

Pursuant to Article 16, Article 61 paragraph 2 of the Law on Administration (Official Gazette of BiH, 32/02, 02/09 and 72/17) and Article 14 (1) of the Bosnia and Herzegovina Aviation Law (Official Gazette of BiH, 39/09 and 25/18), the Acting Director General of the Directorate of Civil Aviation of Bosnia and Herzegovina adopted

## **RULEBOOK ON HARMONIZATION OF BOSNIA AND HERZEGOVINA WITH INTERNATIONAL CIVIL AVIATION ORGANIZATION REQUIREMENTS**

### **PART ONE - INTRODUCTORY PROVISIONS**

#### Article 1 (Subject)

This Rulebook shall determine the procedure of conducting of the Directorate of Civil Aviation of BiH (hereinafter referred to as the "BHDCA"), Prosecutor's Office of BiH, Ministry of Communications and Transport of BiH, Ministry of Security of BiH, Ministry of Civil Affairs of BiH, Ministry of Transport and Communications of the Republika Srpska, Federal Ministry of Transport and Communications, Agency for Identification Documents, Registers and Data Exchange of BiH, Border Police of BiH and Air Navigation Service Agency of BiH and other institutions upon the receipt of the State Letter from the International Civil Aviation Organization (hereinafter referred to as the "ICAO").

#### Article 2 (Objective)

The objective of this Rulebook is to fulfill the obligations of Bosnia and Herzegovina arising from Articles 37 and 38 of the Convention on International Civil Aviation (hereinafter referred to as the "Chicago Convention"), achieving a high level of compliance of national regulations with the ICAO standards and, if possible, with other ICAO documents, and recordkeeping of the differences against the application of standards and other relevant ICAO documents in order to ensure the safe and efficient air navigation.

#### Article 3 (Terms)

- a) The terms used in this Rulebook have the following meaning:
- b) Integrated Aeronautical Information Package - IAIP a package which consists of the following elements:
  - 1) Aeronautical information publication, including amendment service;
  - 2) AIP Supplements;
  - 3) Notice to airmen - NOTAM and preflight information bulletin - PIB;
  - 4) Aeronautical information circular (AIC);
  - 5) Checklists and lists of valid NOTAM;
- c) The ICAO State Letters, for the purpose of this Rulebook, shall be classified into the following categories:
  - 1) ICAO State Letter type I containing the proposed amendments (hereinafter referred to as the "Amendment") to Annexes to the Chicago Convention;
  - 2) ICAO State Letter type II containing the text of the Amendment to the Annex to the Chicago Convention (the so-called SARP - ICAO Standards and Recommended Practices) adopted by the ICAO Council, the statement of reasons for the adoption of the Amendment, the date until which differences should be reported, the date of entry into force of the Amendment and the date from which the Amendment shall be applied.

- d) Standard: A Standard is defined as any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention.
- d) Recommended Practice: Any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognised as desirable in the interest of safety, regularity or efficiency of international air navigation, and to which Contracting States should endeavour to conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is recommended in accordance with the Assembly Resolutions.
- e) Appendices: Appendices comprising material grouped separately for convenience but forming part of the Standards and Recommended Practices adopted by the Council. The notification of differences therefore applies to appendices. In order to report the notification of differences applied to the specific Appendix, States should report differences applied to the SARPs referred to that Appendix.
- f) Definitions: Definitions of terms do not have an independent status but they are essential part of each Standard and Recommended Practice in which the term is used, since a change in the meaning of the term would affect the specification. Therefore, differences against definitions should be notified. Once a difference against a definition has been notified, differences against the SARPs using that definition should be notified as well. Therefore, it is necessary to draw attention to the possible far reaching consequences of deciding to adopt a definition differing in substance from an Annex definition.
- g) Tables and figures: Tables and Figures which add to or illustrate a SARP and which are referred to in an annex, form part of the associated SARP and have the same status. The notification of differences therefore applies to such tables and figures. In order to notify the difference applied to such tables and figures, notification of differences referred to a SARP should be notified by the States.
- h) Notification: A procedure of notification of differences against the application of standards and other relevant ICAO documents.
- i) Aeronautical Information Services Provider: Bosnia and Herzegovina Air Navigation Services Provider (BHANSA) or other organisation, holder of valid certificate for provision of aeronautical information services that is designated by the responsible aviation authority.
- j) Aeronautical Information Publication: A publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation.
- k) National Continuous Monitoring Coordinator (hereinafter referred to as the ICAO NCMC) is the ICAO USOAP CMA (Universal Safety Oversight Audit Programme - Continuous Monitoring Approach) activity coordinator responsible for providing of regular and updated information related to: State aviation activity questionnaire - SAAQ, Protocol Question - PQs, Compliance checklists - CC, ICAO Mandatory information request - MIR, State Safety Concern - SSC, State Corrective action plan - CAP updated, and other relevant safety information requested by ICAO.
- l) ICAO USOAP Compliance checklists (CCs) - a questionnaire on compliance with ICAO standards and recommended practices that BiH is obliged to submit on a regular basis, and with which fulfilment BiH provides an overview of the implementation of the ICAO SARP to air traffic participants.

