

Bosnia and Herzegovina Directorate of Civil Aviation

Interpretation of Article 14 paragraph (3) items d) and e) in relation to Article 83 paragraph (1) of the Aviation Law of Bosnia and Herzegovina ("Official Gazette of BIH, No. 39/09)

Date of Issuing: 01.05.2013.

Place of Issuing: Banja Luka

Explanation for the issued Operational Directive

Interpretation of Article 14 paragraph (3) items d) and e) in relation to Article 83 paragraph (1) of the Aviation Law of Bosnia and Herzegovina ("Official Gazette of BIH, No. 39/09)

1. The provisions of Article 14 paragraph (3) items d) and e) of the Aviation Law of Bosnia and Herzegovina (hereinafter: the Law) read as follows:

"In order to facilitate and expedite the regulatory process and to ensure European standardization, the BHDCA shall incorporate in its own regulations, by reference, the following regulations:

- d) Joint Aviation Regulations (JARs), unless covered by the ECAA Multilateral Agreement,
- e) Regulations of the International Civil Aviation Organization (hereinafter: ICAO)."

2. The provision of Article 83 paragraph (1) reads:

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

By means of the Regulation on the conditions and procedure for acquiring, issuance, renewal and revalidation of licenses and ratings for aviation staff - airplane pilots ("Official Gazette of BIH, No. 51/04 of 16/11/2004), Regulation on the conditions and procedure for acquiring, issuance, renewal and revalidation of licenses, ratings and authorizations for aviation staff - helicopter pilots ("Official Gazette of BIH, No. 95/08 of 01/12/2008) and Regulation on the terms and conditions for evaluating medical fitness of aviation personnel and the conditions to be fulfilled by a medical centre and authorised medical examiner for conducting medical examinations of aviation personnel ("Official Gazette of BIH, No. 56/10 of 12/07/2010), the BHDCA has transposed and fully implemented the provisions of the Joint Aviation Requirements related to airplane pilots (JAR-FCL1), helicopter pilots (JAR-FCL2) and evaluation of medical fitness of aviation personnel (JAR-FCL3).

Having analysed the provisions of Article 14 paragraph (3) items d) and e) in relation to Article 83 paragraph (1) of the Law, and the requirements of the above Regulations with regards to carrying out the validation procedure for flight crew licenses issued by the civil aviation authority of a JAA full member state, and based on the findings of the EASA's Flight Crew Licensing Standardisation Team (finding BA#14853), the BHDCA hereby provides the following interpretation of the provision of Article 14 paragraph (3) items d) and e) in relation to Article 83 paragraph (1) of the Law:

- 1) With regards to acceptance of JAA licenses and the right to operate an aircraft registered in Bosnia and Herzegovina as required by JAR-FCL 1.015/2.015 (a), the BHDCA fully accepts any flight crew license issued by a JAA Full Member State (in accordance with JAR-FCL1 and JAR-FCL2 requirements respectively, as specified in the list for mutual recognition of licenses published on the EASA website: <http://www.easa.europa.eu/approvals-and-standardisation/mutual-recognition.php>) for operating an aircraft registered in Bosnia and Herzegovina without any additional formal requirements regarding status of the license and ratings.

A proper application of Article 14 paragraph (1) item d) of the Law shall preclude the application of Article 83 paragraph (1) of the Law.

- 2) For any other flight crew personnel holding a flight crew license issued in compliance with ICAO Annex 1, the BHDCA shall fully implement the provision on the validation of foreign flight crew licenses in accordance with the requirements and procedures defined in JAR-FCL 1.015/2.015 (b) by issuing them with a Certificate of Foreign License Validation in line with the requirement of Article 14 paragraph (1) item e) in relation to Article 83 paragraph (1) of the Aviation Law of Bosnia and Herzegovina.

Pursuant to the above stated and in accordance with the JAR-FCL 1.065/2.065 (e) requirement, a full implementation of the specified flight crew licensing requirements precludes the BHDCA from issuing a BHDCA JAR license to a person holding a license issued by a JAA Full Member State.

Reason for the Issuing of the Operational Directive

The EASA finding no: BA#14853 identified a deviation from the full implementation of JAR FCL 1.015 /2.015 (a) which defines the procedure of acceptance of licences, ratings, authorisations, approvals or certificates issued by the Authority of a JAA Member State in accordance with the requirements of JAR FCL and associated procedures, without formality by other JAA Member States.

As Bosnia and Herzegovina has entirely implemented the relevant requirements of JAR-FCL, the said interpretation of Article 14 (3) (d) and (e) and Article 83 (1) of the Law ensures compliance with the requirements, as well as the closure of the finding concerned.

Signature of Director General:

