, the BHDCA shall incorporate in its own regulations, by reference, the following regulations:
- a) regulations of the EU contained in the ECAA Multilateral Agreement, which shall, in their application, prevail over the national legislation;
 - b) regulations of the European Aviation Safety Agency (EASA),
 - c) regulations of the European Organization for the Safety of Air Navigation (hereinafter: EUROCONTROL) – ESSAR, unless covered by the ECAA Multilateral Agreement;
 - d) Joint Aviation Regulations (JARs), unless covered by the ECAA Multilateral Agreement, and

e) regulations of the International Civil Aviation Organization (hereinafter: ICAO).

(4) Regulations incorporated by reference shall apply in the English language. The BHDCA shall make available translations of those regulations in a suitable way.

(5) The BHDCA shall allow exemptions from the regulations provided only that such exemption is in compliance with EU regulations contained in the ECAA Multilateral Agreement.

(6) An initiative to amend regulations enacted by the BHDCA may be submitted to Director General by any natural or legal person registered in Bosnia and Herzegovina. In the initiative the submitter shall specify the particulars of the regulations that he wants amended, the way in which the regulations should be amended, and reasons why the regulation should be amended in the interest of the public or safety.

Article 15.

(Licensing Powers)

(1) The BHDCA shall be the unique civil aviation authority responsible for aircraft registration and issuance, extension and renewal of licences, certificates, endorsements and authorisations in the civil aviation of Bosnia and Herzegovina.

(2) The BHDCA may delegate functions such as:

- a) inspection, testing, examination;
- b) check and verification of compliance with requirements regarding:
 - aircraft registration,
 - issuance, extension and renewal of licences, certificates, authorisations and ratings.

(3) The BHDCA may delegate the functions under paragraph 2 of this article to any legal or natural person compliant with the requirements prescribed by the BHDCA by means of a special regulation.

(4) All delegated functions shall be carried out in accordance with special rules and regulations to be prescribed by the BHDCA.

(5) No further delegation of the assigned functions under paragraph 2 of this Article shall be allowed.

Article 16.

(Authority to Certify the Service Provider)

(1) The BHDCA, as a designated body of the National Supervisory Authority (NSA) for civil aviation, shall certify the Service Provider and supervise the provision of air navigation services by the service provider, for the purpose of maintaining safety.

(2) For the issuance, modification and renewal of the certificate under Item 1 of this Article, the Service Provider shall pay a fee whose amount shall be defined by Minister's order.

(3) The BHDCA may delegate the provision of certification of the Service Provider to another institution duly authorized in accordance with international regulations.

Article 17.

(Statistics Report)

(1) The BHDCA shall report to the Agency for Statistics of Bosnia and Herzegovina, not later than 30 days following the completion of each quarterly operating period, on any relevant operating data as may be required for the recording of adequate transport statistics indicators in line with domestic and international reporting requirements.

(2) The BHDCA shall submit aeronautical statistics reports to relevant international aviation institutions, in line with international standards.

PART III – AIRSPACE, AIR NAVIGATION SERVICES PROVISION, SEARCH AND RESCUE

CHAPTER I - AIRSPACE

Article 18.

(Airspace)

The airspace of Bosnia and Herzegovina is the space over the land and territorial sea of Bosnia and Herzegovina.

Article 19.

(Flight Information Region)

- (1) For the provision of flight information and alerting services the Minister hereby establishes the flight information region Sarajevo.
- (2) The flight information region may extend outside the airspace of Bosnia and Herzegovina to the boundaries established by international agreements.

Article 20.

(Rules of the Air)

- (1) Rules of the air shall be developed by the BHDCA in coordination with the Ministry of Defence, and approved by the Ministry and promulgated as a Ministerial order on aviation within six months following the entering into force of the present Law.
- (2) Rules of the air for military air traffic shall not endanger the safety of civil aircraft.
- (3) When so required in the interest of national defence or safety, the Ministers Council may, in coordination with the Ministry of Defence, declare parts of the airspace as prohibited, restricted or danger areas for civil aircraft, and issue special procedures in this respect. The prohibitions and restrictions shall as far as possible be temporary, and shall be lifted as the reasons for their application have ceased to exist.

Article 21.

(Airspace Management)

- (1) Airspace management (ASM) is a planning function whose primary goal is to maximize the use of available airspace by means of a dynamic allocation of the use

time and, occasionally, allocation of the airspace between different categories of airspace users based on short-term demands.

- (2) The designing (organization and structure), classification, flexible use of airspace and other functions with the goal to maximize use of airspace (hereinafter: airspace management) shall be implemented in accordance with the provisions of the present Law and international agreements.
- (3) Airpace management within the flight information region established pursuant to the provisions under paragraph 2 of this Article shall be under the authority of the Ministry subject to approval from the Ministry of Defence.
- (4) The methodology of airspace management shall be defined by means of a special regulation to be enacted by the BHDCA.

Article 22.

(Airspace Management Committee)

- (1) For the purpose of strategic airspace management (level 1) and for preparation of proposals essential to airspace management, the Ministers Council shall establish the Airspace Management Committee composed of three civil and two military representatives.
- (2) The civil representatives to the Airspace Management Committee under paragraph 1 of this Article shall be appointed at the proposal from the Ministry, BHDCA and Service Provider, and the military representatives at the proposal from the Ministry of Defence.
- (3) Members of the Airspace Management Committee shall be entitled to an allowance for their work. Allowances for the work of members of the Airspace Management Committee shall be stipulated by the Ministers Council by means of a special decision.

Article 23.

(Airspace Management Cell)

- (1) For the purpose of operational airspace management (level 2), the Service Provider shall establish an Airspace Management Cell (AMC) which shall include representatives appointed by the Ministry of Defence as well.
- (2) The composition of the Cell under paragraph 1 of this Article and further provisions on its working methodology shall be established under special regulation to be enacted by the BHDCA.

Article 24.

(Real-time Airspace Management)

- (1) For the purpose of real-time airspace management (level 3.) the Service Provider and the BiH Ministry of Defence shall establish procedures for civil-military coordination and ensure communications systems providing interchange of data in order to facilitate the activation, deactivation and relocation of airspace as defined by the Airspace Management Cell.
- (2) The Service Provider shall establish procedures for civil-military coordination and communications systems between organizational units responsible for operating services within the airspace.

Article 25.

(Airspace Organization and Classification)

- (1) The BHDCA shall, in coordination with the Service Provider, enact rules and regulations on the organization and classification of the airspace of Bosnia and Herzegovina.
- (2) The organization and classification of the airspace of BiH (FIR Sarajevo) and the design of flight procedures shall be defined by the Service Provider in coordination with the BHDCA.
- (3) Check and approval of the organization and classification of the airspace, and of flight procedures, shall be conducted by the BHDCA.

Article 26.

(Use of Airspace)

- 1) The use of airspace of Bosnia and Herzegovina shall be implemented in accordance with the present Law and special rules and regulations enacted by the BHDCA.
- 2) For voice communication in the airspace of Bosnia and Herzegovina, official languages of Bosnia and Herzegovina and/or the English language may be used. Further provisions on the terms and manner of use of these languages in the airspace of BiH shall be established under special regulation to be enacted by the BHDCA.

CHAPTER II- AIR NAVIGATION SERVICES

Article 27.

(Provision of Air Navigation Services)

- (1) Air navigation services shall be provided within the BH flight information region for the purpose of a safe, regular and smooth conduct of air traffic of all civil and military aircraft in accordance with the terms and conditions stipulated in the present Law and specific regulations to be enacted by the BHDCA.
- (2) The Service Provider shall ensure the provision of all air navigation services in accordance with the terms and conditions stipulated in the present Law and regulations enacted hereunder.
- (3) The Service provider shall develop operating instructions in accordance with the present Law, regulations enacted hereunder, and international treaties binding upon Bosnia and Herzegovina, and shall conduct its activities in line with those instructions.
- (4) The BHDCA shall, in coordination with the Service Provider, enact rules and regulations on the provision of air navigation services.

Article 28.

(Air Navigation Services)

-
- (1) Air navigation services within the airspace of BiH shall be provided for General Air Traffic (GAT) and Operational Air Traffic (OAT).
 - (2) The Service Provider shall ensure provision of air navigation services for civil and military air traffic. Coordination procedures shall be stipulated under a special agreement concluded with the BiH Ministry of Defence.
 - (3) Air navigation services shall be provided within the flight information region of BiH for the purpose of safe, regular and smooth conduct of air traffic of all civil and military aircraft, in accordance with the terms and conditions stipulated in the present Law and regulations enacted hereunder.
 - (4) Air navigation services shall include:
 - a) air traffic management (ATM):
 - air traffic control (ATC),
 - air traffic flow and capacity management (ATFCM),
 - flight information services (FIS),
 - alerting,
 - air space management (ASM)
 - b) aeronautical information service (AIS),
 - c) aeronautical communication, navigation and surveillance (CNS),
 - d) aeronautical meteorology (MET),
 - e) design, installation, maintenance and supervision of the work and serviceability of technical facilities and objects in civil air navigation.

Article 29.

(Air Navigation Services Personnel)

- (1) The BHDCA shall enact regulations on the licensing of air traffic controllers in Bosnia and Herzegovina in accordance with the Chicago Convention, EU regulations and ESSARs.
- (2) The BHDCA shall enact regulations on the licensing of other personnel requiring licensing that will be in the function of air navigation services provision, in accordance with international regulations and standards.

Article 30.

(Controlled Airports)

Airports certified and accordingly classified by the BHDCA shall be designated as controlled airports and shall ensure the provision of air navigation services comprising airport and terminal air navigation services. For controlled airports an adequate controlled airspace shall be allocated.

CHAPTER III – SEARCH AND RESCUE

Article 31.

(Search and Rescue Services)

(1) Following a proposal from the Ministry, the Ministers Council shall enact a special regulation regulating the establishment of Search and Rescue services in accordance with relevant provisions of the Chicago Convention.

(2) Search and rescue services shall be provided within the entire territory of Bosnia and Herzegovina.

(3) The Service Provider shall establish a single Rescue Coordination Centre for the entire territory of Bosnia and Herzegovina.

(4) Search and rescue services shall cooperate with those responsible for accident investigation and with those responsible for the treatment of accident victims. To facilitate accident investigation, rescue units shall, whenever practicable, be accompanied by persons qualified to conduct aviation accident investigation; however, these persons shall not interfere with the primary goal - the rescue of victims.

(5) Pending the arrival of a relevant accident investigation committee or investigator, designated pursuant to the present Law, the aircraft wreckage shall not be moved more than is required for the rescue of persons on board the aircraft and the removal of fatalities. All objects moved shall be kept at the scene of the accident in accordance with normal accident investigation practices and procedures.