## PART TWO - ICAO STATE LETTER HANDLING PROCEDURE

### Article 4 (Appointments)

- (1) BHDCA Director General shall appoint a person responsible for a receipt of the ICAO State Letters (hereinafter referred to as the "ICAO Focal Point") and a person responsible for a submission of notification of differences to the Aeronautical Information Publication (hereinafter referred to as the "AIP Focal Point").
- (2) BHDCA Director General shall appoint the Working Body which shall examine the ICAO State Letters.
- (3) Members of the Working Body referred to in paragraph (2) of this Article shall be technical experts and a graduate of law.
- (4) The Working Body shall designate the Chairperson and shall act in accordance with the ICAO State Letter Procedure which consists of the ICAO Document 10055 (Manual on Notification and Publication of Differences), ICAO Document 8126 (Aeronautical Information Services Manual) and ICAO Document 9734 (Safety Oversight Manual, Part A - The Establishment and Management of a State Safety Oversight System).
- (5) The BiH Institutions referred to in Article 1 of this Rulebook shall appoint a Contact Person responsible for the receipt and distribution of the ICAO State Letters and, where necessary, a Working Body which shall examine the State Letter in the manner set out in this Rulebook, and which shall periodically analyze the compliance of the national regulations with a SARP by completing the ICAO USOAP Compliance Checklists - CCs (hereinafter referred to as the ICAO questionnaire).

### Article 5

(Receipt and preliminary processing of the ICAO State Letter)

Upon a receipt of the State Letter, the ICAO Focal Point shall, preliminarily process the letter, register it and submit it to further processing to the Working Body

### Article 6

(ICAO State Letter handling procedure of the Working Body)

- (1) Depending on whether it is a ICAO State Letter Type I or Type II, the Working Body shall act in the following manner:
  - a) analyzing the content and nature of the State Letter concerned;
  - b) notifying the institutions referred to in Article 1 of this Rulebook of the proposed or adopted amendment to the Chicago Convention or another ICAO document relating to the scope of activity and the competence of those institutions;
  - c) laying down the category of differences of national regulation from the adopted amendment and preparing the text of significant differences which shall be published in the AIP;
  - d) assessing the impact of the proposed or adopted amendment on the national regulations and aviation economy;
  - e) carrying out, where necessary, consultations with the public concerned;
  - f) seeking, where necessary, the opinion of the competent institutions, technical services or individuals who have the appropriate expertise in the field of competence.
- (2) The Working Body shall prepare report of the actions taken referred to in paragraph (1) of this Article and a proposed response referred to in Article 14 (1) of this Rulebook, and shall immediately communicate it to the director general for further procedure.

### Article 7

(State Letter Type I handling procedure)

Upon a receipt of the Working Body report, the Director General shall adopt the decision on the response to the State Letter Type I, that may be:

- a) to accept proposal for adoption of an amendment with no comment;
- b) to accept proposal for adoption of an amendment by submitting remarks, proposals and suggestions with a view of improving it;
- c) not to accept the proposed amendment with or without comment;
- d) to abstained.

