

Pursuant to Articles 16 and 61 paragraph (1) of the Administration Law ('Official Gazette of BiH' No: 32/02 and 102/09), Article 14, paragraphs (1) and (3) point a) and 108, paragraph (2) of the Aviation Law of Bosnia and Herzegovina ('Official Gazette of Bosnia and Herzegovina' No: 39/09) Director General of Directorate of Civil Aviation of Bosnia and Herzegovina hereby issues the following

RULEBOOK ON INVESTIGATION OF ACCIDENTS AND SERIOUS INCIDENTS OF AIRCRAFT

I - GENERAL PROVISIONS

Article 1 (Subject)

This Rulebook regulates issues related to improvement of aviation safety by ensuring a high level of efficiency, expediency, and quality of investigation in civil aviation of Bosnia and Herzegovina where the sole objective is prevention of future accidents and incidents without apportioning of blame or liability; It also provides for rules concerning the timely availability of information relating to all persons and dangerous goods on board an aircraft involved in an accident and improves the assistance to the victims of air accidents and their relatives.

Article 2 (Definitions)

For the purpose of this Rulebook, the following terms shall mean:

- (1) 'accredited representative' means a person designated by the Aircraft Accident Investigation Unit, on the basis of his or her qualifications, for the purpose of participating in a safety investigation conducted by another state that is not Bosnia and Herzegovina;
- (2) 'ECAA Area State' means a state party to the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (Pursuant to UN Security Council Resolution 1244 of 10th June 1999) on establishment of European Common Aviation Area ('Official Gazette of BiH' No: 2/07);
- (3) 'State of Occurrence' means a state in whose territory the incident or accident occurred;
- (4) 'State of the Operator' means the state in which the operator's principal place of business is located or, if the aircraft operator is a natural person - the state in which the operator's permanent residence is;

- (5) 'State of Manufacture' means the state having jurisdiction over the organization responsible for the final assembly of the aircraft;
- (6) 'State of Registry' means the state on whose register the aircraft is entered;
- (7) 'ECAA Agreement' means the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (Pursuant to UN Security Council Resolution 1244 of 10 June 1999) on establishment of European Common Aviation Area ('Official Gazette of BiH' No: 2/07);
- (8) 'incident' means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- (9) 'international standards and recommended practices' means international standards and recommended practices for aircraft accident and incident investigation adopted in accordance with Article 37 of the Chicago Convention;

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

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

'investigator-in-charge' means a person charged, on the basis of his or her qualifications, with responsibility for the organisation, conduct and control of a safety investigation;

(11)

- (12) 'operator' means any natural or legal person, operating or proposing to operate one or more aircraft;
- (13) 'serious incident' means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft, which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down. A list of examples of serious incidents is set out in the Appendix I;
- (14) 'serious injury' means an injury which is sustained by a person in an accident and which involves one of the following:
- (a) hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received;
 - (b) a fracture of any bone (except simple fractures of fingers, toes, or nose);
 - (c) lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
 - (d) injury to any internal organ;
 - (e) second or third degree burns, or any burns affecting more than 5 % of the body surface;
 - (f) verified exposure to infectious substances or harmful radiation.
- (15) 'preliminary report' means the communication used for the prompt dissemination of data obtained during the early stages of the investigation;
- (16) 'relatives' means the immediate family and/or next of kin and/or other person closely connected with the victim of an accident;
- (17) 'adviser' means a person appointed by the Aircraft Accident Investigation Unit, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in a safety investigation;
- (18) 'safety investigation' means a process conducted by the Aircraft Accident Investigation Unit for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and/or contributing factors and, when appropriate, the making of safety recommendations;
- (19) 'safety recommendation' means a proposal of the Aircraft Accident Investigation Unit, based on information derived from a safety investigation or other sources such as safety studies, made with the intention of preventing accidents and incidents;
- (20) 'fatal injury' means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident;
- (21) 'flight recorder' means any type of recorder installed in the aircraft for the purpose of facilitating accident/incident safety investigations;
- (22) 'person involved' means the owner, a member of the crew, the operator of the aircraft involved in an accident or serious incident; any person involved in the maintenance, design, manufacture of that aircraft or in the training of its crew; any person involved in the provision of air traffic control, flight information or aerodrome services, who have provided services for the aircraft; staff of Directorate of Civil Aviation of Bosnia and Herzegovina;

- (23) 'causes' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

Article 3
(Scope)

- (1) This Rulebook shall apply to safety investigation of accidents and serious incidents:
- (a) which have occurred in the territory of Bosnia and Herzegovina to which applies the Multilateral Agreement on the Establishment of the European Common Aviation Area (the so-called ECAA area)
 - (b) involving aircraft registered in Bosnia and Herzegovina or operated by an undertaking established in Bosnia and Herzegovina, which have occurred outside the territory of Bosnia and Herzegovina, when such investigations are not conducted by another State;
 - (c) in which Bosnia and Herzegovina is entitled, according to international standards and recommended practices, to appoint an accredited representative to participate as a State of Registry, State of the Operator, State of Design, State of Manufacture or State providing information, facilities or experts at the request of the State conducting the investigation;
 - (d) in which Bosnia and Herzegovina, having a special interest by virtue of fatalities or serious injuries to its citizens, is permitted by the State conducting the investigation to appoint an expert.
- (2) This Rulebook shall also apply to issues pertaining to the timely availability of information relating to all persons and dangerous goods on board an aircraft involved in an accident and assistance to the victims of air accidents and their relatives.
- (3) This Rulebook shall not apply to safety investigations into accidents and serious incidents which involve aircraft engaged in military, customs, police or similar services, except when the Aircraft Accident Investigation Unit so determines, in accordance with Article 5(4) of this Rulebook and other applicable legislation.

II - AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION UNIT

Article 4
(Aircraft Accident Investigation Unit)

- (1) The Council of Ministers of Bosnia and Herzegovina shall ensure that safety investigations are conducted or supervised, without external interference, by a permanent national civil aviation safety investigation authority (hereinafter: Aircraft Accident Investigation Unit) capable of independently conducting a full safety investigation, either on its own or through agreements with other safety investigation authorities.
- (2) The Aircraft Accident Investigation Unit shall be functionally independent in particular of the Directorate of Civil aviation of Bosnia and Herzegovina (hereinafter: BHDCA), of any

other party or entity the interests or missions of which could conflict with the task entrusted to the Aircraft Accident Investigation Unit or influence its objectivity.

- (3) Aircraft Accident Investigation Unit shall, in the conduct of the safety investigation, neither seek nor take instructions from anybody and shall have unrestricted authority over the conduct of the safety investigations.
- (4) The activities entrusted to the Aircraft Accident Investigation Unit may be extended to the gathering and analysis of aviation safety related information, in particular for accident prevention purposes, in so far as these activities do not affect its independence and entail no responsibility in regulatory, administrative or standards matters.
- (5) In order to inform the public of the general aviation safety level, a safety review shall be published annually at Bosnia and Herzegovina level by the Aircraft Accident Investigation Unit. In this analysis, the sources of confidential information shall not be revealed.
- (6) The Aircraft Accident Investigation Unit shall be given by the Budget of Bosnia and Herzegovina Institutions the means required to carry out its responsibilities independently and shall be able to obtain sufficient resources to do so. In particular:
 - (a) the head of the Aircraft Accident Investigation Unit shall have the experience and competence in civil aviation safety to fulfil his or her tasks in accordance with this Rulebook;
 - (b) the investigators shall be afforded status giving them the necessary guarantees of independence;
 - (c) The Aircraft Accident Investigation Unit shall comprise at least one available investigator able to perform the function of the investigator-in-charge in the event of a major air accident;
 - (d) The Aircraft Accident Investigation Unit shall be allocated a budget that enables it to carry out its functions;
 - (e) The Aircraft Accident Investigation Unit shall have at its disposal, either directly or by means of the cooperation referred to in Article 6, or through arrangements with other national authorities or entities, qualified personnel and adequate facilities, including offices and hangars to enable the storage and examination of the aircraft, its contents and its wreckage.

Article 5 (Obligation to investigate)

- (1) Every accident or serious incident involving aircraft other than specified in Annex II, Appendix I to the Rulebook on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ('Official Gazette of Bosnia and Herzegovina' No: 45/10), shall be the subject of a safety investigation in Bosnia and Herzegovina in the territory of which the accident or serious incident occurred.
- (2) When an aircraft, other than specified in Annex II, Appendix I to Rulebook on common rules in the field of civil aviation 43/06), and establishing a European Aviation Safety Agency

('Official Gazette of Bosnia and Herzegovina' No: 45/10), registered in Bosnia and Herzegovina is involved in an accident or serious incident the location of which cannot be definitely established as being in the territory of any ECAA Area State, a safety investigation shall be conducted by the safety investigation authority of the ECAA Area State of registration.