(6) The Ministry shall conclude special agreements with search and rescue services of other countries.

(7) The BHDCA shall coordinate, supervise and control the quality of the work of search and rescue services.

Article 32.

(Search and Rescue Committee)

(1) The Ministers Council shall establish a Search and Rescue Committee.

(2) Responsibilities of the Search and Rescue Committee, its composition and duration of the mandate shall be defined by a decision on the establishment of the Search and Rescue Committee, in accordance with the Chicago Convention.

(3) Members of the Search and Rescue Committee shall be appointed following a proposal from the Ministry.

(4) Members of the Search and Rescue Committee shall be entitled to an allowance for their work. Allowances for the work of the Search and Rescue Committee shall be stipulated by the Ministers Council by means of a special decision.

Article 33.

(Organizations Providing Air Navigation Services)

Organizations providing air navigation services, as well as certified airports, shall be part of the search and rescue organization and shall provide assistance and information requested by the Rescue Coordination Centre. Even in case that there is no such request, these organizations shall take actions as justified by the circumstances.

Article 34.

(Aircraft Operator)

(1) The operator or user of an aircraft, persons serving on board the aircraft or at airports or other aviation facilities shall take part in search and rescue missions.

(2) Persons who participated in the search and rescue of an aircraft shall be entitled to a compensation for such participation. Unless otherwise decided by the Ministry on a case-by-case basis, the compensation shall be paid by the operator or owner of the searched for and/or rescued aircraft.

Article 35.

(Special Agreements)

The BHDCA shall conclude special agreements on cooperation in search and rescue with organizations, institutions, legal and natural persons in Bosnia and Herzegovina.

PART IV - AIRPORTS

Article 36.

(Airports)

(1) The right and responsibility to build and manage airports shall rest on the institutions of the Entities of Bosnia and Herzegovina.

(2) The institutions of the Entities may delegate their right and responsibility to build and manage airports to any natural and legal person.

Article 37.

(Airport Certificate and Airports Registry)

(1) International and national air traffic within Bosnia and Herzegovina shall only be allowed at airports in possession of an Airport Certificate issued by the BHDCA.

(2) BHDCA shall maintain an Airports Registry. The form and contents of the Airports Registry, as well as the procedures for its maintenance, shall be defined under a special regulation to be issued by the BHDCA.

Article 38.

(Airport Certificate Requirements)

- (1) To obtain an Airport Certificate, an airport shall fulfil the following requirements:
- a) the applicant is the operator of the airport or has been duly designated by the operator to operate the airport and be the holder of the airport certificate to be issued;
 - b) the physical characteristics of the airport and its visual aids as well as the surrounding terrain, buildings and objects and their marking meet ICAO standards and EU regulations, for aircraft categories intended to use the airport;
 - c) the navigation and landing aids and other telecommunication facilities and power supply systems at the airport are suitable for the envisaged operations of the airport;
 - d) the level of air navigation services to be provided at the airport is in compliance with the present Law;

-
- e) the level of meteorological services to be provided at the airport is satisfactory;
 - f) there exists an airport security programme in compliance with the present Law;
 - g) acceptable airport contingency plans have been established and are regularly updated;
 - h) appropriate fire and rescue services have been established with adequate numbers of suitably experienced and trained personnel;
 - i) there exists an internal administrative organization and management of the airport; and
 - j) adequate control has been established in coordination with local authorities to restrict construction near the airport and airport protective zones, defined under a special agreement.
- (2) When issuing the airport certificate to an airport, the BHDCA shall consider the following aspects as well:
- a) any possible impact on the environment including environmental protection and urban development, and
 - b) that aircraft noise abatement procedures are implemented.

Article 39.

(Safety and Security Conditions and Limitations)

When issuing an airport certificate, the BHDCA may prescribe conditions and limitations for the use of the airport if necessary in the interest of safety and security.

Article 40.

(Commercial Management)

- (1) With an airport certificate, the holder of the certificate shall have the right to manage the airport on a commercial basis and to establish fees for the use of the airport and its installations and facilities.
- (2) Fees for the use of an airport and its installations and facilities shall be approved by the BHDCA taking into account international obligations.

Article 41.

(Requirements for Different Categories and Types of Airports)

Requirements for different categories and types of airports (airfields, heliports, seadromes, and terrain), and how they are used and certified, shall be stipulated under a special regulation to be issued by the BHDCA.

Article 42.

(Personnel Competency Requirements)

- (1) Competency requirements for personnel performing tasks relevant to aviation safety and security shall be stipulated under a special regulation to be enacted by the BHDCA.
- (2) An airport certificate holder shall issue special personnel competency certificates.

Article 43.

(Revocation and Suspension of Airport Certificate)

- (1) The BHDCA shall suspend an airport certificate in accordance with the present Law if it has established that the airport operator, equipment, facilities and services are not compliant with the applicable regulations, requirements or limitations.
- (2) The BHDCA shall request from the airport certificate holder to take corrective actions within a specified period, provided that the corrective actions can be carried out without jeopardizing safety and security. Until such time as the corrective actions have been carried out, the BHDCA may prescribe limitations of airport operations.
- (3) The BHDCA shall revoke an airport certificate issued in accordance with the present Law if the airport certificate holder failed to remove deficiencies, as stipulated in paragraph 2 of this Article.

Article 44.

(Discharge of Functions within the Responsibility of Bosnia and Herzegovina)

Airport operators who were issued with an airport certificate shall, in coordination with the appropriate institutions of Bosnia and Herzegovina, ensure the discharge of functions of immigration control and customs policy and other functions falling within the responsibility of Bosnia and Herzegovina.

Article 45.

(Airport Protective Zones)

- (1) The BHDCA shall enact a special regulation stipulating restrictions in construction near airports, a detailed procedure on the establishment of airport protective zones and a detailed procedure on the marking of aviation obstacles.
- (2) The regulation under paragraph 1 of this Article shall include construction restrictions as well as conditions under which exemptions and construction permits shall be approved.
- (3) The responsible authority shall not issue a permit allowing construction within airport protective zones without prior consent issued by the BHDCA.
- (4) Outside an airport protective zone a construction permit shall only be approved with the consent by the BHDCA if the height of the building in question exceeds 100 meters from the surface. The BHDCA may impose limitations on installations higher than 30 meters which are situated on top of natural or artificial elevations, provided that the top of the installation overlooks the highest elevation within a 1.5 km radius around the installation by more than 100 meters.

Article 46.

(Interference with Navigation Installations)

(1) In case that the Service Provider indicates to the BHDCA that prospective objects will interfere with navigation installations, the BHDCA shall not give their approval for such construction. To this regard the Service Provider shall inform the BHDCA of the locations of any navigation installations and areas around these installations where interference due to the objects concerned may arise. The BHDCA shall inform the Service Provider of any plans to build such objects.

(2) The owner or proprietor of an object(s) shall tolerate that objects which interfere with navigation installations shall be altered in such a way to cause the interference to cease, unless the interference can be avoided by the Service Provider with costs not exceeding the cost of a prospective alteration of the object.

Article 47.

(Other Aviation Obstacles)

Provisions of Article 45 of the present Law shall also apply to other obstacles such as trees, live wires, poles, dams and other installations, equipment, etc.

Article 48.

(Removal of Aviation Obstacles)

(1) The owner or proprietor of the object exceeding an allowed height shall allow for the object's height to be reduced down to the allowed height, if so requested by the BHDCA. The same applies to other aviation obstacles.

(2) If the reduction to an allowed height, as specified in paragraph 1 of this Article, is not feasible, the owner or proprietor shall allow that necessary actions be taken in order to ensure safety.

Article 49.

(Compensation)

If an owner or proprietor suffers damages due to the application of the provisions of the present Law, a fair compensation shall be paid to them, the amount of which shall take into due account the damage or destruction of the object and the interest of the person and the public interest.

Article 50.

(Noise Measurement Installations)

(1) The operator of a common-use airport shall build and maintain installations at the airport and its vicinity for constant measurement of noise emitted by aircraft taking-off and landing at that airport in accordance with international standards.

(2) The noise measurements shall be regularly communicated to the BHDCA and any other interested party.

(3) The BHDCA may grant exemptions provided that there is no need for such installations to be built and maintained.

Article 51.

(Noise Related Operating Restrictions)

(1) The BHDCA shall restrict access to airports of marginally compliant civil subsonic aeroplanes notwithstanding other already existing operating restrictions aimed to reduce noise emission associated with aircraft operation, in accordance with EU regulations contained in the ECAA Multilateral Agreement.

(2) The BHDCA shall adopt a balanced approach in dealing with noise problems at airports. The BHDCA may consider economic incentives as a noise management measure.

(3) When considering operating restrictions, the likely costs and benefits of the various measures available as well as airport-specific characteristics shall be taken into account.

(4) Measures or a combination of measures taken under this Article shall not be more restrictive than necessary in order to achieve the environmental objective established for a specific airport. Such measures shall be non-discriminatory on grounds of nationality or identity of air carrier or aircraft manufacturer.

(5) Performance-based operating restrictions shall be based on the noise performance of aircraft as determined by the certification procedure conducted in accordance with the Chicago Convention.

Article 52.

(Rules on Assessment)

(1) When a decision on operating restrictions is being considered, the information specified in the EU regulation, contained in the ECAA Multilateral Agreement, on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at EU airports shall, for the operating restrictions concerned and for the characteristics of the airport, be taken into account.

(2) Where airport projects are subject to an environmental impact assessment pursuant to the applicable EU Regulation, contained in the ECAA Multilateral Agreement, on the assessment of the effects of certain public and private projects on the environment, the assessment carried out in accordance with that Regulation shall be considered as meeting the requirements of paragraph 1, provided that the assessment has taken into account as far as possible the information specified in the EC Regulation, contained in the ECAA Multilateral Agreement, on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at EU airports.

(3) Paragraph 1 of this Article shall not apply to:

- a) Operating restrictions that were already established before 09 April 2005;

-
- b) Minor technical changes to operating restrictions of a partial nature which do not have any significant cost implications for the airline operators at the respective airport and which were introduced after 9 April 2005.

Article 53.

(Rules on the Introduction of Restrictions)

If the assessment of all available measures, including operating restrictions of a partial nature, carried out in conformity with the requirements of the present Law demonstrates that noise related measures must be introduced at an airport, aimed at withdrawal of marginally compliant aircraft, the following rules shall apply to the airport under consideration:

- a) Six months after the completion of the assessment and decision on the introduction of operating restrictions at that airport, no services over and above those operated in the corresponding period of the previous year shall be allowed with marginally compliant aircraft;
- b) Not less than six months thereafter, each operator may be required to reduce the number of movements of their marginally compliant aircraft serving that airport at an annual rate of not more than 20 % of the initial total number of these movements.