### Član 8.

(State Letter Type II handling procedure)

- (1) Upon a receipt of the State Letter Type II, the Working Body shall:
  - a) analyze an amendment;
  - b) determine the category of the differences of national regulations from the amendment and enter them on the form in Annex II of this Rulebook, stating a concise and precise description of the established differences;
  - c) should the analysis of an amendment establish that differences of national regulations from the amendment are significant, it shall be stated in the report, and set out in the text to be published in the AIP;
  - d) examine whether an amendment is applicable, in whole or in part, in Bosnia and Herzegovina;
  - e) propose the method and the time limit within which relevant national regulations shall be complied with an amendment;
  - f) where appropriate, propose the adoption of a new or amending the existing regulations with a view to achieving compliance with an amendment and initiate its inclusion in the Regulation Agenda.
- (2) After an analysis of the adopted amendment was carried out by the Working Body, the Chairman of the Working Body shall prepare a report on the results of the analysis and submit it for consent to the Director General.
- (3) After having obtained the consent of the Director General to the report, the said report shall be sent to the AIP Focal Point who shall act in accordance with Article 16 (4) of this Rulebook.

### Article 9

(BiH Institutions handling procedure upon the receipt of the ICAO State Letter)

- (1) The institutions referred to in Article 1 of this Rulebook shall, upon a receipt of the ICAO State Letter, act in accordance with this Rulebook, provide the information required by the ICAO State Letter, fill out the Attachments I and II of this Rulebook, and prepare and submit a written report to the BHDCA.
- (2) The final response to the ICAO shall be submitted by the BHDCA with regard to the manner specified in Article 14 (2) and (3) of this Rulebook.

### Article 10

(The categories of differences)

Differences of national regulations from the standards and recommended practices of an amendment are classified into the following categories:

- a) **category A** - the national regulations and practices are more demanding than the appropriate SARP or impose an obligation not covered by the SARP. This is particularly important in cases where a national regulation requires the high standard that affects aircraft operations of other ICAO States Members that are carried out in and over the territory of BiH;
- b) **category B** - standards and recommended practices from the amendment are contained in the national regulation but do not have the identical formulation, systematics or structure as in an amendment,

and an additional obligation is not necessarily imposed.

- c) **Category C** - the national regulation is below the minimum of standard or recommended practice of an amendment, or the standards or recommended practices of an amendment are only partially or not at all covered by a national regulation or not implemented.

#### Article 11

(Significant differences)

- (1) Significant differences shall be any differences of national regulations in relation to:
  - a) ICAO international standard and recommended practice (SARP), taking into account the differences against definition, appendices, table and figures contained in the SARP;
  - b) Procedures for Air Navigation Services (PANS);
  - c) Regional Supplementary Procedures (SUPP).
- (2) When it comes to the Recommended Practices, Procedures for Air Navigation Services (PANS) and Regional Supplementary Procedures (SUPP), only those differences of importance to air navigation safety are identified as significant differences.
- (3) In case where BiH adopted a regulation fully covering the ICAO Standard and Recommended Practice, but it is still not applicable due to the lack of equipment, stuff or similar reasons, BiH is obliged to publish it in the AIP as a significant difference.

#### Article 12

(State Letter Type II handling procedure where there are no differences)

- (1) Should the analysis of an amendment conclude that the national regulation comply with a Standard and Recommended Practice, the Working Body shall propose a response to the ICAO that on the day of entry into force of an amendment there shall be no differences between the national regulations and an amendment.
- (2) In case where an amendment contains the requirements relating to aircrafts, operations, equipment, personnel or navigation devices or services which are not applicable in the Bosnia and Herzegovina aeronautical activities, a notification to the ICAO is not required, but when completing the ICAO questionnaire, such a requirement shall be marked as Not applicable.

#### Article 13

(State Letter Type II handling procedure where there are differences)

Should the analysis of an amendment conclude that the national regulation differs from the Standard and Recommended Practice, the Working Body shall:

- a) prepare a report pursuant to Article 8 (2) of this Rulebook and propose a response to the ICAO that an amendment is acceptable in whole or in part (specifying the provision of the amendment that are not accepted by Bosnia and Herzegovina);
- b) indicate that there shall be differences between an amendment and the national regulations on the date of the entry into force of an amendment (specifying them in details in accordance with the form to Attachment II of this Rulebook); and
- c) indicate the deadline by which Bosnia and Herzegovina intends to be fully harmonized with an annex, including all its amendments.

### **PART THREE - NOTIFICATION AND PUBLICATION OF DIFFERENCES AGAINST THE APPLICATION OF ICAO REQUIREMENTS**

#### Article 14

(Response to ICAO State Letter)

- (1) As a response to the ICAO State Letter Type I and Type II, the appropriate form of the Attachment I and Attachment II of this Rulebook shall be filled out by the Chairperson of the Working Body.

- (2) If the response referred to in paragraph (1) of this Article shall be addressed in writing, it shall be submitted to the ICAO Focal Point within the time limit specified in the Letter.

- (3) Response on the ICAO State Letter Type II may be submitted through the Electronic Filing of Differences system - EFOD.

- (4) In the case of filling in the form on notification to the State Letter Type I and Type II referring to the Annex 17, due to the confidential character of these data, response shall be submitted solely in writing.

#### Article 15

(Periodic analysis of regulatory compliance with a SARP)

- (1) Having regard to the Article 37 of the Chicago Convention, with a view to achieving the highest possible level of harmonization of regulations, the BHDCA shall carry out the periodical compliance analysis of national regulatory with the Standards and Recommended Practices, Procedures for Air Navigation Services - PANS and Regional Supplementary Procedures - SUPP, which are significant for the safety of air navigation.

- (2) At least once in two years, the ICAO NCMC shall initiate the periodical analysis referred to in paragraph (1) of this Article by submitting the relevant ICAO questionnaires to the BiH competent institutions and to the responsible persons in the BHDCA.

- (3) When filling in the ICAO questionnaire, the institutions or responsible persons referred to in paragraph (2) of this Article, shall state:

- a) categories of differences;
- b) a precise description of difference;
- c) reasons for differences between a provision of the national regulation and relevant Standard and Recommended Practice set out in the ICAO Annex;
- d) a proposal for the remedy of the differences in relation to the Standard and Recommended Practice set out in the ICAO Annex, if applicable.

- (4) After analysis of the completed ICAO questionnaires, the same are submitted to the ICAO through the EFOD System and a procedure for the publication of the significant differences in the AIP, referred to in Article 16 of this Rulebook, shall be initiated.

- a) Institutions or responsible persons referred to in paragraph (2) of this Article shall initiate the procedure referred to in Article 16 of this Rulebook at any time where they identify the significant differences.

#### Article 16

(AIP publication)

- (1) The BHDCA shall publish in the AIP, Section GEN 1.7 all significant differences against ICAO Standards and Recommended Practices, and other relevant documents, in order to ensure that the AIP contains valid information relating to the status of implementation of the Standard and Recommended Practices and Procedures, in particular those relating to aircraft operations and the provision of services.

- (2) Within the BHDCA, the AIP Focal Point is responsible for submission of notification of differences to the AIP.

- (3) The Working Body, namely, persons or institutions responsible for specific areas and Annexes to the Chicago Convention shall, notify the AIP Contact Person on the need for notification of differences in the AIP, state the reasons for the differences, the provisions of the national regulations that differ from the Annex to the Chicago Convention, date by which the differences shall be published and date by when the differences shall be applicable, and check whether the differences require amendments to some other parts of the Integrated Aeronautical Information Package (IAIP).

- (4) After the consent of the BHDCA Director General, the AIP Focal Point shall inform the Aeronautical Information Service of the Bosnia and Herzegovina Air Navigation

Service Agency on the need for publishing of differences, along with a text to be published by an email [aisbih@bhansa.gov.ba](mailto:aisbih@bhansa.gov.ba) in the one of the following format: doc, xls, pdf dwg or jpg formats.

#### **PART FOUR - FINAL PROVISIONS**

##### Article 17 (Repeals)

Upon entry into force of this Rulebook, Rulebook on the International Civil Aviation Organization State Letter handling procedure and the notification procedures of differences between the national regulations and international standard and practices (Official Gazette of BiH No 83/13) shall cease to have effect.

##### Article 18 (Entry into force)

This Rulebook shall enter into force on the eighth day following that of its publication in the Official Gazette of BiH.

Number 1-3-02-2-548-4/18

13 September 2018

Banja Luka

Acting Director General

**Željko Travar**, sgd.

**ATTACHMENT I**

**RESPONSE FORM TO BE COMPLETED AND RETURNED TO ICAO TOGETHER WITH ANY COMMENTS YOU MAY HAVE ON THE PROPOSED AMENDMENTS**

To: The Secretary General  
 International Civil Aviation Organization  
 999 Robert-Bourassa Boulevard  
 Montréal, Quebec  
 Canada, H3C 5H7

(State) **Bosnia and Herzegovina**

Please make a checkmark (✓) against one option for each amendment. If you choose options “agreement with comments” or “disagreement with comments”, please provide your comments on separate sheets.

