

Pursuant to Article 16, Article 61 (2) of the Law on Administration (Official Gazette of BIH, No 32/02 and 102/09), Article 14 (1) and (3) of the Aviation Law of Bosnia and Herzegovina (Official Gazette of BIH, No 39/09), Articles 2, 3, 6 and 7 of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10), the Director General of the Bosnia and Herzegovina Directorate of Civil Aviation hereby issues

RULEBOOK
ESTABLISHING COMMON AND SPECIFIC
REQUIREMENTS FOR THE PROVISION OF AIR
NAVIGATION SERVICES

Article 1

(Scope and objective)

- (1) This Rulebook establishes the common and specific requirements for the provision of air navigation services in the airspace of Bosnia and Herzegovina.
- (2) The objective of this Rulebook is to define functions and tasks of the competent aviation authority and air navigation services providers in Bosnia and Herzegovina, in order to ensure a safe, regular and efficient conduct of air traffic operations.
- (3) Unless otherwise prescribed in Appendix I or Appendix II to this Rulebook, the common and specific requirements shall not apply to:
 - a) Activities other than the provision of air navigation services, performed by a service provider;
 - b) Resources allocated to the activities other than the provision of air navigation services.

Article 2

(Terms and abbreviations)

- (1) The terms used in this Rulebook shall have the following meanings:
 - a) **Safety objective** means a qualitative or quantitative statement that defines the maximum frequency or probability at which a hazard can be expected to occur;
 - b) **Safety directive** means a document issued or adopted by a national supervisory authority which mandates actions to be performed on a functional system to restore safety, when evidence shows that aviation safety may otherwise be compromised;
 - c) **Safety achievement** means the result of processes and methods applied to attain an acceptable level of safety;
 - d) **Safety indicators** represent a measurement of achieved aviation safety levels, and they differ in relation to the aviation area and are connected to main components of the aviation safety strategy;