Article 54.

(Exemptions)

(1) Marginally compliant aircraft registered in a developing country shall, until 28 March 2012, be exempted from the provisions of the present Law provided that:

- a) such aircraft, granted noise certification to the standards specified in the Chicago Convention, were used at the airport concerned in the period from 1 January 1996 and 31 December 2001 ("the reference period"), and
- b) this aircraft was, in the reference period, on the register of the developing country concerned and that it continues to be operated by a natural or legal person established in that country.

(2) In individual cases, the BHDCA may authorise individual operations of marginally compliant aircraft which could not take place on the basis of the other provisions of the present Law.

(3) This exemption is limited to aircraft whose individual operations are of such an exceptional nature that it would be unreasonable to withhold a temporary exemption and to aircraft on non-revenue flights for the purpose of humanitarian aid, alterations, repair or maintenance.

Article 55.

(Airport Slot Allocation)

(1) The procedure and requirements for the allocation of airport slots shall be established under a special regulation to be enacted by the BHDCA in compliance with EU regulations contained in the ECAA Multilateral Agreement.

(2) The allocation of airport slots shall take place in accordance with transparent, neutral and non-discriminatory rules.

Article 56.

(Groundhandling)

(1) The managing body of an airport shall take the necessary measures to ensure free access by suppliers of groundhandling services to the market for the provision of groundhandling services to third parties and to ensure the freedom to self-handle.

(2) The managing body of the airport shall ensure that:

- a) Suppliers of groundhandling services and airport users wishing to self-handle have access to airport installations to the extent necessary for them to carry out their activities;
- b) Any conditions it places upon such access are objective, transparent and non-discriminatory;
- c) The space available for groundhandling at the airport is divided among the various suppliers of groundhandling services and self-handling airport users, including all entrants in the field, to the extent necessary for the exercise of their rights and to allow effective and fair competition on the basis of objective, transparent and non-discriminatory criteria;
- d) Any fee charged for such access is determined according to objective, transparent and non-discriminatory criteria.

(3) In case of a second authorized supplier of groundhandling services, it shall not be directly or indirectly controlled by the managing body of the airport.

(4) The BHDCA shall, under a special regulation, establish requirements for the second supplier of groundhandling services to be issued with the relevant certificate.

(5) The provisions of this Article shall not apply until all requirements stipulated under relevant EU regulations are met.

Article 57.

(Airport Users Committee)

(1) The managing body of an airport shall set up an Airport Users Committee composed of representatives of airport users or organisations representing airport users.

(2) All airport users shall have the right to be on the Airport Users Committee.

Article 58.

(Other Issues Related to the Use of Airport)

Further provisions on the use of an airport shall be defined under a special regulation to be enacted by the BHDCA.

PART V – AIRCRAFT

CHAPTER I- AIRCRAFT REGISTRATION

Article 59.

(Aircraft Register)

- (1) The BHDCA shall maintain a civil aircraft register (hereinafter: the Aircraft Register).
- (2) The Aircraft Register is a public book.
- (3) The form and contents, as well as the method of maintenance of the Aircraft Register, shall be prescribed under a special regulation to be enacted by the BHDCA.

Article 60.

(Eligibility for Registration)

- (1) An aircraft shall be registered in the Aircraft Register if the following conditions are met:
 - a) The aircraft owner is the State of Bosnia and Herzegovina or one of the Entities or a Canton or a municipality or a natural person who is a citizen of and duly registered in Bosnia and Herzegovina, or a legal person with its main office in Bosnia and Herzegovina,
 - b) The aircraft owner holds evidence of the deletion of the aircraft from the aircraft register of any other state, and
 - c) The aircraft is airworthy.
- (2) Any aircraft owned by a foreign natural person duly registered in Bosnia and Herzegovina shall be entered into the Aircraft Register provided that such aircraft is mainly situated in Bosnia and Herzegovina in accordance with a special regulation enacted by the BHDCA.
- (3) Applications for the registration of an aircraft shall be filed in writing by the owner or by the operator of the aircraft with the consent of the owner. The application shall be accompanied by evidence confirming that the applicant is the owner of the aircraft or the aircraft operator, and by documents required under the present Law and the regulations enacted hereunder. The BHDCA shall deliver a certificate of registration to the applicant after each entry made into the Aircraft Register.
- (4) The owner of the aircraft or the aircraft operator shall, within 15 days, report to the BHDCA any change of the information entered into the Aircraft Register. If applicable, the changes entered into the Aircraft Register shall also be entered into the certificate of registration.

Article 61.

(Interim Registration and Registration of Leased Aircraft)

- (1) An aircraft may be entered temporarily in the Aircraft Register:
 - a) if the aircraft is located abroad and the ownership has been transferred to an owner in Bosnia and Herzegovina but not all the conditions have been met for the registration;
 - b) in order to test and establish the flying capacity and technical characteristics of an aircraft manufactured in Bosnia and Herzegovina, which fulfills technical airworthiness requirements but is not homologued.

(2) The BHDCA shall issue a certificate on interim registration, which shall be valid for not longer than 12 months.

(3) A foreign aircraft leased by a natural person who is a citizen of Bosnia and Herzegovina or a legal person with head office in Bosnia and Herzegovina shall be entered into the Aircraft Register within 12 months from the day such aircraft has been delivered into Bosnia and Herzegovina. Such deadline may be extended for a further six months, in the event it has been endorsed by the BHDCA on the request of the operator of such aircraft.

(4) The provisions of the present Law related to safety of air traffic shall apply to aircraft under paragraph 3 of this Article.

(5) Any aircraft registered in the Aircraft Register and leased to a foreign natural or legal person to operate air transport abroad may, at the request of the lessee with the approval of the owner, be entered into the foreign aircraft register, provided that this has been stipulated under the relevant regulations of the state concerned. In the event such aircraft is not entered in the foreign aircraft register, it shall be noted in the Aircraft Register that the aircraft has been leased abroad.

Article 62.

(Deletion from the Aircraft Register)

(1) At the request of the owner of the aircraft or of the aircraft operator with the consent of the owner of the aircraft, an aircraft shall be deleted from the Aircraft Register if:

- a) the requirements prescribed under the present Law are no longer met;
- b) the aircraft is registered as a military aircraft;
- c) the aircraft has been dismantled, destroyed or lost, and the search has been ended;
- d) the aircraft did not have a valid airworthiness review certificate (ARC) during the past three years, unless the owner has presented, within a time limit prescribed by the BHDCA, evidence that the aircraft is airworthy.

(2) The request for deletion of an aircraft from the Aircraft Register shall be submitted within fifteen (15) days after fulfilling the conditions prescribed under the present Law.

(3) If the Aircraft Register indicates that there is a mortgage on the aircraft, the aircraft shall not be deleted from the Aircraft Register without the consent of the holder of the mortgage or the ruling of a competent court as the case may be.

(4) After deletion of an aircraft from the Aircraft Register, the BHDCA shall immediately cancel the certificate of registration of such aircraft.

(5) After deletion of an aircraft from the Aircraft Register, the aircraft documentation and records shall be handed over to the BHDCA, with the exception of the personnel licenses. This hand-over shall not apply if the aircraft was transferred to another country or is otherwise registered in an aircraft register abroad.

Article 63.

(Aircraft Nationality and Registration Marks)

(1) Any aircraft entered into the Aircraft Register shall be marked with the flag of Bosnia and Herzegovina and the mark "E7" assigned by ICAO for Bosnia and Herzegovina, followed by the registration mark.

(2) During flight within the airspace of Bosnia and Herzegovina, foreign aircraft shall be marked with nationality marks and registration marks as prescribed by regulations of the country of registration of that aircraft or marks provided under an international agreement.

(3) Further provisions on the marking method of aircraft shall be prescribed under a special regulation enacted by the BHDCA.

Article 64.

(Transfer of Responsibility)

(1) According to Article 83bis of the Chicago Convention the BHDCA may by agreement with the competent authority of a foreign State transfer the responsibility, as established under the Chicago Convention, for an aircraft registered in Bosnia and Herzegovina to that State.

(2) The BHDCA may likewise accept, by agreement with the aviation authority of a foreign State, the responsibility, as established under the Chicago Convention, for an aircraft registered in that State. Any such aircraft shall be subject to the provisions of the present Law and the regulations enacted hereunder.

CHAPTER II - REQUIREMENTS ON THE SAFE USE OF AIRCRAFT AND AIRCRAFT DEVICES

Article 65.

(Technical Airworthiness Requirements)

(1) An aircraft and aircraft device may be used in Bosnia and Herzegovina only if they meet the requirements on safe air navigation (hereinafter referred to as: technical airworthiness requirements) and environmental friendliness.

(2) Technical airworthiness requirements shall be established dependent on the type, category and purpose of aircraft, or the type and purpose of aircraft devices.

(3) Further provisions on Technical Airworthiness Requirements and Environmental Friendliness shall be prescribed under a special regulation enacted by the BHDCA.

Article 66.

(Requirements on the Use of Aircraft)

(1) An aircraft may be used only by the type, category and purpose in the way set out in an approved flight manual.

(2) Further provisions on the terms and conditions of use of aircraft, depending on their type, category and purpose, and aircraft devices required to be build into aircraft, shall be prescribed under a special regulation enacted by the BHDCA.

(3) Any military aircraft of Bosnia and Herzegovina, used for flights not considered military, shall comply with the technical airworthiness requirements stipulated under the present Law and special regulation enacted by the BHDCA.

Article 67.

(Design, Construction and Modifications)

(1) Design, construction and modifications of aircraft and aircraft devices shall be performed in accordance with technical construction requirements set out under a special regulation.

(2) Design, construction and modifications of aircraft and aircraft devices, technical control and drafting of technical and technological documentation may be performed only by a legal person authorized by the BHDCA. Requirements to obtain this authorization shall be prescribed under a special regulation enacted by the BHDCA.

(3) A fee prescribed by the BHDCA shall be paid for an examination done in order to establish if the prescribed requirements have been met for the issue of the authorization referred to in paragraph 2 of this Article.

(4) Notwithstanding paragraph 2 of this Article, self-construction or assembling of an aircraft, its devices and their modifications can be performed by a natural person in accordance with the requirements defined under a special regulation enacted by the BHDCA.

Article 68.

(Homologation of Aircraft and Aircraft Devices)

(1) Any new aircraft and aircraft device shall be subject to the homologation procedure for the establishment of compliance with technical airworthiness requirements.