|  | <i>Agreement without comments</i> | <i>Agreement with comments *</i> | <i>Disagreement without comments</i> | <i>Disagreement with comments</i> | <i>No position</i> |
|--|-----------------------------------|----------------------------------|--------------------------------------|-----------------------------------|--------------------|
| Amendment to Annex — Annex_ —<br>_____ (Attachment A refers) |                                   |                                  |                                      |                                   |                    |

\* ‘Agreement with comments’ indicates that your State or organization agrees with the intent and overall thrust of the amendment proposal, the comments themselves may include, as necessary, your reservations, concerning certain parts of the proposal and/or offer an alternative proposal in this regard.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RESPONSE FORM TO THE COMMENTS FOR FORMULATION OF THE PROPOSALS FOR AMENDMENTS IN LANGUAGE THAT IS NOT ENGLISH**

(State) **Bosnia and Herzegovina**

1. Do you have any comments relating to formulation of the proposals for amendments in language that is not English?

Yes  No

2. If you have, please offer your comments in the cell below. *(if necessary, please provide your comments on additional sheets):*

|   | <i>Reference / Paragraph No</i> | <i>Comments</i> |
|---|---------------------------------|-----------------|
| Amendment to Annex _ — _____<br>(Attachment A refers) |                                 |                 |

**ATTACHMENT II**

**NOTIFICATION OF DISAPPROVAL OF ALL OR PART  
OF AMENDMENT TO ANNEX \_\_**

To: The Secretary General  
International Civil Aviation Organization  
999 Robert-Bourassa Boulevard  
Montréal, Quebec  
Canada, H3C 5H7

(State) Bosnia and Herzegovina herby wants to reject the following parts of the amendments to the Annex:

Signature \_\_\_\_\_

Date \_\_\_\_\_

**NOTES**

- 1) If you want to reject the entire amendments or part of the amendments to the Annex, please submit this notification of disapproval so that the same arrives to the ICAO headquarters by the ..20. If it is not received by the requested date, it would be considered that you do not reject the amendments. **If you accept all the parts of the amendments, it is not necessary to submit this notification of disapproval.**
- 2) This notification should not be considered a notification of harmonization with the Annex or notification of differences referred to the Annex. In this case, a separate notification should be submitted (Attachment C refers).
- 3) If necessary, please provide your comments on additional sheets.

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**NOTIFICATION OF COMPLIANCE WITH OR  
DIFFERENCES FROM THE ANNEX \_\_  
(including all amendments up to and including Amendment \_\_)**

To: The Secretary General  
International Civil Aviation Organization  
999 Robert-Bourassa Boulevard  
Montréal, Quebec  
Canada, H3C 5H7

1. No differences will exist on \_\_\_\_\_ between the national regulations and/or practices of **(State) Bosnia and Herzegovina** and the provisions of Annex \_\_, including all amendments up to and including Amendment \_\_.

2. The following differences will exist on \_\_\_\_\_ between the national regulations and/or practices of **(State) Bosnia and Herzegovina** and the provisions of Annex \_\_, including the Amendment. (Please see Note 2) below)

|  |   |  |
|--|---|--|
| <b>a) Annex Provision</b><br>(Please give the exact paragraph reference) | <b>b) Details of difference</b><br>(Please describe the difference clearly and concisely) | <b>c) Remarks</b><br>(Please indicate reasons for the differences) |
|--|---|--|

(Please use extra sheets as required)

3. By the dates indicated below, **(State) Bosnia and Herzegovina** will have complied with the provisions of Annex \_\_, including all amendments up to and including Amendment \_\_ for which differences have been notified

|   |                |                    |
|---|----------------|--------------------|
| <b>Annex Provision</b><br>(Please give the exact paragraph reference) | <b>b) Date</b> | <b>c) Comments</b> |
|---|----------------|--------------------|

Signature \_\_\_\_\_

Date \_\_\_\_\_

**NOTES**

- |   |   |
|---|---|
| <p>1) If paragraph 1 above is applicable to your State, please complete the paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete the paragraphs 2 and 3 and return the form to ICAO Headquarters.</p> <p>2) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.</p> | <p>3) Guidance on the notification of differences is provided in the Note on the Notification of Differences and in the Manual on Notification and Publication of Differences (Doc 1005510).</p> <p>4) Please send a copy of this notification to the ICAO Regional Director accredited to your Government.</p> |
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