- e) **Safety levels** represent a level of how far safety is to be pursued in a given context with reference to an acceptable or tolerable risk;
- f) **Safety argument** means the demonstration and evidence that a proposed change to a functional system can be implemented within the targets or standards established through the existing regulatory framework consistently with the safety regulatory requirements;
- g) **Safety regulatory requirements** mean the requirements established by ECAA Signatory States' regulations or national regulations for the provision of air navigation services or air traffic flow management and airspace management functions concerning the technical and operational competence and suitability to provide these services and functions, their safety management, as well as systems, their constituents and associated procedures;
- h) **Safety requirement** means a risk mitigation means, defined from the risk mitigation strategy that achieves a particular safety objective, including organisational, operational, procedural, functional, performance and interoperability requirements or environmental characteristics;
- i) **Safety records** mean information about events or series of safety events that are collected and maintained as a basis for providing safety assurance and demonstrating the effective operation of the established safety management system;
- j) **Bosnia and Herzegovina Directorate of Civil Aviation:** the competent aviation authority in Bosnia and Herzegovina;
- k) **National Supervisory Authority:** means a body or bodies designated or established by Bosnia and Herzegovina as its national authorised bodies in accordance with Article 16 (1) of the Aviation Law of Bosnia and Herzegovina, and Article 5 (1) of the Rulebook laying down the framework for creation of the Single European Sky, and Article 4 of Regulation (EC) No 549/2004 that is contained in Appendix I to this Rulebook;
- l) **ECAA agreement** (*Multilateral Agreement on the Establishment of a European Common Aviation Area*): 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 the establishment of a European Common Aviation Area;
- m) **Functional system** means a combination of systems, procedures and human resources organised to perform a function within the context of air traffic management;
- n) **Internal safety audit:** Safety Survey means a systematic review to recommend improvements where needed, to provide assurance of the safety of current activities, and to confirm conformance of such activities with the Safety Management System (SMS);
- o) **Commercial Air Transport:** means any aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- p) **Quality Control:** Operational procedures and activities used to comply with quality requirements (ISO 9000);
- r) **Corrective action** means action to eliminate the cause of a detected non-conformity;
- s) **Quality:** Degree to which a set of inherent characteristics fulfils requirements (ISO 9000);
- t) **Quantitative Safety Levels:** Numerical values used to define levels of safety;
- u) **Accident:** 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 and 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:
- 1) a person is fatally or seriously injured as a result of:
 - being in the aircraft,
 - contact with any part of the aircraft, including parts which have become detached from the aircraft,
 - 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
 - 2) 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);
- 3) the aircraft is missing or is completely inaccessible.
- v) **Noncompliance:** A deficiency in characteristic, documentation or procedure with respect to the applicable regulations;
- z) **Nonconformity:** A deficiency in characteristic, documentation or procedure with respect to the applicable standards;
- aa) **Hazard** means any condition, event or circumstance which could induce an accident;
- bb) **Operating organisation:** an organisation responsible for the provision of technical services supporting air traffic, communication, navigation or surveillance services;
- cc) **General Aviation** means any aircraft operation other than commercial air transport or aerial work;
- dd) **Organisation:** an air navigation services provider or an entity providing air traffic flow management or airspace management services;
- ee) **Organisation Exposition:** a document describing an organisation and operational activities of an air navigation service provider;
- ff) **Safety Assurance** means all planned and systematic actions necessary to provide adequate confidence that a product, a service, an organisation or a functional system achieves acceptable or tolerable safety;
- gg) **Serious Incident:** 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 contained in Appendix VI to this Rulebook.
- hh) **Severity** means a degree of effect or consequences of hazards on aircraft operations;
- ii) **Pan-European Air Navigation Service:** an air navigation service which is designed and established for users within most or all Signatory States to the ECAA Agreement and which may also extend beyond the airspace of the territory to which the Agreement applies;
- jj) **Safety Policy** means a statement of the organisation's fundamental approach to achieve an acceptable level of safety;
- kk) **Safety Monitoring:** Systematic activities undertaken to detect changes affecting the provision of air navigation services, aimed at establishing a tolerable level of safety;
- ll) **Risk Assessment** means an evaluation in order to establish whether the achieved or perceived risk is tolerable;
- mm) **Process:** A set of interrelated or interacting activities that transforms inputs into outputs;
- nn) **Verification** means confirmation, by provision of objective evidence, that specified requirements have been met;
- oo) **Air navigation service provider:** Any legal or natural person providing air navigation services for general air traffic, including an organisation having applied for a certificate to provide such services;
- pp) **Aerial Work:** an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying and observation, search and rescue, aerial advertisement, etc;
- rr) **Safety regulatory audit** means a systematic and independent examination conducted by, or on behalf of, a national supervisory authority to determine whether complete safety-related arrangements or elements thereof, related to processes and their results, products or services, comply with required safety-related arrangements and whether they are implemented effectively and are suitable to achieve expected results;
- ss) **Risk** means the combination of the overall probability or frequency of occurrence of a harmful effect induced by a hazard and the severity of that effect;
- tt) **Certification** is a procedure to determine whether a product, service, organisation or individual complies with the requirements of a relevant standard. The procedure is concluded by a formal confirmation – certificate of compliance, and by entering the certificate holder into a relevant registry.
- uu) **Certificate for the provision of air navigation services** (hereinafter: certificate): A public document issued by a national supervisory authority, which confirms that an air navigation service provider meets the requirements for providing one or several air navigation services;
- vv) **Safety Management System - SMS:** involves organisation, procedures and an accountability system to establish and maintain an acceptable level of safety within the operations of an air navigation service provider;
- zz) **SMS documentation:** a set of documents, arising from the organisation's safety policy statements and aimed at achieving its safety objectives, based on which a safety management system (SMS) is developed and documented;

