

Pursuant to Articles 16 and 61 (2) of the Law on Administration (Official Gazette of BIH 32/02, 102/09 and 72/17) and Article 14 (1) of the Bosnia and Herzegovina Aviation Law (Official Gazette of BIH 39/09 and 25/18), the Director General of the Bosnia and Herzegovina Directorate of Civil Aviation has hereby issued the following

## **RULEBOOK ON FLIGHT APPROVAL**

### **PART ONE – GENERAL PROVISIONS**

#### **Article 1 (Subject matter)**

This Rulebook defines the conditions and procedure for issuance of flight approvals to domestic and foreign civil aircraft in the airspace of Bosnia and Herzegovina.

#### **Article 2 (Application)**

The provisions of this Rulebook shall apply to domestic and foreign civil aircraft departing from and landing at international airports in Bosnia and Herzegovina and to aircraft flying over Bosnia and Herzegovina.

#### **Article 3 (Terms)**

The terms used in this Rulebook shall have the following meaning:

- a) **airport slot**: a timeframe reserved for a flight arriving at/departing from an airport;
- b) **state aircraft**: aircraft entered into the register of a country which are used for military, customs and police purposes, including aircraft used exclusively for the transportation of persons with a special status;
- c) **general aviation (GA)**: aircraft not used for commercial transport or aerial work;
- d) **event**: any flying activity intended to be performed as an air show or entertainment at a declared event open to the public, including aircraft used for training for an air show and for flights to and from the venue of the declared event;
- e) **flight approval**: approval by the competent aviation authority granted to an aircraft operator to conduct flights in the airspace of Bosnia and Herzegovina, including take-offs/landings at airports in Bosnia and Herzegovina;
- f) **aircraft operator**: a natural or legal person who is an aircraft owner or user;
- g) **dangerous goods**: items or substances that may pose a risk to health, safety, property or the environment and which are on the list of dangerous substances in the Technical Instructions or are classified in accordance with those technical instructions;
- h) **aerial work**: an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

## **PART TWO – APPROVAL OF FLIGHTS AND AIRPORT SLOTS**

### **Article 4 (Flights of state and civil aircraft)**

Flights of state aircraft in the airspace of Bosnia and Herzegovina shall be approved by the Ministry of Foreign Affairs, while flights of civil aircraft shall be approved by the Bosnia and Herzegovina Directorate of Civil Aviation (hereinafter: BHDCA).

### **Article 5 (Taking off and landing of aircraft in international air traffic)**

(1) Aircraft entering or exiting the airspace of Bosnia and Herzegovina shall make their first landing or take-off at one of the international airports with an organised state border-crossing service.

(2) Notwithstanding the provisions of paragraph (1) of this Article, aircraft participating in international air traffic may also make their first landing or take-off at other airports or airfields if the airport operator provides the required state border-crossing services.

### **Article 6 (Mandatory aircraft insurance)**

Every aircraft operator (hereinafter: Operator), in order to fly in the airspace of Bosnia and Herzegovina, shall be required to have liability insurance for damage caused to passengers, baggage, cargo and third parties in accordance with the civil aviation contract law.

### **Article 7 (Flights not requiring BHDCA approval)**

Flights not requiring BHDCA approval:

- a) flights of foreign state aircraft (diplomatic flights) – approval requests shall be submitted to the Bosnia and Herzegovina Ministry of Foreign Affairs through diplomatic channels;
- b) flights of Bosnia and Herzegovina state aircraft;
- c) EUFOR and NATO aircraft and aircraft not belonging to NATO but serving as support to European Union operations shall have the right of free passage without any limitations and of unhindered flying through the airspace of Bosnia and Herzegovina pursuant to the provisions of the “Annex to the Protocol on the transfer of authority over the airspace of Bosnia and Herzegovina”, signed in Paris in 2007;
- d) medical flights, where immediate action is required in cases of danger and medical evacuation (MEDEVAC) and for the transfer of seriously ill patients to and from Bosnia and Herzegovina;
- e) search and rescue (SAR) flights, and
- f) ferry flights;

- g) emergency landings;
- h) own-use flights of domestic and foreign civil aircraft;
- i) general aviation flights;
- j) flights of domestic and foreign civil aircraft when declared in the flight plan as non-commercial flights (own-use transport, private flights);
- k) flights of domestic and foreign civil aircraft when declared in the flight plan as humanitarian flights;
- l) non-scheduled commercial flights of domestic and foreign civil aircraft whose number of usable seats does not exceed 10;
- m) training flights in the airspace of Bosnia and Herzegovina with landings at and take-offs from the international airports in Bosnia and Herzegovina;
- n) overflights, except for overflights carrying dangerous goods or weapons and ammunition over the territory of Bosnia and Herzegovina.

**Article 8  
(Airport slot requests)**

- (1) Airport slot requests without prior BHDCA approval shall not be considered.
- (2) Airport slot approval requests shall be submitted to airports operations centres and shall include an attached BHDCA approval.

**Article 9  
(Slot allocation and revision)**

- (1) Airport operations centres in Bosnia and Herzegovina shall be responsible for slot issuance.
- (2) Airport slots shall be allocated in accordance with transparent, impartial and non-discriminatory rules.
- (3) Airports slots shall be adhered to by all operators.
- (4) Revisions relating to flight time, destination, flight category, or BHDCA approval revocation shall be submitted to the operations centre of the airport responsible for issuance of the slot.
- (5) Cancelled or missed flights are not subject to automatic revision. If a flight approval has expired, the operator shall submit a new approval request and a new airport slot approval request.

**Article 10  
(BHDCA operating hours)**

The operating hours of the BHDCA are from 08:00 until 16:00 (local time) on each working day except on holidays. Holidays are the holiday days as defined in the Entities' laws.

## **PART THREE – FLIGHTS REQUIRING BHDCA APPROVAL**

### **Article 11 (Approval requests)**

(1) Requests to issue approval to an aircraft operator for scheduled or non-scheduled international and domestic flights in the airspace of Bosnia and Herzegovina shall be submitted to the BHDCA's Aerodromes Section, via fax No: +387 51 921 520 or by e-mail at [flightrequest@bhdca.gov.ba](mailto:flightrequest@bhdca.gov.ba) .

(2) The BHDCA shall issue a written approval, or reject to issue an approval, with an explanation, and shall communicate it to the applicant within the timeframes defined by this Rulebook.

### **Article 12 (Documentation)**

Operators flying for commercial purposes in the airspace of Bosnia and Herzegovina shall, when first submitting requests for scheduled or non-scheduled flights, submit also the following documents, in addition to the flight approval request:

- a) Air Operator Certificate - AOC;
- b) Operating Licence;
- c) aircraft registration certificate;
- d) Airworthiness Certificate, including the Airworthiness Review Certificate;
- e) Insurance Certificate, including insurance against damage caused to third parties;
- f) Noise Certificate;
- g) Radio Station Licence;
- h) Third Country Operator (TCO) authorisation, for operators from non-EU countries;
- i) charter flights: agreement between the operator and the recipient of service;
- j) aircraft lease agreement (Wet Lease, Dry Lease) if the aircraft is leased;
- k) additional documents at the request of the BHDCA.

### **Article 13 (Validity of issued approval)**

(1) Approvals for individual flights issued by the BHDCA shall be valid for 72 hours. At the operator's request, the approval may be issued for a longer period (aerial work).

(2) The validity of an approval shall start at the time of envisaged entry into the airspace of Bosnia and Herzegovina or the envisaged time of departure from an airport in Bosnia and Herzegovina.

(3) If the flight has not been conducted within the timeframe specified in paragraph (1), the operator shall submit a new request.

## **PART FOUR – SCHEDULED FLIGHTS**

### **Article 14 (Requests for scheduled flights)**

(1) Requests for issuance of approvals for scheduled air services for summer and winter scheduling seasons shall be submitted by operators (domestic and foreign) to the BHDCA not later than 30 days prior to the planned commencement of flights.

(2) Approval requests shall be submitted via the prescribed form that can be found on the BHDCA's website.

(3) In addition to the documents specified in Article 12 of this Rulebook, the operator must provide the following information in the approval request:

a) the operator's name, address, telephone and fax numbers;

b) flight number/call sign;

c) aircraft type and registration;

d) maximum take-off weight (MTOW)/capacity of the aircraft;

e) weekly flight schedule;

f) take-off and landing airports;

g) in case of code share flights, flight numbers and the marketing and operating carriers shall be specified.

(4) Approval requests shall be submitted separately for summer and winter scheduling seasons.

(5) The BHDCA shall forward the flight approval, or deny it with an explanation, to all operators not later than 20 days prior to the commencement of flights.

(6) Revisions requests shall be submitted by operators to the BHDCA three working days prior to the commencement of flights for all operators.

(7) Scheduled flights relating to the freedoms specified under Article 16 (1) of this Rulebook shall be approved in accordance with Article 16 of this Rulebook.