(2) Examination for the purpose of homologation of a new type of aircraft and aircraft devices shall be performed by a legal person duly authorized by the BHDCA.

(3) Based on the design and budget documentation and the report on the examination for homologation referred to in paragraph 1 of this Article, the BHDCA shall confirm the homologation and issue a Type Certificate Approval.

(4) The BHDCA shall grant recognition for foreign homologation examinations of an aircraft or aircraft device type imported for the first time, and for foreign type certificates and other corresponding documents, and shall issue a Type Certificate Approval.

(5) The costs of examination in the homologation procedure for aircraft or aircraft devices shall be covered by the applicant.

(6) A fee prescribed by the BHDCA shall be paid for the examination performed in order to establish if the requirements are met for the homologation examination referred to in paragraph 1 of this Article.

(7) Further provisions on the homologation of aircraft and aircraft devices and the requirements to obtain examination authorization shall be prescribed under special regulations to be enacted by the BHDCA.

Article 69.

(Certificate of Airworthiness)

(1) The ability of aircraft to have safe air navigation (hereinafter referred to as: Airworthiness) shall be established by way of examination conducted in the way as stipulated under the present Law and special regulations enacted by the BHDCA, and shall be proved by presenting a Certificate of Airworthiness issued and renewed by the BHDCA.

(2) Certificates of Airworthiness shall be issued for an unlimited period.

(3) An Airworthiness Review Certificate (ARC) shall be issued together with a Certificate of Airworthiness.

(4) Airworthiness Review Certificate (ARC) shall be issued for a validity period of 12 months.

Article 70.

(Revocation of Airworthiness Certificates)

(1) Should it be established in the inspection that an aircraft does not correspond with the category or purpose indicated in the Airworthiness Certificate, or that it no longer meets some of the requirements for the issue of the Airworthiness Certificate, the certificate shall be revoked and a Decision shall be issued thereof. The certificate revoked shall be returned to the BHDCA.

(2) At the request of the aircraft operator a new Airworthiness Certificate shall be issued for the appropriate aircraft category or purpose, provided that the requirements on the issue of the airworthiness certificate have been met as stipulated under a special regulation.

Article 71.

(Airworthiness of Foreign Aircraft)

(1) Third-country aircraft landing at airport in Bosnia and Herzegovina may be subjected to airport ramp inspections (SAFA inspection) if suspected of non-compliance with ICAO standards and EU regulations. The same shall apply to aircraft registered in EU member states or signatory states to the ECAA multilateral agreement.

(2) During a ramp inspection, all necessary measures shall be taken so as to avoid any unnecessary delay of the inspected aircraft.

(3) Upon completion of a ramp inspection, the findings of the ramp inspection shall be notified to the aircraft pilot-in-command or a representative of the operator.

(4) In case of any serious flaws on the aircraft, a report thereof shall be submitted to the aircraft operator and European Commission.

(5) In case that the aircraft's non-compliance with ICAO standards poses a clear danger to safety, the aircraft operator shall be given an opportunity to rectify the flaws before departure.

(6) If not provided with a confirmation that the corrective action carried out before take-off was conducted in a satisfactory manner, the aviation inspector shall ground the aircraft (prevent it from taking off) until the safety hazard is removed. The BHDCA shall without any delay notify the information on the grounding to the competent authority of the operator concerned and to the aircraft's state of registry.

(7) The BHDCA may, in coordination with the state responsible for the operation of the aircraft concerned or with the aircraft's state of registry, prescribe the necessary conditions under which the aircraft may be allowed to fly to the airport where the flaws can be rectified. In case of violation of validity of the airworthiness certificate, or the airworthiness review certificate (ARC), the grounding may only be revoked if the operator obtains a flight authorization from the state or states over which the flight is to be conducted.

(8) Further provisions on the ways of conduct of ramp inspections, safety assessment criteria and communication of information on ramp inspections shall be set out under a special regulation enacted by the BHDCA.

Article 72.

(Technical Flight of Aircraft)

(1) Should it be established that an aircraft fails to meet the requirements that need be met in order to be issued with an Airworthiness Certificate, or if the aircraft for which the Airworthiness Certificate, or Airworthiness Review Certificate (ARC), was issued sustains a malfunction but nevertheless it is still fit to perform a safe flight with certain restrictions, the BHDCA may give permission to such aircraft to perform the flight, without passengers on board, from the airport at which it happened to be to the airport at which repair shall take place.

(2) Notwithstanding the provision of paragraph 1 of this Article, the aircraft on which the malfunction occurred may even without the BHDCA permission conduct the technical overflight from the airport at which it happened to be to the destination airport where the repair shall take place, as provided by the appropriate procedures to be followed in case of technical overflight of aircraft and the conditions prescribed in the flight operating manual, and in the manner specified in the aircraft flight manual.

Article 73.

(Airworthiness Directives)

(1) The BHDCA shall repeal a Type Certificate or Airworthiness Certificate if it determines - or receives a report from the competent authority of the country which homologated a certain type of aircraft or aircraft device, or from their manufacturer or operator - that a defect occurred due to an oversight made in construction, in-built material, in the construction procedure and homologation, as well as due to the inappropriate way of use and maintenance of aircraft and aircraft devices, until such time as the flaw has been removed.

(2) Each owner/operator registered in Bosnia and Herzegovina shall consult European regulatory and other information on the state of design with regard to checks required in relation to potential flaws in the aircraft and aircraft devices registered in Bosnia and Herzegovina for the reasons specified under paragraph 1 of this Article, whereas the operator is obliged to rectify the flaws within a specified period of time.

(3) If the aircraft operator fails to comply with the orders referred to in paragraph 2 of this Article, the Airworthiness Certificate of the concerned aircraft shall be null and void and its use shall be prohibited.

(4) If the flaw referred to in paragraph 1 of this Article is detected on an aircraft manufactured and homologued in Bosnia and Herzegovina, the BHDCA shall immediately report that flaw to the institution responsible for air traffic affairs in the country to which the aircraft was exported and registered.

(5) If the flaw referred to in paragraph 1 of this Article is detected on a BiH aircraft manufactured abroad and whose homologation is recognized in Bosnia and Herzegovina and for which an Airworthiness Certificate was issued, the BHDCA shall immediately report that flaw to the institution responsible for air traffic affairs of the country in which the homologation was conducted.

Article 74.

(Maintenance of Aircraft and Aircraft Devices)

(1) Aircraft and aircraft device operators shall have the obligation to examine and check the aircraft and aircraft devices in the course of their use and maintain the proper condition which ensures safe air navigation as provided under the present Law and special regulation enacted by the BHDCA.

(2) Examinations and checks, repairs, replacements and preventive maintenance of aircraft and aircraft devices (hereinafter: maintenance) and reconstructions and modifications to be done on aircraft and aircraft devices as well as technical control and quality control of the work performed shall be conducted in accordance with the present Law and special regulation enacted by the BHDCA and the technical guidelines issued by the manufacturer for the particular type of aircraft and aircraft devices.

(3) The aircraft operator shall have the duty to ensure, in accordance with the regulations enacted under this Law, that the aircraft is examined before each takeoff, for the purpose of establishing if the aircraft is airworthy, while the person authorized to check the aircraft shall be obliged to confirm by affixing his signature in the relevant aircraft book that the check was done and the aircraft is airworthy.

Article 75.

(Maintenance Personnel)

(1) Maintenance, reconstruction, modifications as well as technical control over the maintenance of aircraft and aircraft devices, the development of technical-technological documentation and operating-technical procedures, and the quality control over the works performed, may be done only by legal persons that meet the requirements prescribed under special regulation to be enacted by the BHDCA.

(2) A legal person under paragraph 1 of this Article that submits evidence of compliance with the requirements shall be issued with a certificate of compliance with those requirements by the BHDCA.

(3) A fee prescribed by the BHDCA shall be paid for the examination performed in order to establish whether requirements are met for the issue of the certificate referred to in paragraph 2 of this Article.

Article 76.

(Foreign Persons Entrusted with Maintenance)

(1) If an aircraft operator is to entrust a foreign person with the maintenance of aircraft and aircraft devices, the operator shall be obligated to provide the BHDCA with evidence testifying that the competent authority of the country in which the person is registered has authorized that person to maintain that type of aircraft and aircraft devices. At the request of the foreign person the BHDCA shall issue to the person a certificate confirming that the person meets the requirements for the maintenance of the aircraft registered in the Aircraft Register, in accordance with a special regulation enacted by the BHDCA.

(2) If an aircraft entered into the Aircraft Register is to be leased to a foreign person, the operator or the owner of the aircraft shall be bound to provide, by way of an agreement, for the maintenance of aircraft and aircraft devices according to an approved program of maintaining the continuity of airworthiness with a person that is authorized to perform such activities and meets the requirements as provided by paragraph 1 of this Article.

(3) A fee prescribed by the BHDCA shall be paid for the examination performed in order to establish whether requirements are met for the aircraft maintenance referred to in paragraph 1 of this Article.

Article 77.

(Aircraft and Aircraft Device Maintenance Program for Continued Airworthiness)

(1) Maintenance and technical control of aircraft and aircraft devices shall be carried out under the Airworthiness Continuity Program (hereinafter: the Maintenance Program) which shall be established for each type and model of aircraft and aircraft devices.

(2) The Maintenance Program shall contain a plan and prescribed procedures for aircraft and aircraft devices maintenance, and deadlines and methods of their realization. It shall be established as provided by the Regulation enacted under the present Law, requests for maintenance approved by the competent body of the manufacturer country, technical guidelines of the manufacturer on the maintenance of the particular type of aircraft and aircraft devices, method of their use and results of testing their reliability while being used.

(3) The Maintenance Program shall be approved by the BHDCA at the proposal of the aircraft operator.

(4) A fee prescribed by the BHDCA shall be paid for the establishment of requirements that need be met in order for the Maintenance Program to be approved.

Article 78.

(Aircraft Documentation and Records)

(1) Any aircraft used in air transport shall hold the prescribed documentation and records.

(2) The aircraft documentation and records shall serve as a proof of identity, airworthiness and other features of the aircraft.

(3) Types of documentation and records referred to in paragraph 1 of this Article, their contents, and the way of keeping the documentation and records shall be prescribed under a special regulation to be enacted by the BHDCA.

Article 79.

(Use of Official Languages)

(1) Aircraft documentation and records shall be written in the languages of the constituent peoples of Bosnia and Herzegovina or in the English language.

(2) Aircraft documentation and records of aircraft participating in international air transport may be written either in the languages of the constituent peoples of Bosnia and Herzegovina and English language, or in the English language.

Article 80.

(Documentation and Records of Foreign Aircraft)

(1) Foreign aircraft documentation and records issued in accordance with regulations of the aircraft registration country shall be valid in Bosnia and Herzegovina if such validity is provided under an international agreement or subject to a reciprocity agreement.

(2) Notwithstanding the provisions of paragraph 1 of this Article, documentation and records of foreign aircraft shall be valid in Bosnia and Herzegovina even beyond the reciprocity agreement, if such validity is recognized to the foreign aircraft by virtue of a permit in accordance with the present Law.

PART VI – AVIATION PERSONNEL

Article 81.

(Aviation Personnel)

(1) Aviation personnel shall be considered to include authorized aviation personnel and professional aviation personnel.

(2) Authorized aviation personnel shall include personnel that, based on an appropriate licence, performs functions that directly impact aviation safety. Professional aviation personnel shall include personnel that, based on an appropriate certificate of competence, performs functions that indirectly impact aviation safety.

(3) The BHDCA shall, by means of a special decision, establish the functions that directly and indirectly impact aviation safety.

(4) Authorized aviation personnel licences shall be issued by the BHDCA. Certificates of competence shall be issued and extended by a training center for professional aviation personnel or another legal person duly authorized by the BHDCA.

(5) Requirements that must be met by the legal person referred to in paragraph 4 of this Article shall be established under a special regulation to be enacted by the BHDCA.

Article 82.

(Medical Fitness)

(1) Medical fitness of aviation personnel shall be determined in a medical examination to be conducted in accordance with the conditions and manner prescribed under a special regulation enacted by the BHDCA.

(2) Medical examinations referred to in paragraph 1 of this Article may be performed by aeromedical centers (AMC) or aeromedical examiners (AME) that meet the prescribed requirements and are duly authorized by the BHDCA.

(3) Results of medical examination shall be verified by a medical certificate issued to aviation personnel in accordance with special regulations enacted by the BHDCA.

Article 83.

(Foreign Licences)

(1) The BHDCA may render a foreign license valid for the holder to serve on aircraft registered in Bosnia and Herzegovina provided that the foreign license has been issued under conditions which are no less demanding than those applicable to BHDCA licenses. A certificate of validation shall confirm the validation. A certificate of validation shall be valid only in conjunction with the foreign license upon which it is based and only as long as the foreign license, or the rating entered into the license, remains valid.

(2) The BHDCA shall prescribe terms and conditions for a temporary acceptance of foreign licences, ratings, endorsements, authorizations and certificates of competence (validation) and for the issuance of national licences, ratings, endorsements, authorizations and certificates of competence (conversion) based on licences, ratings, endorsements, authorizations and certificates of competence acquired abroad.

(3) Validation and conversion of a foreign certificate of competence shall be issued and extended by a training center for professional aviation personnel or another legal person duly authorized by the BHDCA.

(4) In a license and in a certificate of validation the BHDCA shall specify the privileges of the holder and also any limitations and special conditions that may apply.

Article 84.

(Training in the Armed Forces of BiH)

Terms and conditions for the recognition of training completed in the Armed Forces of Bosnia and Herzegovina in the area of civil aviation shall be established under a special regulation enacted by the BHDCA.

Article 85.

(Flight Crew)

(1) No person may act as a flight crew member on board an aircraft registered in Bosnia and Herzegovina unless they hold a valid licence issued by the BHDCA or a foreign licence rendered valid by the BHDCA via a certificate of validation.

(2) A foreign aircraft in Bosnia and Herzegovina may be operated by persons holding foreign licences, provided that such licences are recognized in Bosnia and Herzegovina in accordance with an international convention or agreement with the state of their registry.

(3) The BHDCA shall enact regulations with regards to the manning of aircraft and types of licences and certificates of competence of authorized and professional aviation personnel, as well as endorsements, ratings that may be entered into the licences and certificates of competence, special authorizations that may be acquired by licence holders; terms and conditions for the acquirement, issuance, renewal and extension of licences, ratings, endorsements, authorizations, certificates of competence; professional training schemes, checks and competences established; conditions to be met by legal persons conducting the training.

Article 86.

(Obligations of Licence Holders)

(1) Any holder of a licence or a certificate of validation shall inform the BHDCA on any circumstances affecting his capacity to exercise authorizations contained in his licence.

(2) A licence, rating, endorsement, authorization and certificate of competence shall be issued for a specified period of time in accordance with special regulation enacted by the BHDCA.

Article 87.

(Fees)

Fees to be charged for the issuance of licences, certificates of competence, certificates of validation, certificates of conversion, operating approval to training organizations, and recognition of training completed in the Armed Forces of BiH shall be regulated under a special BHDCA decision.

Article 88.

(The Register of Aviation Personnel Licences)

(1) The BHDCA shall maintain a Register of Aviation Personnel Licenses – of all authorized aviation personnel licensed under the present Law and regulations enacted hereunder. Any persons issued with certificates of validation shall also be registered.

(2) The BHDCA shall keep in the Register of Aviation Personnel Licences all the documentation which has been submitted for the issue, extension and renewal of each license, rating, endorsement, authorization, and certificate of validation.

Article 89.

(Revocation and Suspension of Licences)

(1) The BHDCA shall revoke a license permanently or suspend it temporarily for a defined period of time if the holder:

- a) has been very negligent with regard to aviation safety or has exercised the privileges of the license while under the influence of intoxicating liquor, narcotics or other drugs making him unfit to safely perform his duties;
- b) has repeatedly violated civil aviation law, orders or regulations;
- c) has been assessed as unfit to perform duties on board an aircraft for medical or psychological reasons;
- d) has demonstrated insufficient knowledge or skill to exercise adequately the privileges of his license.

(2) The BHDCA shall temporarily suspend a license pending the results of an official investigation and until a final decision is made.

(3) If aviation orders or rules have been violated to a minor extent the BHDCA shall issue a letter of warning.

(4) The provisions of this Article shall be equally applied to certificates of validation of foreign licenses in Bosnia and Herzegovina.

Article 90.

(Tests and Examinations)

The BHDCA may request a holder of a license or certificate of validation, at any time after the initial issue, to undergo theoretical and practical tests to verify his competence, or to undergo medical or psychological examinations to determine his fitness.

Article 91.

(Flight Training)

For flight training and for particular flights of a special nature the BHDCA may prescribe exemptions from the provisions of the present Law.

PART VII – AERONAUTICAL OPERATIONS

Article 92.

(Requirements on Certificates, Operating Licences and Permits)

(1) In Bosnia and Herzegovina Commercial Air Transport (CAT) services for compensation or hire may only be provided by a legal or natural person that holds an Air

Operator Certificate (AOC) and an Operating licence issued in accordance with the present Law or issued by the appropriate authority of a foreign state if such foreign certificate is recognized in Bosnia and Herzegovina, in accordance with an international convention and EU regulations contained in the ECAA Multilateral Agreement. Possession of an AOC is a necessary but an insufficient condition for the issuance of an Operating licence. Terms and conditions for the issuance of an AOC and Operating licence shall be prescribed under a special regulation enacted by the BHDCA.

(2) No person may, for compensation or hire in the airspace of Bosnia and Herzegovina, provide aerial work unless he is a holder of a valid Aerial Work Certificate, issued in accordance with the present Law or issued by the appropriate authority of a foreign state, if such foreign certificate is recognized in Bosnia and Herzegovina, in accordance with an international convention or agreement. Terms and conditions for the issuance of an Aerial Work Certificate shall be prescribed under a special regulation enacted by the BHDCA.

(3) A commercial activity for the rental of aircraft is considered an aerial service for which possession of an AOC is required.

(4) For non-commercial operations of complex power-driven aircraft, the BHDCA may require a special permit (declaration).

(5) The BHDCA may prescribe that special permits are required to perform air shows, air contests and other special activities. Such permits may be issued when the activities in question are acceptable to the environment and when they do not create danger to the life and health of people on the ground. Terms and conditions for the issuance of such special permits shall be prescribed under a special regulation enacted by the BHDCA.

(6) The BHDCA may, within the limits of its statutory safety oversight of AOC holders and Aerial Work certificates, grant exemptions to the application of the present Law provided at all times that an equivalent level of safety is maintained.

(7) The BHDCA shall charge fees for the issuance of certificates, licences and permits referred to in this Article. The amounts of the fees shall be prescribed under a special regulation enacted by the BHDCA.

Article 93.

(Air Operator Certificate - AOC)

(1) The BHDCA shall issue an AOC provided that the operator can demonstrate: an adequate organization and methodology of the management and oversight of flight operations, training programs and aircraft maintenance arrangements, in accordance with the nature of the said operations. With the objective of ensuring the safety of CAT operations, the BHDCA shall implement regulations defining requirements for the issuance of AOCs for different categories of air transport.

(2) AOC holders as well as foreign air operators shall not exercise the privileges of their certificates unless in possession of a valid insurance acceptable to the BHDCA, covering potential liabilities for damage caused through their operations.

(3) An AOC shall be issued for a defined period of validity and may only be renewed if the AOC holder continues to meet the requirements applicable at the time of renewal and subject to the issuance of a new decision by the BHDCA. The BHDCA must be satisfied that each AOC holder remains competent to secure the safety of his operations at all times.

(4) Together with an AOC, the BHDCA shall issue an operations specification providing the details of the operations approved and the conditions and limitations stated in the certificate. The BHDCA may limit the time of validity of the operations specification and may amend it as and when required.

(5) Each AOC holder shall report to the BHDCA any changes that may affect matters which were the basis for the issuance or renewal of the certificate or the operations specification. The certificate holder may not exercise any privileges other than those indicated in the certificate.

Article 94.

(Air Operator's Operating Licence)

(1) All legal and natural persons performing commercial air transport of passengers, mail and cargo (AOC operators) in the airspace of Bosnia and Herzegovina, as well as local flights including transport for compensation with departure and arrival at the same airport, shall hold an Operating licence in accordance with applicable EU regulations.

(2) The operating licence under paragraph 1 of this Article shall not include any right of access to specific routes or markets.

(3) The BHDCA shall issue operating licences to air operators for a defined period of time. When an air operator has ceased his operations for a period of six months, or has not commenced operations within six months after obtaining the operating licence, he shall be required to renew his application for the operating licence.

(4) Conditions, rules and procedures for the issuance of Operating licences shall be prescribed under a special regulation enacted by the BHDCA.

(5) The BHDCA shall refuse to grant an Operating licence if the applicant is not able to demonstrate its financial fitness or to meet the required conditions, as prescribed under regulation enacted by the BHDCA.

(6) Air operators (AOC) coming from a signatory state to the ECAA multilateral agreement shall hold an Operating licence if they intend to conduct air transport to and from Bosnia and Herzegovina, unless otherwise stipulated in a bilateral or multilateral agreement.