- aaa) **External Services:** all material and non-material resources, products or services which are provided by an organisation not covered by an ANSP's safety management system;
- bbb) **Severity Class:** a gradation, ranging from 1 (the most severe) to 5 (the least severe), as an expression of the magnitude of the effects of hazards on aircraft operations;
- ccc) **Quality Management:** Coordinated activities to direct and control an organisation with regard to quality (ISO 9000);
- ddd) **Risk Mitigation:** Measures taken to control or prevent a hazard from causing harm and to reduce risk to a tolerable level of safety;
- eee) **Hazard Identification:** the process of determining which hazard can happen, why it can happen and how it can happen;
- fff) **Services:** an air navigation service or a set of air navigation services;
- ggg) **Aircraft:** Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.
- (2) The abbreviations used in this Rulebook have the following meanings:
- a) **ATFM** - Air Traffic Flow Management;
 - b) **AIS** - Aeronautical Information Services;
 - c) **ASM** - Air Space Management;
 - d) **ATS** - Air Traffic Services;
 - e) **ANSP** - Air Navigation Service Provider;
 - f) **APMF** - Application Management Function;
 - g) **BHDCA** - Bosnia and Herzegovina Directorate of Civil Aviation;
 - h) **CFIT** - Controlled Flight into Terrain;
 - i) **CNS** - Communication, Navigation or Surveillance;
 - j) **CTL** - Certification Team Leader;
 - k) **EU** - European Union;
 - l) **ICAO** - International Civil Aviation Organisation;
 - m) **MET** - Meteorological Services;
 - n) **NSA** - National Supervisory Authority;
 - o) **SMS** - Safety Management System;
 - p) **QMC** - Quality Management System.
- Article 3**
(Competent authority for certification)
- (1) Pursuant to Article 16 (1) of the Aviation Law of Bosnia and Herzegovina (Official Gazette of BIH, No 39/09), the competent authority for the certification of air navigation service providers shall be, for organisations having their principal place of operation and, if any, registered office located in Bosnia and Herzegovina, the BHDCA as the national supervisory authority.
 - (2) The BHDCA shall be the competent authority for safety oversight of certified organisations having their principal place of operation and, if any, registered office located in Bosnia and Herzegovina.
- Article 4**
(Granting of certificates)
- (1) In order to obtain the certificate necessary to provide air navigation services, and without prejudice to those who exercise the right to provide services pursuant to Article 7 (5) of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10), service providers shall comply with:
 - a) the common requirements for the provision of air navigation services set out in Appendix I to this Rulebook;
 - b) the additional specific requirements set out in Appendices II to V to this Rulebook according to the type of service they provide.
 - (2) The BHDCA shall verify an organisation's compliance with the common requirements prior to issuing a certificate to this organisation.
 - (3) An organisation shall comply with the common requirements not later than at the time of issuance of the certificate pursuant to:
 - a) Article 7 of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10);
 - b) Article 8b (2) of Appendix III to the Rulebook on common rules in the field of civil aviation and the competences of the European Aviation Safety Agency (Official Gazette of BIH, No 45/10).
- Article 5**
(Derogations)
- (1) By way of derogation from Article 4 (1) of this Rulebook, certain air navigation service providers may elect not to avail themselves of the opportunity to provide cross-border services and may waive the right to mutual recognition within the single European sky. They may, in those circumstances, apply for a certificate which is limited to the airspace under the responsibility of Bosnia and Herzegovina in accordance with Article 7 (2) of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10).
 - (2) In order to fulfil conditions to apply for a certificate by way of derogation under paragraph (1) of this Article, an air navigation service provider shall provide services or plan to provide them only with respect to one or more of the following categories:
 - a) aerial work;
 - b) general aviation;

- c) commercial air transport limited to aircraft with less than 10 tonnes of maximum take-off mass or less than 20 passenger seats;
- d) commercial air transport with less than 10,000 movements per year, regardless of the maximum take-off mass and the number of passenger seats; 'movements' being calculated as the sum of take-offs and landings and calculated as an average over the previous three years.
- (3) In order to make an application under paragraph (1) of this Article, an air navigation service provider other than a provider of air traffic services shall have a gross annual turnover of EUR 1,000,000 or less in relation to the services it provides or plans to provide.
- (4) Where, owing to objective practical reasons, an air service provider is unable to provide evidence that it meets the qualifying criteria referred to in paragraphs (2) and (3) of this Article, the BHDCA may accept analogous figures or forecasts in relation to the ceilings defined in paragraphs (2) and (3) of this Article.
When submitting such an application, the air navigation service provider shall submit to the BHDCA at the same time the relevant evidence regarding the qualifying criteria.
- (5) The BHDCA may grant specific derogations to applicants who fulfil the qualifying criteria referred to in paragraphs (2) and (3), commensurately with the contribution to ATM in the airspace under the responsibility of Bosnia and Herzegovina. Those derogations may relate only to the requirements set out in Appendix I to this Rulebook. However, no derogation shall be granted for the following requirements:
- technical and operational competence and capability (point 1 of Appendix I to this Rulebook);
 - safety management (point 3.1 of Appendix I to this Rulebook);
 - human resources (point 5 of Appendix I to this Rulebook);
 - open and transparent provision of air navigation services (point 8.1 of Appendix I to this Rulebook).
- (6) In addition to the derogations provided for in paragraph (2) of this Article, the BHDCA may grant derogations to applicants who provide aerodrome flight information services by operating regularly not more than one working position at any aerodrome. The BHDCA shall do so commensurately with the applicants' contribution to ATM in the airspace under the responsibility of Bosnia and Herzegovina. Those derogations may relate only to the following requirements of point 3 of Appendix II to this Rulebook:
- safety management responsibility and external services and supplies (point 3.1.2 (b) and (e) of Appendix II to this Rulebook);
 - safety surveys (point 3.1.3 (a) of Appendix II to this Rulebook);
 - safety requirements for risk assessment and mitigation with regard to changes (point 3.2 of Appendix II to this Rulebook).
- (7) No derogations shall be granted from the requirements in Appendices III, IV or V to this Rulebook.
- (8) In accordance with Annex II of Appendix I to the Rulebook on the provision of air navigation services in the single European sky, the BHDCA shall:
- specify the nature and the scope of the derogation in the conditions attached to the certificate by indicating the legal basis for the derogation;
 - limit the validity of the certificate in time, where considered necessary for oversight purposes;
 - monitor whether the air navigation service providers continue to qualify for the derogation.
- Article 6
(Demonstration of compliance)
- Organisations shall provide all the relevant evidence to demonstrate compliance with the applicable common requirements at the request of the BHDCA.
 - A certified organisation shall notify the BHDCA of planned changes to its provision of air navigation services which may affect its compliance with the applicable common requirements or with the conditions attached to the certificate.
 - Where a certified organisation no longer complies with the applicable common requirements or, where applicable, with the conditions attached to the certificate, the BHDCA shall, within one month of the date of discovering the non-compliance, require the organisation to take corrective action, unless the organisation has already undertaken corrective action within this period.
 - The BHDCA shall immediately notify the certified organisation of the decision under paragraph (3) of this Article.
 - The BHDCA shall check that the corrective action has been implemented before notifying its approval to the certified organisation. Where the BHDCA considers that corrective action has not been properly implemented within the timetable agreed with the organisation, the BHDCA shall take appropriate enforcement measures as provided for in Article 7 (7) of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10) and Articles 10, 25 and 68 of Appendix I, and Article 22a point d) of Appendix III of the Rulebook on common rules in the field of civil aviation and the competences of the European Aviation Safety Agency (Official Gazette of BIH, No 45/10), while taking into account the need to ensure the continuity of air navigation services.
- Article 7
(Facilitation of compliance monitoring)
- Organisations shall facilitate inspections and surveys by the BHDCA or by a qualified entity acting on BHDCA's behalf, including site visits and visits without prior notice.
 - The authorised persons shall be empowered to perform the following actions:
 - to examine the relevant records, data, procedures and any other material relevant to the provision of air navigation services;
 - to take copies of or extracts from such records, data, procedures and other material;
 - to ask for an oral explanation on site;
 - to enter relevant premises, lands or means of transport.
- Article 8
(Ongoing compliance)
- The BHDCA shall, on the basis of the evidence at its disposal, monitor annually the ongoing compliance of the organisations which it has certified.

(2) The BHDCA shall establish and update annually an inspection and audit implementation programme which covers all the service providers it has certified, and which is based on an assessment of the risks associated with the different operations constituting the air navigation services provided. The BHDCA shall consult the organisation concerned as well as any other competent authority concerned, if appropriate, before establishing such a programme.

Article 9

(Safety regulation of engineering and technical personnel)

With regard to the provision of air traffic, communication, navigation or surveillance services, the BHDCA shall, in order to fulfil this task:

- a) issue appropriate safety rules for engineering and technical personnel undertaking operational safety-related tasks;
- b) ensure adequate and appropriate safety oversight of the engineering and technical personnel assigned by any organisation to undertake operational safety-related tasks;
- c) on reasonable grounds and after due enquiry, take appropriate action in respect of the operating organisation and/or its engineering and technical personnel who do not comply with the requirements of point 3.3 of Appendix II to this Rulebook.
- d) verify that appropriate methods are in place to ensure that third parties assigned to operational safety-related tasks comply with the requirements of point 3.3 of Appendix II to this Rulebook.

Article 10 (Repeal)

Upon its entry into force, this Rulebook shall repeal Appendices I and IV of the Rulebook establishing common requirements for the provision of air navigation services (Official Gazette of BIH, No 05/11).

Article 11 (Entry into force)

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

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23 December 2015
Banja Luka

Director General
Dorđe Ratkovića, sgd.

APPENDIX I – COMMON REQUIREMENTS FOR THE PROVISION OF AIR NAVIGATION SERVICES

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Air navigation service providers shall be able to provide their services in a safe, efficient, continuous and sustainable manner consistent with any reasonable level of overall demand for a given airspace. To this end, they shall maintain adequate technical and operational capacity and expertise.

2. ORGANISATIONAL STRUCTURE AND MANAGEMENT

2.1. Organisational structure

Air navigation service providers shall set up and manage their organisation according to a structure that supports the safe, efficient and continuous provision of air navigation services.

The organisational structure shall define:

- (a) the authority, duties and responsibilities of the nominated post holders, in particular of the management personnel in charge of safety, quality, security, finance and human resources related functions;
- (b) the relationship and reporting lines between different parts and processes of the organisation.

2.2. Organisational management

2.2.1. Business plan

Air navigation service providers shall produce a business plan covering a minimum period of five years. The business plan shall:

- (a) set out the overall goals of the air navigation service provider and its strategy towards achieving them in consistency with any overall longer term plan of the air navigation service provider and with relevant European Union requirements for the development of infrastructure or other technology;
- (b) contain appropriate performance targets in terms of safety, capacity, environment and cost-efficiency, as may be applicable.

The information listed in points (a) and (b) shall be consistent with the national or functional airspace block performance plan and, as far as safety is concerned, consistent with the State Safety Programme referred to in Standard 2.27.1 of Annex 11 to the Convention on International Civil Aviation, amendment 47 B from 20 July 2009.

Air navigation service providers shall produce safety and business justifications for major investment projects including, where relevant, the estimated impact on the appropriate performance targets referred to in point (b) and identifying investments stemming from the legal requirements associated with the implementation of the Single European Sky ATM Research Programme (SESAR).

2.2.2. Annual plan

Air navigation service providers shall produce an annual plan covering the forthcoming year which shall specify further the features of the business plan and describe any changes to it.

The annual plan shall cover the following provisions on the level and quality of service, such as the expected level of capacity, safety, environment and cost-efficiency, as may be applicable:

- (a) information on the implementation of new infrastructure or other developments and a statement how they will contribute to improving the performance of the air navigation service provider, including level and quality of services;
- (b) performance indicators consistent with the national or functional block performance plans, against which the performance level and quality of service may be reasonably assessed;
- (c) information on the measures foreseen to mitigate the safety risks identified in the safety plan of the air navigation service provider, including safety indicators to monitor safety risk and, where appropriate, the estimated cost of mitigation measures;

- (d) the air navigation service provider's expected short-term financial position as well as any changes to or impacts on the business plan.

2.2.3. Performance part of the plans

The air navigation service provider shall make the content of the performance part of the business plan and of the annual plan available to the European Commission on request under the conditions set by the BHDCA in accordance with national law.

3. SAFETY AND QUALITY MANAGEMENT

3.1. Safety management

Air navigation service providers shall manage the safety of all their services. In doing so, they shall establish formal interfaces with all stakeholders which may influence directly the safety of their services.

Air navigation service providers shall develop procedures for managing safety when introducing new functional systems or changing the existing functional systems.

3.2. Quality management system

Air navigation service providers shall have in place a quality management system which covers all air navigation service that they provide, according to the following principles.

The quality management system shall:

- (a) define the quality policy in such a way as to meet the needs of different users as closely as possible;
- (b) set up a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with applicable requirements, standards and procedures;
- (c) provide evidence of the functioning of the quality management system by means of manuals and monitoring documents;
- (d) appoint management representatives to monitor compliance with, and adequacy of, procedures to ensure safe and efficient operational practices;
- (e) perform reviews of the quality management system in place and take remedial actions, as appropriate.

An EN ISO 9001 certificate, issued by an appropriately accredited organisation, covering the air navigation services of the provider shall be considered as a sufficient means of compliance. The air navigation service provider shall accept the disclosure of the documentation related to the certification to the BHDCA upon the latter's request.

Air navigation service providers may integrate safety, security and quality management systems into their management system.

3.3. Operations manuals

Air navigation service providers shall provide and keep up-to-date operations manuals relating to the provision of their services for the use and guidance of operations personnel.

They shall ensure that:

- (a) operations manuals contain the instructions and information required by the operations personnel to perform their duties;
- (b) relevant parts of the operations manuals are accessible to the personnel concerned;

- (c) the operations personnel are expeditiously informed of amendments to the operations manual applying to their duties as well as of their entry into force.

4. SECURITY

Air navigation service providers shall establish a security management system to ensure:

- (a) the security of their facilities and personnel so as to prevent unlawful interference with the provision of air navigation services;
- (b) the security of operational data they receive or produce or otherwise employ, so that access to it is restricted only to those authorised.

The security management system shall define:

- (a) the procedures relating to security risk assessment and mitigation, security monitoring and improvement, security reviews and lesson dissemination;
- (b) the means designed to detect security breaches and to alert personnel with appropriate security warnings;
- (c) the means of containing the effects of security breaches and to identify recovery action and mitigation procedures to prevent reoccurrence.

Air navigation service providers shall ensure the security clearance of their personnel, if appropriate, and coordinate with the relevant civil and military authorities to ensure the security of their facilities, personnel and data.

The safety, quality and security management systems may be designed and operated as an integrated management system.

5. HUMAN RESOURCES

Air navigation service providers shall employ appropriately skilled personnel to ensure the provision of air navigation services in a safe, efficient, continuous and sustainable manner. In this context, they shall establish policies for the recruitment and training of personnel.

6. FINANCIAL STRENGTH

6.1. Economic and financial capacity

Air navigation service providers shall be able to meet their financial obligations, such as fixed and variable costs of operation or capital investment costs. They shall use an appropriate cost accounting system. They shall demonstrate their abilities through the annual plan as referred to in point 2.2.2 as well as through balance sheets and accounts as practicable under their legal statute.

6.2. Financial audit

In accordance with Article 12 (2) of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10), air navigation service providers shall demonstrate that they are undergoing an independent audit on a regular basis.