- (3) The extent of safety investigations referred to in paragraphs 1, 2 and 4 and the procedure to be followed in conducting such safety investigations shall be determined by the Aircraft Accident Investigation Unit, taking into account the lessons it expects to draw from such investigations for the improvement of aviation safety, including those aircraft with a maximum take-off mass less than or equal to 2 250 kg.
- (4) The Aircraft Accident Investigation Unit may decide to investigate incidents other than those referred to in paragraphs 1 and 2 of this Rulebook as well as accidents or serious incidents to other types of aircraft, in accordance with this Rulebook, when it is expected to draw safety lessons from them.
- (5) Safety investigations referred to in paragraphs 1, 2 and 4 shall in no case be concerned with apportioning blame or liability. They shall be independent of, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability.

Article 6

(Cooperation between safety investigation authorities)

- (1) The Aircraft Accident Investigation Unit may request the assistance of safety investigation authorities from other ECAA Area States. When, following a request, a safety investigation authority agrees to provide assistance, such assistance shall, as far as possible, be provided free of charge.
- (2) The Aircraft Accident Investigation Unit may delegate the task of conducting an investigation into an accident or serious incident to another safety investigation authority subject to mutual agreement and shall facilitate the investigation process by that other authority.

III - INTERNATIONAL OBLIGATIONS

Article 7

(Participation of BHDCA in safety investigations)

- (1) The Aircraft Accident Investigation Unit shall, provided that the requirement of no conflict of interest is satisfied, invite BHDCA, within the scope of its competence, to appoint a representative to participate:
 - (a) as an adviser to the investigator-in-charge in any safety investigation under Article 5(1) and (2), conducted in the territory of Bosnia and Herzegovina or in the location referred to in Article 5(2) under the control and at the discretion of the investigator-in-charge;
 - (b) as an adviser appointed under this Rulebook and Appendix I to this Rulebook to assist accredited representative of ECAA Area States in any safety investigation

conducted in a third country to which the Aircraft Accident Investigation Unit is invited to designate an accredited representative in accordance with international standards and recommended practices for aircraft accident and incident investigation, under the supervision of the accredited representative.

- (2) The participants referred to in paragraph 1 of this Article shall be entitled, in particular to:
 - (a) visit the scene of the accident and examine the wreckage;
 - (b) suggest areas of questioning and obtain witness information;
 - (c) receive copies of all pertinent documents and obtain relevant factual information;
 - (d) participate in the read-outs of recorded media, except cockpit voice or image recorders;
 - (e) participate in off-scene investigative activities such as component examinations, tests and simulations, technical briefings and investigation progress meetings, except when related to the determination of the causes or the formulation of safety recommendations;
- (3) BHDCA shall support the investigation in which it participates by supplying the requested information, advisers and equipment to the Aircraft Accident Investigation Unit.

Article 8

(Obligation to notify accidents and serious incidents)

- (1) Any person involved who has knowledge of the occurrence of an accident or serious incident shall notify without delay the Aircraft Accident Investigation Unit.
- (2) The Aircraft Accident Investigation Unit shall notify without delay the Joint Committee, established for ECAA area, the International Civil Aviation Organisation (ICAO), States of ECAA area and third countries concerned that are not states of ECAA area in accordance with the international standards and recommended practices of the occurrence of all accidents and serious incidents of which it has been notified.

Article 9

(Participation of Bosnia and Herzegovina in safety investigations)

- (1) Upon receipt of the notification of the occurrence of an accident or serious incident from another ECAA Area State or the State that is not ECAA Area State, ECAA Area States which are the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall, as soon as possible, inform Bosnia and Herzegovina, the Aircraft Accident Investigation Unit, or a State that is not ECAA Area State, in the territory of which the accident or serious incident occurred whether they intend to appoint an accredited representative in accordance with the international standards and recommended practices. Where such an accredited representative is appointed, his or her name and contact details shall also be provided, as well as the expected date of arrival if the accredited representative intends to travel to the country which sent the notification.
- (2) Accredited representatives for the State of Design shall be appointed by safety investigation authority of the ECAA Area State in the territory of which the principal place of business of

the certificate holder for the type design of the aircraft or power plant is located.

IV - STATUS OF THE SAFETY INVESTIGATORS

Article 10 (Status of the safety investigators)

- (1) Upon his or her appointment by the Aircraft Accident Investigation Unit and notwithstanding any judicial investigation, the investigator-in-charge shall have the authority to take the necessary measures to satisfy the requirements of the safety investigation.
- (2) Notwithstanding any confidentiality obligations under the Bosnia and Herzegovina Aviation Law (Official Gazette of BiH No: 39/09), Law on Protection of Confidential Data ('Official Gazette of BiH', No: 54/05 and 12/09) and Law on Protection of Confidentiality of Personal Data ('Official Gazette of BiH', No: 49/06 and 76/11), the investigator-in-charge shall in particular be entitled to:
 - (a) have immediate unrestricted and unhampered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage;
 - (b) ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis purposes;
 - (c) have immediate access to and control over the flight recorders, their contents and any other relevant recordings;
 - (d) request, and contribute to, a complete autopsy examination of the bodies of the fatally injured persons and to have immediate access to the results of such examinations or of tests made on samples taken;
 - (e) request the medical examination of the people involved in the operation of the aircraft or request tests to be carried out on samples taken from such people and to have immediate access to the results of such examinations or tests;
 - (f) call and examine witnesses and to require them to furnish or produce information or evidence relevant to the safety investigation;
 - (g) have free access to any relevant information or records held by the owner, the certificate holder of the type design, the responsible maintenance organisation, the training organisation, the operator or the manufacturer of the aircraft, BHDCA and air navigation service providers or aerodrome operators.
- (3) The investigator-in-charge shall extend to his or her experts and advisers, as well as to the accredited representatives, their experts and advisers, the entitlements listed in paragraph 2, to the extent necessary to enable them to participate effectively in the safety investigation. Those entitlements are without prejudice to the rights of the investigators and experts designated by municipal, basic, cantonal, Brčko District, Entities' and State judicial and prosecution authorities of Bosnia and Herzegovina.
- (4) Any person participating in safety investigations shall perform his or her duties

independently and shall neither seek, nor accept instructions from anybody, other than the investigator-in-charge or the accredited representative.

Article 11
(Coordination of investigations)

- (1) When a judicial investigation is also instituted, the investigator-in-charge shall be notified thereof. In such a case, the investigator-in-charge shall ensure traceability and retain custody of flight recorders and any physical evidence. The judicial authority may appoint an official from that authority to accompany the flight recorders or physical evidence to the place of the read-out or treatment. Where examination or analysis of such physical evidence may modify, alter or destroy it, prior agreement from the judicial authorities will be required, without prejudice to applicable legislation. Where such agreement is not obtained according to the advance arrangements referred to in paragraph 3 within a reasonable time and not later than 2 weeks following the request, it shall not prevent the investigator-in-charge from conducting the examination or analysis. Where the judicial authority is entitled to seize any evidence, the investigator-in-charge shall have immediate and unlimited access to and use of such evidence.
- (2) Where, in the course of the safety investigation, it becomes known or it is suspected that an act of unlawful interference, as provided for under the Aviation Law of Bosnia and Herzegovina (Official Gazette of BiH No: 39/09), was involved in the accident or serious incident, the investigator-in-charge shall immediately inform the competent authorities thereof. Subject to Article 13 of this Rulebook, the relevant information collected in the safety investigation shall be shared with those authorities immediately and upon request, relevant material may also be transferred to those authorities. The sharing of that information and that material shall be without prejudice to the right of the Aircraft Accident Investigation Unit to continue the safety investigation, in coordination with the authorities to which the control of the site may have been transferred.
- (3) The Council of Ministers of Bosnia and Herzegovina shall ensure that safety investigation authorities, on the one hand, and other authorities likely to be involved in the activities related to the safety investigation, such as the judicial, BHDCA, search and rescue authorities, on the other hand, cooperate with each other through advance arrangements.
- (4) Those arrangements under previous paragraph shall respect the independence of the Aircraft Accident Investigation Unit and allow the technical investigation to be conducted diligently and efficiently.
- (5) Among others, the advance arrangements shall cover the following subjects:
 - (a) access to the site of the accident;
 - b) preservation of and access to evidence;
 - (c) initial and ongoing debriefings on the status of each process;
 - (d) exchange of information
 - (e) appropriate use of safety information;
 - (f) resolution of conflicts.
- (6) ECAA Area States shall communicate to the Joint Committee those arrangements.