## **PART FIVE – NON-SCHEDULED (CHARTER) FLIGHTS**

### **Article 15 (Requests for non-scheduled flights)**

(1) Requests for issuance of approvals for non-scheduled (charter) air services, including the documents listed under Article 12 of this Rulebook, shall contain the following information:

- a) the operator's name, address, telephone and fax numbers;
- b) flight number/call sign;
- c) aircraft type and registration;
- d) maximum take-off weight (MTOW)/capacity of the aircraft;
- e) purpose of the flight;
- f) flight schedule by date;
- g) take-off and landing airports;
- h) Charter Agreement between the operator and service recipient.

(2) Approval requests shall be submitted via the prescribed form that can be found on the BHDCA's website.

(3) Operators shall submit approval requests to the BHDCA as follows:

- a) for a single flight – three working days prior to the planned commencement of the flight;
- b) for a series of up to four flights in a month – not later than five working days prior to the commencement of the flight;
- c) for a series of five and more flights in a month – not later than ten working days prior to the commencement of the flight.

(4) The BHDCA shall communicate the flight approval, or its denial with an explanation, to the operator not later than:

- a) for a single flight – one working day prior to the commencement of the flight;
- b) for up to four flights – not later than three working days prior to the commencement of the flight;
- c) five and more flights in a month – not later than four days prior to the commencement of the flight;

(5) Non-scheduled flights relating to fifth freedom flights shall be approved in accordance with Article 16 of this Rulebook.

**Article 16**  
**(Fifth freedom flights)**

(1) The BHDCA shall approve flight(s) for a foreign operator conducting scheduled and non-scheduled flights (for four and more flights in a month, counting all individual flights) relating to the fifth, seventh, eighth and ninth freedoms, on the basis of reciprocity if Bosnia and Herzegovina is a signatory state to the bilateral agreement concluded with the State of the foreign operator, or in accordance with the ECAA Agreement when such operators come from the ECAA Agreement Member States.

(2) Approval requests for flights from the international airports in Bosnia and Herzegovina, relating to the freedoms specified in paragraph (1) of this Article, shall be submitted to the BHDCA not later than 7 days prior to the planned commencement of the flight.

(3) For non-scheduled flights (less than four flights a month) relating to the freedoms specified in paragraph (1) of this Article, the foreign operator shall obtain a non-objection letter from licensed domestic operators, both for passenger transport and cargo transport, except for foreign operators from an ECAA Agreement signatory state, in accordance with the ECAA Agreement:

a) the BHDCA shall, at the request of the operator, provide a list of licensed domestic operators within one working day (24 hours);

b) If a domestic operator, upon receipt of the request for a non-objection letter, does not provide an answer within one working day (24 hours), this operator shall be deemed as not objecting to the flight being conducted by the foreign operator.

c) If an applicant for the flight under paragraph (3) of this Article, relating to the freedoms referred to in paragraph (1) of this Article, concludes a commercial agreement with an operator from Bosnia and Herzegovina to which a non-objection letter request/objection to the flight was sent, this applicant shall submit to the BHDCA copies of the agreement and documents specified in Article 12 of this Rulebook, not later than three working days prior to the commencement of the flight.

(7) The BHDCA shall forward the flight approval, or deny it with an explanation, not later than 3 days prior to the commencement of the flight.

(8) Upon consideration of requests to approve flights under paragraph (3) of this Article, relating to the freedoms referred to in paragraph (1) of this Article, the BHDCA shall issue approvals in the following order:

a) to a domestic operator which gave an objection and expressed the desire to undertake the conduct of the requested flight by means of their own capacities. In such a case, the BHDCA shall provide to the operator precise information on the lessee and define a deadline by which the operator has to submit a signed agreement with the lessee. The operator shall submit the required agreement not later than three working days prior to the commencement of the flight;

b) to a domestic operator which has expressed the desire to conduct the flight under their own code through a wet lease, but cannot use the aircraft from their own fleet for justified reasons. The operator shall submit the required agreement not later than three working days prior to the commencement of the flight;

c) to a foreign operator which in cooperation with a domestic operator concludes an agreement that

includes engagement of the domestic operator (Code Share, Subcharter);

d) when none of the above modalities is possible, the BHDCA shall, in order to protect the right of passengers or goods to be transported, issue approval to the foreign operator that has submitted the flight approval request.

(9) The BHDCA shall be responsible for the designation of foreign operators for fifth freedom flights referred to in paragraph (1) of this Article if Bosnia and Herzegovina is a signatory state to the bilateral agreement concluded with the State of the foreign operator, or in accordance with the ECAA Agreement when such operators come from the ECAA Agreement Member States.

### **Article 17 (Reciprocity)**

(1) If the State of the operator, in the process of considering a request for approval to perform air transportation, sets conditions or restrictions to operators registered in Bosnia and Herzegovina that are stricter than the conditions provided for in this Rulebook, the BHDCA may apply reciprocal measures in the process of considering the request for approval of operators registered in that State of the operator.

(2) Exceptionally, traffic rights, the use of which is not regulated by a bilateral agreement, can be granted under the condition of reciprocity if the State of the operator has approved the use of the same traffic rights on its territory to air operators registered in Bosnia and Herzegovina, i.e. if there are equal opportunities for the operators of both parties in performing the same type of air transportation.

## **PART SIX – TRANSPORT OF DANGEROUS GOODS**

### **Article 18 (Transport of dangerous goods)**

(1) The transport of dangerous goods in the airspace of Bosnia and Herzegovina shall be performed in accordance with the standards and recommended practice laid down in ICAO Annex 18 – Safe Transport of Dangerous Goods by Air, and in ICAO Doc. 9284 – Technical Instructions for the Safe Transport of Dangerous Goods by Air.

(2) An operator conducting non-scheduled flights transporting dangerous goods from the international airports in Bosnia and Herzegovina shall, in addition to the flight request and the documents specified in Article 12 of this Rulebook, submit the following documents:

- a) Shipper's Declaration;
- b) End User Certificate;
- c) Packing Instructions;
- d) permission to land from the aviation authorities of the final destination and permissions for layovers if any.

(3) An importer/exporter of dangerous goods shall obtain all the required documents and permits from the competent authorities of Bosnia and Herzegovina.

(4) At airports, dangerous cargo shall be handled by authorised and certified airport personnel.



(5) Flight approval requests for flights carrying dangerous goods from/to BIH shall be submitted to the BHDCA using the prescribed form available on the BHDCA's website, not later than ten days prior to the planned flight.

(6) The BHDCA shall issue a flight approval, or deny it with an explanation, not later than 2 days prior to the commencement of the flight.

(7) Overflights over the territory of BIH by aircraft carrying dangerous goods shall be possible only with an approval by the BHDCA.

(8) Requests for overflight over the territory of BIH by aircraft carrying dangerous goods shall be submitted using the prescribed form available on the BHDCA's website, not later than ten days prior to the planned flight.

### **Article 19 (Exemption for the transport of dangerous goods)**

(1) Dangerous goods that are forbidden for transport by air may be transported only if the BHDCA has issued an exemption for such a flight.

(2) An operator conducting non-scheduled flights carrying dangerous goods that are forbidden for transport by air shall, in addition to a request for exemption and the documents referred to in Article 12 of this Rulebook, submit the following documents as well:

- a) Shipper's Declaration;
- b) End User Certificate;
- c) Packing instructions;
- d) exemption issued by the aviation authority of the final destination and for layovers if any, where the transport of dangerous goods is carried out from an international airport in BIH;
- e) exemptions issued by the aviation authorities of the point of departure or final destination and for layovers if any, where an overflight over the territory of BIH is concerned.

(3) Requests for exemption for the transport of dangerous goods not allowed for carriage by air over the territory of BIH shall be submitted using the prescribed form available on the BHDCA's website, not later than 10 days prior to the planned flight.

(4) The BHDCA shall issue a flight exemption, or deny it with an explanation, not later than 2 days before the flight is scheduled to commence.

(5) Applicants for exemption regarding the transport of dangerous goods by air shall pay a fee for administering the exemption approval procedure in accordance with the regulation governing the fees for the financing of the work of the BHDCA.

## **PART SEVEN – VFR FLIGHTS**

### **Article 20 (VFR flights)**

(1) VFR flights in FIR Sarajevo may be carried out from the airports, heliports and airfields verified by the

BHDCA.

(2) BHDCA approval for VFR flights shall not be required except for the cases under paragraph (4) of this Article.

(3) VFR flight in the airspace of BIH above Flight Level 100 may be carried out without prior BHDCA approval if the aircraft is equipped with the communication and navigation equipment in accordance with the relevant provision of the regulation governing the rules of the air and with an oxygen delivery system.

(4) VFR flights above Flight Level 100, except for flights under paragraph (3) of this Article, shall be addressed on a case-by-case basis. Approval requests shall be submitted to the BHDCA not later than 10 days prior to the planned commencement of the flight.

(5) Off-airport landings and take-offs shall be carried out in accordance with the regulation governing the conduct of operations from off-airport landing and take-off areas.

## **PART EIGHT – OTHER AERIAL ACTIVITIES**

### **Article 21 (Aerial work)**

(1) Requests for the issuance of approval to a foreign or domestic operator for flights showcasing the technical characteristics of aircraft that are used for scientific research, navigation equipment testing, provision of agricultural services, land surveying and other types of surveying, aerial spraying and other similar activities, shall be submitted not later than twenty (20) days prior to the commencement of the flight. The BHDCA shall issue its approval for the flight, or shall deny it with an explanation, not later than three working days before the commencement of the flight. The applicant, in addition to the request submitted to the BHDCA, shall also submit a request for the establishment of temporary (ad-hoc) airspace structures to the Civil Approved Agency (CIV AA) via the form that can be found on the website of the Bosnia and Herzegovina Air Navigation Services Agency (BHANSA) [www.bhansa.gov.ba](http://www.bhansa.gov.ba). The BHDCA shall issue the flight approval to the applicant, or deny it with an explanation, not later than three working days prior to the commencement of the flight.

(2) Notwithstanding the provisions of paragraph (1) of this Article, the deadline for the submission of requests for aerial work regarding navigation equipment failure and testing (calibration) at Bosnia and Herzegovina airports shall not be shorter than 24 hours.

(3) For the activities specified in paragraph (1) of this Article, the applicant shall obtain the required approvals and permits by the competent authorities in Bosnia and Herzegovina, depending on the type of the activity.

(4) Requests for the issuance of the approval under paragraph (1) of this Article shall be submitted using the prescribed form available on the BHDCA's website.

(5) The applicant shall provide the following documents and information:

a) for foreign operators - a Certificate of recognition of the Certificate of provision of aerial services or a Certificate of recognition of the operator's declaration as a certificate of provision of aerial services;

- b) a copy of the contract concluded with the purchaser of the aerial work;
- c) a detailed purpose of flight;
- d) airports and take-off/landing times;
- e) routes and zones where the activities will take place;
- f) for foreign operators – the exact date and time of overflight, and the landing airport;
- g) any additional information and documents, if necessary.

## **PART NINE – OTHER PROVISIONS**

### **Article 22 (Aircraft noise limitation)**

- (1) Aircraft holding a valid noise certificate are allowed to land at/take off from the international airports in Bosnia and Herzegovina. The maximum noise level generated by an aircraft must be, as a minimum, in accordance with ICAO Annex 16, Aircraft Noise, Volume I, Chapter 3.
- (2) The BHDCA may grant exemption from regulations for individual aircraft operations that do not meet the criteria from paragraph (1) of this Article.
- (3) Applicants shall submit their applications via the prescribed form which can be found on the BHDCA's website.
- (4) The BHDCA shall issue an exemption for a flight, or deny it with an explanation, not later than 2 days prior to the commencement of the flight.
- (5) Applicants for a noise-related exemption shall pay a fee for administering the exemption approval procedure in accordance with the regulation governing the fees for the financing of the work of the BHDCA.

### **Article 23 (Denial of flight approval requests)**

- (1) Operators shall, as part of their flight approval request, provide a "Statement of settled financial obligations" which are prescribed by the Aviation Law of Bosnia and Herzegovina and the regulations adopted on the basis of this Law.
- (2) The BHDCA shall deny a flight approval request of the operator arriving or landing at the international airports in Bosnia and Herzegovina if they have not submitted the Statement referred to in paragraph (1) of this Article.
- (3) After the operator has settled their financial obligations, they shall submit to the BHDCA proof of having settled the obligation, as well as a new flight approval request which would be decided upon by the BHDCA in accordance with the provisions of the Law and this Rulebook.

(4) If it is determined from the request and the attached documents that the applicant is not authorised or qualified to perform air transportation, the BHDCA will reject such a flight approval request.

(5) The BHDCA will reject flight approval requests submitted by operators who are on the list of air carriers banned from flying in the European Union.

## **PART TEN – FINAL PROVISIONS**

### **Article 24 (Entry into force)**

(1) The entry into force of this Rulebook shall repeal the Rulebook on Flight Approval (Official Gazette of BIH 95/15) and the Rulebook on Flight Approval (Official Gazette of BIH 53/18).

(2) This Rulebook shall enter into force on the eighth day following its publication in the Official Gazette of BIH.

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Banja Luka, 25 July 2022

Director General  
Čedomir Šušnjar