7. LIABILITY AND INSURANCE COVER

Air navigation service providers shall have in place arrangements to cover their liabilities arising from applicable law.

The method employed to provide the cover shall be appropriate to the potential loss and damage in question, taking into account the legal status of the organisation and the level of commercial insurance cover available.

An air navigation service provider which avails itself of the services of another air navigation service provider shall ensure that the agreements cover the allocation of liability between them.

8. QUALITY OF SERVICES

8.1. Open and transparent provision of air navigation services

Air navigation service providers shall provide air navigation services in an open and transparent manner. They shall publish the conditions of access to their services and establish a formal consultation process with the users of air navigation services on a regular basis, either individually or collectively, and at least once a year.

Air navigation service providers shall not discriminate on the grounds of the nationality or identity of the user or the class of users in accordance with applicable law.

8.2. Contingency plans

Air navigation service providers shall have in place contingency plans for all the air navigation services they provide in the case of events which result in significant degradation or interruption of their operations.

9. REPORTING REQUIREMENTS

Air navigation service providers shall provide an annual report of their activities to the BHDCA.

That annual report shall cover their financial results without prejudice to Article 12 of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10), as well as their operational performance and any other significant activities and developments in particular in the area of safety.

The annual report shall include as a minimum:

- (a) an assessment of the level of performance of air navigation services generated;
- (b) the performance of the air navigation service provider compared to the performance targets established in the business plan referred to in point 2.2.1, reconciling actual performance against the annual plan by using the performance indicators established in the annual plan;
- (c) provide an explanation for differences with the targets, and identify measures for closing any gaps during the reference period;
- (d) developments in operations and infrastructure;
- (e) the financial results, as long as they are not published separately in accordance with Article 12 (1) of Appendix I to the Rulebook on the provision of air navigation services in the single European sky (Official Gazette of BIH, No 45/10);
- (f) information about the formal consultation process with the users of its services;
- (g) information about the human resources policy.

Air navigation service providers shall make the content of the annual report available to the European Commission and the

EASA on request and to the public under the conditions set by the BHDCA in accordance with national law.

APPENDIX II – SPECIFIC REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES

1. OWNERSHIP

Providers of air traffic services shall notify to the BHDCA:

- (a) their legal status, their ownership structure and any arrangements having a significant impact on control over their assets;
- (b) any links with organisations not involved in the provision of air navigation services, including commercial activities in which they are engaged either directly or through related undertakings, which account for more than 1 % of their expected revenue; furthermore, they shall notify any change of any single shareholding which represents 10 % or more of their total shareholding.

Providers of air traffic services shall take all necessary measures to prevent any situation of conflict of interests that could compromise the impartial and objective provision of their services.

2. OPEN AND TRANSPARENT PROVISION OF SERVICES

In addition to point 8.1 of Appendix I and where Bosnia and Herzegovina decides to organise the provision of specific air traffic services in a competitive environment, Bosnia and Herzegovina may take all appropriate measures to ensure that the providers of these specific air traffic services shall neither engage in conduct that would have as its object or effect the prevention, restriction or distortion of competition, nor shall they engage in conduct that amounts to an abuse of a dominant position in accordance with applicable national law.

3. SAFETY OF SERVICES

3.1. Safety management system (SMS)

3.1.1. General safety requirements

Providers of air traffic services shall, as an integral part of the management of their services, have in place a safety management system (SMS) which:

- (a) ensures a formalised, explicit and proactive approach to systematic safety management in meeting their safety responsibilities within the provision of their services; operates in respect of all their services and the supporting arrangements under its managerial control; and includes, as its foundation, a statement of safety policy defining the organisation's fundamental approach to managing safety (safety management);
- (b) ensures that everyone involved in the safety aspects of the provision of air traffic services has an individual safety responsibility for their own actions; that managers are responsible for the safety performance of their respective departments or divisions and that the top management of the provider carries an overall safety responsibility (safety responsibility);
- (c) ensures that the achievement of satisfactory safety in air traffic services shall be afforded the highest priority (safety priority);

- (d) ensures that while providing air traffic services, the principal safety objective is to minimise its contribution to the risk of an aircraft accident as far as reasonably practicable (safety objective).