V - PRESERVATION OF EVIDENCE

Article 12 (Preservation of evidence)

- (1) ECAA Area State in the territory of which the accident or serious incident occurred shall be responsible for ensuring safe treatment of all evidence and for taking all reasonable measures to protect such evidence and for maintaining safe custody of the aircraft, its contents and its wreckage for such period as may be necessary for the purpose of safety investigation. Protection of evidence shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration.
- (2) Pending the arrival of safety investigators, no person shall modify the state of the site of the accident, take any samples therefrom, undertake any movement of or sampling from the aircraft, its contents or its wreckage, move or remove it, except where such action may be required for safety reasons or to bring assistance to injured persons, or under the express permission of the authorities in control of the site and, when possible, in consultation with the safety investigation authority.
- (3) Any person involved shall take all necessary steps to preserve documents, material and recordings in relation to the event, in particular so as to prevent erasure of recordings of conversations and alarms after the flight.

Article 13 (Protection of sensitive safety information)

- (1) The following records shall not be made available or used for purposes other than safety investigation:
 - (a) all statements taken from persons by the Aircraft Accident Investigation Unit in the course of the safety investigation;
 - (b) records revealing the identity of persons who have given evidence in the context of the safety investigation;
 - (c) information collected by the Aircraft Accident Investigation Unit which is of a particularly sensitive and personal nature, including information concerning the health of individuals;
 - (d) material subsequently produced during the course of the investigation such as notes, drafts, opinions written by the investigators, opinions expressed in the analysis of information, including flight recorder information;
 - (e) information and evidence provided by investigators from other ECAA Area States or third countries in accordance with the international standards and recommended practices, where so requested by their safety investigation authority;
 - (f) drafts of preliminary or final reports or interim statements;
 - (g) cockpit voice and image recordings and their transcripts, as well as voice recordings inside air traffic control units, ensuring also that information not relevant to the safety investigation, particularly information with a bearing on personal privacy, shall be appropriately protected, without prejudice to paragraph 3.
- (2) The following records shall not be made available or used for purposes other than safety investigation, or other purposes aiming at the improvement of aviation safety:

- (a) all communications between persons having been involved in the operation of the aircraft;
 - b) written or electronic recordings and transcriptions of recordings from air traffic control units, including reports and results made for internal purposes;
 - c) covering letters for the transmission of safety recommendations from the Aircraft Accident Investigation Unit to the addressee, where so requested by the safety investigation authority issuing the recommendation;
 - d) occurrence reports filed under the Rulebook on occurrence reporting (Official Gazette of BiH No: 12/06).
- (3) Flight data recorder recordings shall not be made available or used for purposes other than those of the safety investigation, airworthiness or maintenance purposes, except when such records are de-identified or disclosed under secure procedures.
- (4) Notwithstanding paragraphs 1 and 2, the administration of justice or the Aircraft Accident Investigation Unit may decide that the benefits of the disclosure of the records referred to in paragraphs 1 and 2 for any other purposes permitted by law outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation.
- (5) The Aircraft Accident Investigation Unit may decide to limit the cases in which such a decision of disclosure may be taken, while respecting the ECAA Agreement.
- (6) The communication of records referred to in paragraphs 1 and 2 to another ECAA Area State for purposes other than safety investigation and, in addition as regards paragraph 2, for purposes other than those aiming at the improvement of aviation safety may be granted insofar as the national law of the communicating ECAA Area State permits.
- (7) Processing or disclosure of records received through such communication by the authorities of the receiving ECAA Area State shall be permitted solely after prior consultation of the communicating ECAA Area State and subject to the national law of the receiving ECAA Area State.
- (8) Only the data strictly necessary for the purposes referred to in paragraph 3 may be disclosed.