Article 95.

(Route Licence and Permission to Operate Scheduled Air Services)

(1) Air operators from Bosnia and Herzegovina and air operators (AOC) from signatory states to the ECAA Multilateral agreement in possession of an AOC shall be permitted to exercise their rights on routes within the signatory states to the ECAA multilateral agreement. These operators shall hold a route licence (permission) in accordance with EU regulations.

(2) Foreign air operators holding an AOC other than air operators from signatory states to the ECAA multilateral agreement shall hold a route permit to exercise traffic rights on routes within Bosnia and Herzegovina. Route permissions shall be issued by the BHDCA. When issuing a route permission, the BHDCA shall take into consideration the conditions laid down

in the bilateral agreement between Bosnia and Herzegovina and the State of the foreign air operator.

(3) The BHDCA may refuse to grant a route permission if the required route permission would jeopardize the public interest, and especially with the aim to prevent traffic congestions or environmental problems.

(4) Air operators holding an AOC, and aircraft subject to a flight ban under applicable EU regulations, shall be banned from flying in the airspace of Bosnia and Herzegovina.

Article 96.

(Permission to Operate Non-Scheduled Air Services)

- (1) For non-scheduled commercial aeronautical operations, the BHDCA may grant permissions to operate non-scheduled air transport.
- (2) Conditions for the issuance of permission to operate non-scheduled air transport, as well as cases where such permissions are not required, shall be defined under special regulations to be enacted by the BHDCA.

Article 97.

(Revocation and Suspension of Certificates and Permits)

(1) If the BHDCA has determined that the privileges of an AOC or a permit are exercised in contravention of applicable laws, orders, regulations, conditions and limitations or outside the scope of an operations specification, the BHDCA shall revoke the AOC or permit, or may suspend it pending corrective action. If it is sufficient with respect to safety, the BHDCA shall, as an alternate measure, prescribe additional limitations in the operations specification, pending corrective action.

(2) A permit issued in accordance with the present Law may be revoked if the holder has significantly deviated from the conditions required for its issuance, or if established that the holder is not capable of exercising the privileges properly and if the status thereof has not improved within a specified period of time. The permit shall automatically be considered as invalid if the holder's AOC has expired, has been revoked or suspended.

Article 98.

(Tariffs and Transport Programs)

(1) Air operators holding an AOC shall have the right to freely establish tariffs and other rates in air transport, in accordance with EU regulations in force. Air operators holding an AOC shall provide the BHDCA with the information on the applied tariffs and other rates in air transport in the manner and within periods of time as established by a special BHDCA decision.

(2) The BHDCA shall approve transport programs (flight schedules) of air operators under paragraph 1 of this Article applicable to scheduled air transport, in accordance with bilateral and multilateral agreements to which Bosnia and Herzegovina is a signatory state. These air operators shall provide the BHDCA with information on any transport programs planned, including evidence that a program in question has been accepted by the concerned airport authority in Bosnia and Herzegovina.

PART VIII – SAFETY AND SECURITY

CHAPTER I - SAFETY

Article 99.

(Special Rules on Safety)

(1) The BHDCA shall, by means of a special regulation, establish rules on the operation of aircraft in order to prevent accidents and to prevent any damage and inconvenience.

(2) The BHDCA shall enact regulations on the transportation by air of goods that may be considered dangerous but which are not prohibited for air transport. Such regulations shall conform to the standards and recommended practices of the Chicago Convention.

(3) For reasons of safety, the Service Provider may, through authorized persons - controllers, demand that the pilot-in command immediately land the aircraft at a nearest suitable airport.

(4) For pilotless or unpowered aircraft or aircraft which in other respects are of an unusual character, the BHDCA may grant exemptions from provisions of the present Law. Such exemptions may only be enacted when it is not against the interests of safety.

(5) Subject to consultation with the competent institutions of Bosnia and Herzegovina, the BHDCA shall, by means of a special regulation, establish conditions for the installation and use of radio equipment on board aircraft and on the ground for civil aviation purposes.

CHAPTER II - SECURITY

Article 100.

(Bosnia and Herzegovina Civil Aviation Security Program)

(1) In the interest of international and domestic civil aviation security and efficiency, the Ministers Council shall enact regulations necessary to ensure compliance with and application of international conventions and protocols on acts of unlawful interference against civil aviation and its facilities.

(2) The Ministers Council shall, following a proposal from the Ministry, establish the Bosnia and Herzegovina Civil Aviation Security Program (hereinafter: the BiH Security Program). The decision on the establishment of the BiH Security Program shall be published in the "Official Gazette of BiH".

(3) The BiH Security Program shall contain all preventive protection measures, actions and procedures against acts of unlawful interference in civil aviation, actions in conditions of high degree threats and emergencies, in accordance with the international obligations of Bosnia and Herzegovina.

(4) The BiH Security Program shall consist of a general part and annexes. The general part and annexes shall be considered as a single document and shall be interpreted as such.

(5) The BiH Security Program shall be maintained as confidential and shall not be published in the "Official Gazette of BiH". The BiH Security Program shall be provided to the authorities concerned as stipulated under a special regulation to be enacted by the BHDCA.

Article 101.

(Training Program and Quality Control Program)

(1) The Civil Aviation Security Training Program and the Civil Aviation Security Quality Control Program shall constitute annexes to the BiH Security Program and its integral parts, developed in accordance with international obligations of Bosnia and Herzegovina.

(2) The Civil Aviation Security Training Program shall include rules and procedures on the qualification, selection, training, and certification of personnel performing any civil aviation functions.

(3) The Civil Aviation Security Quality Program shall include rules and procedures on quality control elements, and on the qualification and powers of persons implementing those elements, and check lists for particular quality control elements.

Article 102.

(National Civil Aviation Security Committee)

(1) The Ministers Council shall, following a proposal from the Ministry, establish a National Civil Aviation Security Committee of Bosnia and Herzegovina (hereinafter: the BiH National Committee) for a continued coordination between the competent authorities of Bosnia and Herzegovina in the implementation of preventive security measures, actions and procedures, and actions in emergency conditions caused by acts of unlawful interference.

(2) The decision on the establishment of the BiH National Committee shall be published in the "Official Gazette of BiH".

(3) Representatives of authorities responsible for individual aspects of civil aviation security in Bosnia and Herzegovina shall participate in the work of the BiH National Committee.

(4) Within the context of the present Law, the Ministry shall be the authority responsible to:

- a) propose amendments to the BiH Security program, following a proposal from the BHDCA;
- b) provide for the work and functioning of the BiH National Committee.

(5) Within the context of the present Law, the BHDCA shall be the competent and coordinating authority for civil aviation security issues in Bosnia and Herzegovina responsible to:

- a) prepare and obtain opinions of the competent authorities for the preparation of regulations concerning civil aviation security;
- b) establish means of coordinating activities between BiH authorities responsible for various aspects of the BiH Security Program;
- c) implement BiH civil aviation security quality control elements in all segments and in line with provisions of the BiH Security Program;
- d) cooperate with international civil aviation institutions and the appropriate authorities of other states;
- e) report to the Ministry with respect to the development and implementation of the BiH Security program.

(6) Members of the BiH National Committee shall be entitled to an allowance. Allowances for members to the BiH National Committee shall be defined by the Ministers Council.

Article 103.

(Implementation of the Security Program)

- (1) The Service Provider shall establish, implement and maintain a Service Provider Security Program as defined in the BiH Security Program. The Service Provider Security Program shall be approved by the BHDCA.
- (2) An airport operator shall establish, implement and maintain an Airport Security Program as defined in the BiH Security Program. The Airport Security Program shall be approved by the BHDCA.
- (3) An air operator shall establish, implement and maintain an Air Operator Security Program as defined in the BiH Security Program. The Air Operator Security Program shall be approved by the BHDCA.
- (4) Other authorities responsible for individual segments of the Bosnia and Herzegovina civil aviation security shall establish, implement and maintain security procedures, instructions, plans and programs as defined in the BiH Security Program. These documents shall be approved by the BHDCA.
- (5) Airport operator and air operator shall establish an Airport Security Committee or Air Operator Security Program respectively, as defined in the BiH Security Program. The airport operator and air operator shall inform the BHDCA on their work as well as any incident at the airport which jeopardized or could have jeopardized civil aviation safety.
- (6) Any change concerning a critical feature of the Airport Security Program or Air Operator Security Program respectively, shall need to be approved by the BHDCA prior to entry into force.

Article 104.

(Foreign Air Operator)

(1) Foreign air operators performing air operations to/from Bosnia and Herzegovina shall submit to the BHDCA their Air Operator Security Program and a relevant approval from the responsible authority of the State of registry.

(2) The BHDCA shall recognize any such approval but may request the air operator to adjust parts of its Security program with the specific requirements of the concerned airport in Bosnia and Herzegovina.

Article 105.

(Acts of Unlawful Interference)

(1) Within the context of the present Law, the following acts shall be considered to be acts of unlawful interference:

- a) hijacking of aircraft;
- b) armed assault on civil aviation facilities and devices, personnel and passengers;
- c) destruction of aircraft;
- d) planting of, conspiracy to, or encouragement to plant onto/inside aircraft (whether in use or out of operational use) a device or substance that could cause such damage that would prevent the aircraft from flying, or could jeopardize the security of the aircraft in flight;
- e) act of violence against a person on board an aircraft in flight, if there is a possibility that such an act would jeopardize the safety of the aircraft and persons on board;
- f) destruction or damaging of air navigation facilities and devices, or interference with their functioning, if such acts could jeopardize the security of aircraft in flight;
- g) unlawful and premeditated use of any device, substance or weapon with the intention to:
 - 1) perform an act of violence against a person who at an airport carries out certain tasks in international civil aviation, which results or may result in severe injury or death;
 - 2) destroy or severely damage facilities, equipment and aids at an airport, out-of-use aircraft located at the airport, if such an act jeopardizes or may jeopardize the security of the airport, and therefore the security of civil aviation;
- h) giving or passing of information known to be untrue, thus jeopardizing the security of aircraft in flight;
- i) other acts that could in any way jeopardize civil aviation security.

(2) Unruly passengers during flight whose actions may jeopardize or have jeopardized the security of the aircraft in flight shall be considered as acts of unlawful interference. The pilot-in-command shall, immediately after landing of the aircraft, notify any such case to the appropriate police authority at the airport which shall, in accordance with their powers, then take further actions as prescribed by the law.

Article 106.

(Facilitation Program)

In the interest of efficiency and regularity of civil air traffic, the Ministers Council shall, following a proposal from the Ministry, produce a Facilitation Program for the civil air traffic in Bosnia and Herzegovina.

Article 107.

(Prohibitions)

(1) Military equipment shall not be transported by civil aircraft unless explicitly permitted by the Ministers Council in accordance with the Chicago Convention and other regulations governing the transportation of military equipment and weaponry in civil air traffic.

(2) The Minister shall, in coordination with the Minister of Defence and Minister of Foreign Trade, produce a decision regulating what is considered to be military equipment.

(3) No weapons are allowed in the passenger cabin of an aircraft involved in commercial air transport, unless the weapons are carried by trained and authorized air marshals subject to prior agreement with the operator and pilot-in-command.

(4) A special instruction to be enacted by the BHDCA shall regulate the receipt, safekeeping and transportation of cold weapons and firearms and ammunition (approved for carriage) at airports in Bosnia and Herzegovina and their transport by commercial aircraft.

CHAPTER III – AIRCRAFT ACCIDENTS AND INCIDENTS

Article 108.

(Investigation of Accidents and Incidents)

(1) The Ministry shall establish an Accident and Incident Investigation Unit and define ways and conditions for the conduct of investigation of accidents and incidents in accordance with international regulations and standards.

(2) The BHDCA shall enact regulations applicable to accidents and incidents investigations, as well as regulations on the notification and reporting of accidents and incidents.

(3) If, during the flight of an aircraft, an accident, as defined in Annex 13 of the Chicago Convention, should occur, an investigation into the accident shall be carried out to determine its causes and the injuries and damage arising from it, in accordance with regulations enacted based on the present Law.

(4) An investigation shall also take place if there has been an incident as defined in Annex 13 of the Chicago Convention or if anything has occurred which indicates a serious defect in the aircraft or in any ground facilities or services for aviation, in accordance with regulations enacted based on the present Law.

(5) The Minister shall appoint an Investigation Committee. For less complicated cases the Ministry may entrust the investigation to a single investigator.

(6) The Investigation Committee, or the investigator, shall have access to any necessary operational, technical and legal expertise as related to the investigation. If the case so requires, the authority that appointed the committee or investigator may request assistance from foreign aviation authorities and accident investigation authorities.

(7) The fundamental objective of an accident or incident investigation shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.

(8) The investigation committee or investigator may question all those who appear to be able to provide information of significance to the investigation, and may examine articles, documents, records and computer stored information that appear to be of such significance.

(9) The Ministers Council shall bear all the expenses of the investigation committee or investigator respectively.

(10) The Ministers Council shall produce a special decision regulating the allowances for the members of the investigation committee or the investigator respectively.

(11) The owner of the aircraft in question shall bear costs of the removal of the aircraft or the aircraft wreckage. The owner of the aircraft shall also bear costs in case that the Investigation Committee or the Investigator should order that the aircraft or the wreckage be removed for investigation purposes.

Article 109.

(Notification and Reporting)

(1) The Ministry shall perform the duties of notification and reporting of aircraft accidents to the ICAO and its member states as required by the Chicago Convention.

(2) The Ministry shall notify all interested parties of the occurrence and commencement of the investigation. They shall be provided with an opportunity to give their statements to the committee or investigator as they consider necessary for the protection of their rights. In so far as this can be done without prejudice to the investigation, they shall be kept informed about the progress of the investigation.

(3) The findings of an accident or incident investigation shall be presented in a report on the investigation in accordance with the requirements of the Chicago Convention.

Article 110.

(Cooperation with Local Police)

(1) Local police or a search and rescue unit involved in an investigation shall be responsible to take appropriate actions to secure the accident site and assist in the investigation until the commencement of activities at the accident site by the investigation committee or investigator.

(2) In case an aircraft, or goods carried in an aircraft, or anything pertaining to such aircraft or such goods, has been found, and if there is any reason to assume that there has been an aircraft accident, nothing of what has been found may be removed or displaced without the permission of the police or the committee or the investigator, unless such action has to be taken to save human life, or for other exceptional reasons.

(3) Whoever has taken possession of the property of the kind referred to in paragraph 2 of this Article shall immediately give notice thereof to the police or the committee or the investigator, who shall have the right to take charge of the property, if they consider it necessary.

CHAPTER IV PILOT-IN-COMMAND AND DUTIES ABOARD AIRCRAFT

Article 111

(Pilot-in-Command)

(1) When aircraft registered in BiH is used for flying, it shall have a pilot-in-command.

(2) Pilot-in-command shall be responsible for operating the aircraft and for its safety in the course of the flight. Pilot-in-command shall have the greatest authority aboard the aircraft.

(3) The pilot-in-command and, when applicable, the second-in-command shall be appointed by the aircraft owner. When aircraft is used by the operator and not the owner, the operator shall appoint the pilot-in-command and the second-in-command if that privilege of the operator has been agreed with the owner.

(4) If no pilot-in-command has been designated, the highest ranked pilot shall act as the pilot-in-command. If the aircraft is on the ground and there is no pilot on board, the most senior company person on board shall assume responsibility for the aircraft and its safety.

Article 112

(Duties of Pilot-in-Command)

(1) It is the duty of the pilot-in-command:

a) to ensure before the flight that the aircraft is airworthy, prepared for the flight, manned and loaded according to applicable requirements; and that the flight is prepared in accordance with current regulations,

b) to carry out the flight in accordance with current regulations and

c) to monitor the airworthiness of the aircraft.

(2) The pilot-in-command and the crew are obliged to take care of the passengers and the safety of the flight.

(3) The pilot-in-command shall ensure that the prescribed aircraft documents are carried on board the aircraft and that the entries in them are made in accordance with the relevant regulation issued by BHDCA.

(4) The pilot-in-command shall have the obligation, same as the owner or operator, to report to BHDCA all circumstances, occurrences and malfunctions, which may have impact upon airworthiness of the aircraft.

(5) If, for reasons of an emergency and for the safety of the aircraft, the pilot-in-command has been unable to follow applicable requirements or procedures, this shall be immediately reported to the relevant air traffic control unit. As soon as possible after completion of the flight, the pilot-in-command shall report the report the circumstances of the incident to the BHDCA.

(6) If an aircraft has been flown into an area, where aviation is prohibited, the pilot-in-command shall see to it that the aircraft immediately leaves the area as soon as he becomes aware of its illegal position.

Article 113

(Authority of the Pilot-in Command - Obligations of Crew and Passengers)

(1) All crewmembers are obliged to carry out the orders of the pilot-in-command regardless of whether or not the order would involve tasks outside their normal duties.

(2) Passengers are obliged to follow the orders of the pilot-in-command with respect to order, safety and security on board.

(3) The pilot-in-command has the right to refuse to take on board crewmembers, passengers or cargo and the right to require them to disembark or be taken off the aircraft, should circumstances so require.

(4) Should the aircraft be in distress, danger or emergency, or if a person on board should endanger safety, the pilot-in-command has the right to use all available measures that are necessitated by the circumstances to ensure obedience, maintain order or avert danger to the aircraft or to persons or property on board. To the extent justified by the circumstances, the pilot-in-command may use enforcement measures, if the situation cannot be resolved otherwise.

(5) Every crewmember is obliged, without any special request, to provide the pilot-in-command with all the assistance required in order to maintain order and safety. Passengers may also render such assistance if this is requested by the pilot-in-command through any member of the crew. In such a case, crewmembers and passengers have the same rights as the pilot-in-command to use enforcement measures according to paragraph 4 of this Article.

Article 114

(Criminal Acts on Board)

(1) If a serious crime has been committed on board the aircraft, the pilot-in-command shall, if possible, take such steps as required for its investigation which cannot be postponed.

(2) If possible, the pilot-in-command shall ensure that the offender does not run away and may, for this purpose, detain him and shall, as soon as practicable, hand him over to a competent authority of BiH or of a foreign state.

(3) The pilot-in-command shall see to it that objects which are deemed to be of importance to the investigation of the crime are handed over to the competent authority and shall supply to that authority all information, which may be relevant for the investigation of the occurrence.

Article 115

(General Conditions for Work on Board)

(1) Each person serving on board an aircraft shall carry out his duties and shall observe work instructions given by his superiors.

(2) No person, whether licensed or not, is allowed to perform duties on board an aircraft if under the influence of alcohol, narcotics or other drugs or if he/she has used medicine which may influence safety.

(3) No person, whether licensed or not, whose work on board an aircraft is related to air safety or security may perform his duties when he is suffering from the effects of illness or from fatigue or is for some other similar reason unfit to perform his duties in a safe manner.

Article 116

(Reporting of Accidents and Incidents)

(1) In the event of an aircraft accident involving death or serious injury to any person, substantial damage to the aircraft or to property not carried on board, the pilot-in-command shall immediately ensure that BHDCA is informed of the occurrence and shall submit a written report to BHDCA as soon as possible (accident report). The same shall apply if there has been a serious risk of such an occurrence (incident report).

(2) If the pilot-in-command is unable to inform and report on an occurrence as required by paragraph 1 of this Article, it is the duty of the owner or operator of the aircraft to do so.

Article 117

(Pilot-in-Command of Foreign Aircraft)

A pilot-in-command of a foreign aircraft, who, according to the law of the state responsible for surveillance of the airworthiness of the aircraft, has such authority and duties as specified by this Law, shall have the same authority and duties in BiH.

PART NINE - LIABILITY

Article 118

(Applicability)

Provisions of the Convention on Unification of Certain Rules Relating to International Carriage by Air Traffic (hereinafter: Montreal Convention) and current EU regulations contained in the Multilateral ECAA Agreement.

Article 119

(Mandatory Insurance)

The minimum amount of insurance shall be laid down in a separate regulation, in accordance with EU regulations contained in the Multilateral ECAA Agreement.

Article 120

(Denied Boarding, of Cancellation or Long Delay of Flights)

(1) In case of denied boarding, of cancellation or long delay of flights, compensation and assistance to passengers shall be governed by the EU legislation.

(2) Paragraph 1 of this article applies without prejudice to further passenger rights based on a contract for carriage by air according to the EU legislation.

(3) BHDCA shall be the designated body according to the EU legislation.

(4) After proposal of the BHDCA, the Council of Ministers shall determine by separate regulation the sanctions for the denied boarding, cancellation or long delay of flights in accordance with the EU legislation.

PART TEN - SPORT, PLEASURE AND FREE FLIGHTS

Article 121

(Sport, Pleasure and Free Flights)

(1) Sport, pleasure and free flights shall be conducted in accordance with special rules and regulations issued by the BHDCA.

(2) BHDCA may by a separate Decision delegate performance of certain tasks related to sport, pleasure and free flights to the Aviation Association – the institution integrating work of natural and legal persons concerning sport, pleasure and free flights.

(3) All delegations shall be conducted according to rules and procedures defined by a special regulation issued by the BHDCA.