3.1.2. Requirements for safety achievement

Within the operation of the SMS, providers of air traffic services shall:

- (a) ensure that personnel are adequately trained and competent for the job they are required to do, in addition to being properly licensed if so required and satisfying applicable medical fitness requirements (competency);
- (b) ensure that a safety management function is identified with organisational responsibility for development and maintenance of the SMS; ensure that this point of responsibility is independent of line management, and accountable directly to the highest organisational level. However, in the case of small organisations where a combination of responsibilities may prevent sufficient independence in this regard, the arrangements for safety assurance shall be supplemented by additional independent means; and ensure that the top management of the service provider organisation is actively involved in ensuring safety management (safety management responsibility);
- (c) ensure that, wherever practicable, quantitative safety levels are derived and are maintained for all functional systems (quantitative safety levels);
- (d) ensure that the SMS is systematically documented in a manner which provides a clear linkage to the organisation's safety policy (SMS documentation);
- (e) ensure adequate justification of the safety of the externally provided services and supplies, having regard to their safety significance within the provision of its services (external services and supplies);
- (f) ensure that risk assessment and mitigation is conducted to an appropriate level to ensure that due consideration is given to all aspects of the provision of ATM services (risk assessment and mitigation). As far as changes to the ATM functional system are concerned, point 3.2 shall apply;
- (g) ensure that ATM operational or technical occurrences which are considered to have significant safety implications are investigated immediately, and any necessary corrective action is taken (safety occurrences). They shall also demonstrate that they have implemented the requirements on the reporting and assessment of safety occurrences in accordance with applicable national law.

3.1.3. Requirements for safety assurance

Within the operation of the SMS, providers of air traffic services shall ensure that:

- (a) safety surveys are carried out as a matter of routine, to recommend improvements where needed, to provide assurance to managers of the safety of activities within their areas and to confirm compliance with the relevant parts of the SMS (safety surveys);
- (b) methods are in place to detect changes in functional systems or operations which may suggest any

element is approaching a point at which acceptable standards of safety can no longer be met, and that corrective action is taken (safety monitoring);

- (c) safety records are maintained throughout the SMS operation as a basis for providing safety assurance to all associated with, responsible for or dependent upon the services provided, and to the BHDCA (safety records).

3.1.4. Requirements for safety promotion

Within the operation of the SMS, providers of air traffic services shall ensure that:

- (a) all personnel are aware of the potential hazards connected with their duties (safety awareness);
- (b) the lessons arising from safety occurrence investigations and other safety activities are disseminated within the organisation at management and operational levels (lesson dissemination);
- (c) all personnel are actively encouraged to propose solutions to identified hazards, and changes are made to improve safety where they appear needed (safety improvement).

3.2. Safety requirements for risk assessment and mitigation with regard to changes

3.2.1. Section 1

Within the operation of the SMS, providers of air traffic services shall ensure that hazard identification as well as risk assessment and mitigation are systematically conducted for any changes to those parts of the ATM functional system and supporting arrangements within their managerial control, in a manner which addresses:

- (a) the complete life cycle of the constituent part of the ATM functional system under consideration, from initial planning and definition to post-implementation operations, maintenance and decommissioning;
- (b) the airborne, ground and, if appropriate, spatial components of the ATM functional system, through cooperation with responsible parties;
- (c) the equipment, procedures and human resources of the ATM functional system, the interactions between these elements and the interactions between the constituent part under consideration and the remainder of the ATM functional system.

3.2.2. Section 2

The hazard identification, risk assessment and mitigation processes shall include:

- (a) a determination of the scope, boundaries and interfaces of the constituent part being considered, as well as the identification of the functions that the constituent part is to perform and the environment of operations in which it is intended to operate;
- (b) a determination of the safety objectives to be placed on the constituent part, incorporating:
 - (i) an identification of ATM-related credible hazards and failure conditions, together with their combined effects;
 - (ii) an assessment of the effects they may have on the safety of aircraft, as well as an assessment of the severity of those effects, using the severity classification scheme set out in Section 4;

- (iii) a determination of their tolerability, in terms of the hazard's maximum probability of occurrence, derived from the severity and the maximum probability of the hazard's effects, in a manner consistent with Section 4;
- (c) the derivation, as appropriate, of a risk mitigation strategy which:
 - (i) specifies the defences to be implemented to protect against the risk-bearing hazards;
 - (ii) includes, as necessary, the development of safety requirements potentially bearing on the constituent part under consideration, or other parts of the ATM functional system, or environment of operations;
 - (iii) presents an assurance of its feasibility and effectiveness;
- (d) verification that all identified safety objectives and safety requirements have been met:
 - (i) prior to its implementation of the change;
 - (ii) during any transition phase into operational service;
 - (iii) during its operational life;
 - (iv) during any transition phase until decommissioning.

3.2.3. Section 3

The results, associated rationales and evidence of the risk assessment and mitigation processes, including hazard identification, shall be collated and documented in a manner which ensures that:

- (a) complete arguments are established to demonstrate that the constituent part under consideration, as well as the overall ATM functional system are, and will remain tolerably safe by meeting allocated safety objectives and requirements. This shall include, as appropriate, specifications of any predictive, monitoring or survey techniques being used;
- (b) all safety requirements related to the implementation of a change are traceable to the intended operations/functions.