Article 14
(Communication of information)

- (1) The staff of the Aircraft Accident Investigation Unit, or any other person called upon to participate in or contribute to the safety investigation shall be bound by applicable rules of professional secrecy, including as regards the anonymity of those involved in an accident or incident, under the applicable legislation.
- (2) Without prejudice to the obligations set out in Articles 15 and 16 of this Rulebook, the Aircraft Accident Investigation Unit shall communicate the information which it deems relevant to the prevention of an accident or serious incident, to persons responsible for aircraft or aircraft equipment manufacture or maintenance, and to individuals or legal entities responsible for operating aircraft or for the training of personnel.
- (3) Without prejudice to the obligations set out in Articles 15 and 16, the Aircraft Accident Investigation Unit and the accredited representative(s) referred to in Article 7 of this Rulebook shall release to BHDCA relevant factual information obtained during the safety investigation, except information referred to in Article 13(1) of this Rulebook or causing a conflict of interest.

The information received shall be protected in accordance with Article 13 of this Rulebook and the Law on Protection of Confidentiality of Personal Data ('Official Gazette of BiH', No: 49/06 and 76/11).

- (4) The Aircraft Accident Investigation Unit shall be authorised to inform victims and their relatives or their associations or make public any information on the factual observations, the proceedings of the safety investigation, possibly preliminary reports or conclusions and/or safety recommendations, provided that it does not compromise the objectives of the safety investigation and fully complies with the Law on Protection of Confidentiality of Personal Data ('Official Gazette of BiH', No: 49/06 and 76/11).
- (5) Before making public the information referred to in paragraph 4 of this Article, the Aircraft Accident Investigation Unit shall forward that information to the victims and their relatives or their associations in a way which does not compromise the objectives of the safety investigation.

VI - INVESTIGATION REPORT

Article 15 (Investigation report)

- (1) Each safety investigation shall be concluded with a report in a form appropriate to the type and seriousness of the accident or serious incident. The report shall state that the sole objective of the safety investigation is the prevention of future accidents and incidents without apportioning blame or liability. The report shall contain, where appropriate, safety recommendations. The report shall protect the anonymity of any individual involved in the accident or serious incident.
- (2) Where safety investigations give rise to reports before the completion of the investigation, prior to their publication the Aircraft Accident Investigation Unit may solicit comments from BHDCA, from the certificate holder for the design, the manufacturer and the operator that shall be bound by applicable rules of professional secrecy with regard to the contents of the consultation.
- (3) Before publication of the final report, the Aircraft Accident Investigation Unit shall solicit comments from BHDCA, and, through it the certificate holder for the design, the manufacturer and the operator concerned, who shall be bound by applicable rules of professional secrecy with regard to the contents of the consultation. In soliciting such comments, the Aircraft Accident Investigation Unit shall follow the international standards and recommended practices.
- (4) The information covered by Article 13 of this Rulebook shall be included in a report only when relevant to the analysis of the accident or serious incident. Information or parts of the information not relevant to the analysis shall not be disclosed.
- (5) The Aircraft Accident Investigation Unit shall make public the final report in the shortest possible time and if possible within 12 months of the date of the accident or serious incident.
- (6) If the final report cannot be made public within 12 months, the Aircraft Accident Investigation Unit shall release an interim statement at least at each anniversary of the accident or serious incident, detailing the progress of the investigation and any safety issues raised.
- (7) The Aircraft Accident Investigation Unit shall forward a copy of the final report and the safety recommendations as soon as possible to the:

- (a) safety investigation authorities and civil aviation authorities of the States concerned, and the ICAO, according to the international standards and recommended practices;
- (b) addressees of safety recommendations contained in the report;
- (c) The Joint Committee, except where the report is publicly available through electronic means, in which case the Aircraft Accident Investigation Unit shall only notify them accordingly.

Article 16
(Safety recommendations)

- (1) At any stage of the safety investigation, the Aircraft Accident Investigation Unit shall recommend in a letter, after appropriate consultation with relevant parties, to the authorities concerned, including those in other ECAA Area States or third countries, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.
- (2) The Aircraft Accident Investigation Unit may also issue safety recommendations on the basis of studies or analysis of a series of investigations or any other activities conducted in accordance with Article 4(4) of this Rulebook.
- (3) A safety recommendation shall in no case create a presumption of blame or liability for an accident, serious incident or incident.