PART ELEVEN – SUPERVISION

Article 122

(Powers)

(1) BHDCA shall conduct inspection and expert oversight concerning application of this Law and regulations issued on the basis of this Law, apart from inspection and expert oversight conducted directly by bodies of the EU.

(2) Expert oversight shall be conducted by authorized BHDCA staff. Expert oversight may also be conducted by other domestic or foreign natural and legal persons authorized by the BHDCA.

(3) Inspection oversight shall be conducted by aviation inspectors.

(4) Authorization for performance of inspection oversight shall be proved by service identity card.

(5) The Director General shall determine the form of inspector's service identity card and the procedure for its issue by a separate regulation.

Article 123

(Conditions for Conducting of the Inspection Oversight)

To conduct inspection oversight, the inspector shall meet the following conditions:

- a) be a university graduate or possess other expert education, depending on the demands of the tasks performed,
- b) have at least five years of work experience in the field of civil aviation,
- c) possess functional knowledge and fulfil other specific requirements defined by special regulation issued by BHDCA.

Article 124

(Rights and Privileges of Inspectors)

In addition to rights and privileges defined by general regulations on inspection oversight, the inspector shall have rights and privileges defined under this Law.

Article 125

(Conducting of the Inspection Oversight)

- (1) Legal or natural persons shall provide the inspector with unhindered performance of oversight.
- (2) Inspector shall have the right to inspect, without prior notification and regardless of working hours, business premises, equipment and facilities.
- (3) State bodies, as well as supervised natural and legal persons, shall submit to the inspector, within the deadline he provides, requested data, written explanations or statements related to the subject of oversight.
- (4) When conducting oversight, the inspector may take away the documentation required for determination of the exact situation for a period of no more than eight days. The inspector shall issue a receipt on the documentation taken away.

Article 126

(Measures)

(1) After conducting inspection oversight, the inspector shall have the right and duty, in case he establishes that there has been violation of laws and other regulations whose implementation he oversees, in addition to measures defined by general legislation on inspection oversight, to undertake the following measures:

- a) issue a decision ordering the violator to remove deficiencies or irregularities by undertaking or restraining from actions;
- b) temporarily remove licence, authorization, certificate or operating licence;
- c) forbid flights of aircraft if conducting of flights would endanger safety, or if established that mandatory insurance has not been concluded or not concluded in the prescribed amount;
- d) issue a temporary ban on the conducting of operations or activities if their further performance would lead to obvious jeopardy to the safety or security of civil aviation;
- e) demand extraordinary check of professional skills or medical fitness of aviation staff.

(2) If the inspector establishes irregularities which might endanger safety of air traffic, he has the right to seal the aircraft or other device. The inspector shall mark the seal by the stamp of the inspectorate body.

(3) The inspector may temporarily ban performance of a part of work process or activities if he establishes that it is performed without approval of the responsible administrative body by which compliance with special requirements for performance of activities is verified.

(4) The inspector shall issue a decision pronouncing the measure specified under paragraph 3 of this Article.

Article 127

(Orally Ordered Measures)

(1) When urgent measures are required, the inspector may issue an oral decision.

(2) In case under paragraph 1 of this Article, the inspector shall issue a written decision no later than five days as of the date of performance of supervision.

Article 128

(Appeal Against Inspector's Decision)

(1) An appeal against an inspector's decision may be submitted to the Director General within eight days as of the date of delivery.

(2) The appeal under paragraph 1 of this Article shall not delay the implementation.

(3) Based upon a justified request of the appellant, the inspector may delay implementation of the decision if the delay does not endanger safety or security of civil aviation.

(4) No appeal may be lodged against the decision of the Director General mentioned under paragraph 1 of this Article.

Article 129

(Regulation on Performance of Inspection and Expert Oversight)

More detailed provisions on the method of performance of inspection and expert oversight and other matters significant for the inspection and expert oversight shall be defined in a separate regulation issued by BHDCA.

PART TWELVE – ADMINISTRATIVE PROVISIONS

Article 130

(Appeal)

(1) An appeal may be lodged against a first instance decision issued by the BHDCA on the basis of BiH Legislation.

(2) An appeal against a decision related to airworthiness and impact of aircraft upon the environment, to conditions for performance of flight crew duties, flight operations, aerial work and to air traffic control shall not delay the execution of the decision.

(3) The appeal shall be lodged to the Ministry.

Article 131

(Appeal Commission)

(1) The appeal procedure shall be conducted by the Appeal Commission, consisting as a rule of three members, officials who have not participated in the issuance of the first instance document.

(2) The Ministry shall, after proposal of the Director General, define by a decision requirements for appointment of members of the Appeal Commission for individual expert fields for which the Appeal Commission shall be responsible.

(3) In accordance with requirements specified under paragraph 1 of this Article, the Ministry shall appoint an ad hoc Appeal Commission to decide on individual appeals.

Article 132

(Rules of the Procedure)

(1) When conducting the procedure, the Appeal Commission shall appropriately implement rules specified under the Law on Administrative Procedure, unless differently prescribed by the international agreements or corresponding European Union legislation.

(2) The Appeal Commission shall prepare draft of the decision.

PART THIRTEEN – PENAL PROVISIONS

Article 133

(Penal Provisions)

(1) A monetary fine amounting from KM 5.000 to KM 100.000 shall be pronounced for an offence against a natural or legal person who:

- a) prevents authorized inspectors or persons authorized for expert oversight from having free access to aircraft, facilities, information and documentation (Article 125.);
- b) does not possess valid airport certificate (Article 37.);
- c) does not possess valid air operator's certificates (AOC) (Article 93.);
- d) does not possess valid operating licence (Article 94);
- e) does not possess certificate for provision of aerial works (Article 92, paragraph 2);
- f) does not possess route licence for performance of scheduled air traffic (Article 95.);
- g) does not possess approval for performance of non-scheduled air traffic (Article 96.);
- h) does not possess mandatory insurance (Article 119.);
- i) does not apply Security Programme (Article 103.);
- j) does not act in compliance with Article 107 of this Law;
- k) does not possess valid certificate (Art. 16.)

(2) A monetary fine amounting from KM 3.000 to KM 50.000 shall be pronounced for an offence against a natural or legal person who:

- a) fails to undergo tests and exams required by BHDCA (Art. 90);
- b) fails to return documents and logbooks after deletion from the Registry (Art. 62, paragraph 5);
- c) fails to return airworthiness certificate to BHDCA after its cancellation (Art. 70);
- d) fails to act in accordance with airworthiness orders (Art. 73);
- e) does not possess valid certificate for maintenance staff (Article 75);
- f) does not possess updated documents and logbooks (Art. 79);
- g) does not possess valid licence, or certificate on validation, or skill certificate (Art. 81. paragraph 2 and Art. 83.);

-
- h) fails to notify BHDCA on circumstances that have impact upon his capability to exercise authorizations specified in his licence (Art. 86. paragraph 1);
- i) fails to inform BHDCA on all changes that may have negative impact upon issues that were the basis for issue of certificate or specification of operations (Art. 93. paragraph 5);
- (3) A monetary fine amounting from KM 1.000 to KM 20.000 shall be pronounced for an offence against a natural or legal person who:
- a) fails to submit reports or submits incomplete reports to BHDCA on accidents and incidents (Art. 116.);
- b) fails to inform the police, commissions and investigator (Art. 110. paragraph 3);
- c) fails to implement rules and regulations related to sport, pleasure and free flights (Art. 121. paragraph 1);
- (4) If an aviation inspector establishes that there is a founded suspicion that the offence specified in paragraphs 1, 2 and 3 of this Article has been committed, he shall initiate the procedure before the responsible misdemeanour court in accordance with an appropriate legal procedure.
- (5) A responsible person within the legal person, that committed the offence, shall also be fined for the offences specified under paragraph 1, 2 and 3 of this Article.
- (6) When responsibility is established and measures are pronounced pursuant to this Law, establishment of responsibility and pronouncement of measures determined by other laws shall not be excluded.

PART FOURTEEN– INTERIM AND FINAL PROVISIONS

Article 134

(Legal Continuity)

BHDCA shall continue the legal continuity of the Bosnia and Herzegovina Directorate of Civil Aviation established by the Aviation Law of Bosnia and Herzegovina ('BiH Official Gazette' No: 2/04).

Article 135

(Staff)

(1) BHDCA shall take over all staff of the Federal Directorate of Civil Aviation of the Federation of Bosnia and Herzegovina and the Directorate of Civil Aviation of the Republika Srpska who perform tasks that are within the area of responsibility of the BHDCA.

(2) The staff that are taken over shall be deployed to appropriate working positions, while taking into account education, tasks and duties that those staff perform at the time when this Law comes into force.

Article 136

(Harmonization of Regulations with this Law)

The BHDCA shall be obliged to harmonize with this Law, within 12 months after this Law comes into force, all regulations issued pursuant to the Aviation Law of Bosnia and Herzegovina (BiH Official Gazette' No: 02/04). .

Article 137

(Cessation of Validity)

(1) When this Law comes into force, the Aviation Law of Bosnia and Herzegovina ('BiH Official Gazette' No: 2/04) shall become null and void.

(2) The decision on delegation of functions shall become null and void on 31 December 2009 inclusive.

a) Decision on Delegation of Functions in the Area of 'Airworthiness' ('BiH Official Gazette' No: 44/04),

b) Decision on Delegation of Functions in the Area of 'Aviation Training Organizations' for maintenance ('BiH Official Gazette' No: 44/04),

c) Decision on Allocation of Duties in the Area of 'Approved Maintenance Organization' ('BiH Official Gazette' No: 44/04),

d) The Decision on Delegation of Functions to the Entities' Directorates of Civil Aviation in the area of licence issuance and aviation medicine, airports, airport services and facilities, issuance of air operator's certificates, flight approvals, civil aviation security and aviation statistics ('BiH Official Gazette' No: 28/04),

e) The Decision on Delegation of Authority for Provision of Air Traffic Control Services ('BiH Official Gazette' No: 16/05)

(3) BHDCA Director General, if conditions for such an action are met, may annul the Decisions specified under paragraph 2 of this Article even before the expiry of the specified period.

(4) When Decisions specified under paragraph 3 of this Article become null and void, BHDCA and Air Navigation Services Provider shall perform the functions and duties that were delegated or allocated by these Decisions.

(5) Other regulations issued on the basis of the Aviation Law of Bosnia and Herzegovina ('BiH Official Gazette' No: 2/04) shall remain in force unless they are contradictory to this Law.

Article 138

(Coming into Force)

This Law shall come into force on the eighth day after its publication in the 'BiH Official Gazette'.