Article 17
(Follow-up to safety recommendations and safety
recommendations database)

- (1) The addressee of a safety recommendation shall acknowledge receipt of the transmittal letter and inform the Aircraft Accident Investigation Unit which issued the recommendation within 90 days of the receipt of that letter, of the actions taken or under consideration, and where appropriate, of the time necessary for their completion and where no action is taken, the reasons therefor.
- (2) Within 60 days of the receipt of the reply, the Aircraft Accident Investigation Unit shall inform the addressee whether or not it considers the reply adequate and give justification when it disagrees with the decision to take no action.
 - (3) The Aircraft Accident Investigation Unit shall implement procedures to record the responses to the safety recommendations it issued.
- (4) Each entity receiving a safety recommendation, including BHDCA, shall implement procedures to monitor the progress of the action taken in response to the safety recommendations received.
- (5) The Aircraft Accident Investigation Unit shall record in the specialised database all safety recommendations issued in accordance with Article 16(1) and (2) as well as the responses thereto. The Aircraft Accident Investigation Unit shall similarly record in the specialised database all safety recommendations received from the states that are not ECAA Area States.

Article 18
(Occurrence reporting)

- (1) The Aircraft Accident Investigation Unit, BHDCA and other competent authorities shall in collaboration participate regularly in the exchange and analysis of information covered by the Rulebook on transposition of certain European Community legislation on reporting of occurrences in civil aviation ('Official Gazette of BiH' No: 83/10 of 11/10/2010).
- (2) The exchange and analysis shall cover online access by designated persons to information contained in the specialised database established under the Rulebook on transposition of certain European Community legislation on reporting of occurrences in civil aviation ('Official Gazette of BiH' No: 83/10), including information which directly identifies the aircraft subject to an occurrence report such as, where available, its serial and registration numbers. Such access shall not cover information that identifies the operator subject to that occurrence report.
- (3) The Aircraft Accident Investigation Unit, BHDCA and other competent authorities shall ensure the confidentiality of such information in accordance with the Law on Protection of Confidentiality of Personal Data ('Official Gazette of BiH', No: 49/06 and 76/11), and shall limit its use to what is strictly necessary to discharge their safety related obligations. In this respect, that information shall be used only for analysis of safety trends which can form the basis for anonymous safety recommendations or airworthiness directives without apportioning blame or liability.

Article 19
(Information on persons and dangerous goods on board)

- (1) ECAA area airlines operating flights arriving to or departing from, and third country airlines operating flights departing from an airport located in the territories of the ECAA Area States, shall implement procedures which allow for the production:
 - (a) as soon as possible, and at the latest within two hours of the notification of the occurrence of an accident to the aircraft, of a validated list, based on the best available information, of all the persons on board; and
 - (b) immediately after the notification of the occurrence of an accident to the aircraft, of the list of the dangerous goods on board.
- (2) The lists referred to in paragraph 1 shall be made available to the safety investigation authority in charge, the authority designated by each ECAA Area State to liaise with the relatives of the persons on board and, where necessary, to medical units which may need the information for the treatment of victims.
- (3) In order to allow passengers' relatives to obtain information quickly concerning the presence of their relatives on board an aircraft involved in an accident, airlines shall offer travellers the opportunity to give the name and contact details of a person to be contacted in the event of an accident. This information may be used by the airlines only in the event of an accident and shall not be communicated to third parties or used for commercial purposes.

- (4) The name of a person on board shall not be made publicly available before the relatives of that person have been informed by the relevant authorities. The list referred to in paragraph 1(a) shall be kept confidential in accordance with the Law on Protection of Confidentiality of Personal Data ('Official Gazette of BiH', No: 49/06 and 76/11), and the name of each person appearing in that list shall, subject thereto, only be made publicly available in so far as the relatives of the respective persons on board have not objected.

VII- ASSISTANCE TO THE VICTIMS OF AIR ACCIDENTS

Article 20 (Assistance to the victims of air accidents and their relatives)

- (1) In order to ensure a more comprehensive and harmonised response to accidents in the territory of ECAA Area States, the Aircraft Accident Investigation Unit shall establish a civil aviation accident emergency plan. Such an emergency plan shall also cover assistance to the victims of civil aviation accidents and their relatives. Such an emergency plan shall also cover assistance to the victims of civil aviation accidents and their relatives.
- (2) The Aircraft Accident Investigation Unit shall ensure that all airlines established in the territory of Bosnia and Herzegovina have a plan for the assistance to the victims of civil aviation accidents and their relatives. Those plans must take particular account of psychological support for victims of civil aviation accidents and their relatives and allow the airline to react to a major accident. The Aircraft Accident Investigation Unit shall audit the assistance plans of the airlines established in their territory. The Aircraft Accident Investigation Unit shall also encourage airlines from non-ECAA Area States which operate in Bosnia and Herzegovina to similarly adopt a plan for the assistance of victims of civil aviation accidents and their relatives.
- (3) When an accident occurs, the Aircraft Accident Investigation Unit, if in charge of the investigation, in which the airline, the aircraft of which was involved in the accident is established in the territory of Bosnia and Herzegovina, or which had a large number of BiH nationals on board the aircraft involved in the accident, shall provide for the appointment of a reference person as a point of contact and information for the victims and their relatives.
- (4) The ECAA Area State or third country which is not ECAA Area State, which, by virtue of fatalities or serious injuries to its citizens, has a special interest in an accident which has occurred in the territories of ECAA Area States, shall be entitled to appoint an expert who shall have the right to:
 - (a) visit the scene of the accident;
 - (b) have access to the relevant factual information, which is approved for public release by the safety investigation authority in charge, and information on the progress of the investigation;
 - (c) receive a copy of the final report.
- (5) An expert appointed in accordance with paragraph 4 may assist, subject to applicable legislation in force, in the identification of the victims and attend meetings with the survivors of its State.
- (6) In accordance with provisions of the legislation related to obligations in civil aviation of Bosnia and Herzegovina on insurance requirements for air carriers and aircraft operators,

also air carriers of non-ECAA Area States shall fulfil the insurance obligations set out in those provisions.

VIII - ACCESS TO DOCUMENTS

Article 21 (Access to documents and protection of personal data)

This Rulebook shall apply without prejudice to the Law on Protection of Confidentiality of Personal Data ('Official Gazette of BiH', No: 49/06 and the Law on Protection of Confidential Data ('Official Gazette of BiH', No: 54/05 and 12/09) regarding public access to documents and protection of personal data.

IX - FINAL PROVISIONS AND ENTRY INTO FORCE

Article 22 (Implementing acts)

The Aircraft Accident Investigation Unit shall lay down implementing rules in the form of manuals, guidelines, instructions, etc. for regulation of conditions and manner of conducting of accidents and serious incidents of aircraft in accordance with the Aviation Law of Bosnia and Herzegovina, with this Rulebook and other legislation arising under the Aviation Law of Bosnia and Herzegovina, that regulate investigation of accidents and serious incidents.

Article 23 (Final provisions)

The Rulebook on the manner of investigation of causes of aircraft accidents ('Official Gazette of BiH' No: 44/04) of 28/09/2004 shall cease to have effect by virtue of the entry into force of this Rulebook.

Article 24 (Entry into force)

This Rulebook shall enter into force on the eighth day following that of its publication in the 'Official Gazette of Bosnia and Herzegovina'.

No: 1-3-02-2-339-1/14
Banja Luka, 10/04/2014

Director General
Djordje Ratkovica

Appendix I

LIST OF EXAMPLES OF SERIOUS INCIDENTS

The incidents listed are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance with respect to the definition of 'serious incident':

- Near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate;
- Controlled flight into terrain only marginally avoided;
- Aborted take-offs on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway;
- Take-offs from a closed or engaged runway, from a taxiway, excluding authorised operations by helicopters, or from an unassigned runway;
- Landings or attempted landings on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway, gross failures to achieve predicted performance during take-off or initial climb,
- Fires and smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents;
- Events requiring the emergency use of oxygen by the flight crew;
- Aircraft structural failure or engine disintegration, including uncontained turbine engine failures, not classified as an accident;
- Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft;
- Flight crew incapacitation in flight;
- Fuel quantity requiring the declaration of an emergency by the pilot;
- Runway incursions classified with severity A according to the Manual on the Prevention of Runway Incursions (ICAO Doc 9870) which contains information on the severity classifications;
- Take-off or landing incidents; Incidents such as undershooting, overrunning or running off the side of runways, system failures, weather phenomena, operation outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft, failure of more than one system in a redundancy system mandatory for flight guidance and navigation.