3.2.4. Section 4

Hazard identification and severity assessment

A systematic identification of the hazards shall be conducted. The severity of the effects of hazards in a given environment of operations shall be determined using the classification scheme set out in the following table, while the severity classification shall rely on a specific argument demonstrating the most probable effect of hazards, under the worst case scenario.

Severity class	Effect on operations
1 (Most severe)	Accidents as defined in Article 2 point u) of this Rulebook
2	Serious incident as defined in Article 2 point gg) of this Rulebook.
3	Major incident associated with the operation of an aircraft, in which the safety of the aircraft may have been compromised, having led to a near collision between aircraft, with ground or obstacles.
4	Significant incident involving circumstances indicating that an accident, a serious or major incident could have occurred, if the risk had not been managed within safety margins, or if another aircraft had been in the vicinity.
5 (Least severe)	No immediate effect on safety.

In order to deduce the effect of a hazard on operations and to determine its severity, the systematic approach/process shall include the effects of hazards on the various elements of the ATM functional system, such as the air crew, the air traffic controllers, the aircraft functional capabilities, the functional capabilities of the ground part of the ATM functional system, and the ability to provide safe air traffic services.

Risk classification scheme

Safety objectives based on risk shall be established in terms of the hazard's maximum probability of occurrence, derived both from the severity of its effect, and from the maximum probability of the hazard's effect.

As a necessary complement to the demonstration that established quantitative objectives are met, additional safety management considerations shall be applied so that more safety is added to the ATM system, whenever reasonable.

3.2.5. Section 5

Software safety assurance system

Within the operation of the SMS, a provider of air traffic services shall implement a software safety assurance system in accordance with Appendix III to the Rulebook establishing common requirements for the provision of air navigation services (Official Gazette of BIH, No 05/11).

3.3. Safety requirements for engineering and technical personnel undertaking operational safety related tasks

Providers of air traffic services shall ensure that technical and engineering personnel including personnel of subcontracted operating organisations who operate and maintain ATM equipment approved for their operational use have and maintain sufficient knowledge and understanding of the services they are supporting, of the actual and potential effects of their work on the safety of those services, and of the appropriate working limits to be applied.

With regard to the personnel involved in safety-related tasks including personnel of subcontracted operating organisations, providers of air traffic services shall document the adequacy of the competence of the personnel; the rostering arrangements in place to ensure sufficient capacity and continuity of service; the personnel qualification schemes and policy, the personnel training policy, training plans and records as well as arrangements for the supervision of non-qualified personnel. Providers of air traffic services shall have procedures in place for cases where the physical or mental condition of the personnel is in doubt.

Providers of air traffic services shall maintain a register of information on the numbers, status and deployment of the personnel involved in safety related tasks.

That register shall:

- (a) identify the accountable managers for safety-related functions;
- (b) record the relevant qualifications of technical and operational personnel, against required skills and competence requirements;
- (c) specify the locations and duties to which technical and operational personnel are assigned, including any rostering methodology.

4. WORKING METHODS AND OPERATING PROCEDURES

Providers of air traffic services shall be able to demonstrate that their working methods and operating procedures are compliant

with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of air traffic services in the airspace concerned:

- (a) Annex 2 on rules of the air in its 10th edition of July 2005, including all amendments up to No 42;
- (b) Annex 10 on aeronautical communications, Volume II on communication procedures including those with PANS Status in its sixth edition of October 2001, including all amendments up to No 85;
- (c) Annex 11 on air traffic services in its 13th edition of July 2001, including all amendments up to No 47-B.

APPENDIX III – SPECIFIC REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Providers of meteorological services shall ensure that the meteorological information, necessary for the performance of their respective functions and in form suitable for users, is made available to:

- (a) operators and flight crew members for pre-flight and in-flight planning;
- (b) providers of air traffic services and flight information services;
- (c) search and rescue services units;
- (d) aerodromes.

Providers of meteorological services shall confirm the level of attainable accuracy of the information distributed for operations, including the source of such information, whilst also ensuring that such information is distributed in a sufficiently timely manner, and updated as required.

2. WORKING METHODS AND OPERATING PROCEDURES

Providers of meteorological services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of meteorological services in the airspace concerned:

- (a) Annex 3 on meteorological services for international air navigation in its 17th edition of July 2010, including all amendments up to No 75;
- (b) Annex 11 on air traffic services in its 13th edition of July 2001, including all amendments up to No 47-B;
- (c) Annex 14 on aerodromes in the following versions:
 - (i) Volume I on aerodrome design and operations in its 5th edition of July 2009, including all amendments up to No 10-B;
 - (ii) Volume II on heliports in its 3rd edition of July 2009, including all amendments up to No 4.

APPENDIX IV – SPECIFIC REQUIREMENTS FOR THE PROVISION OF AERONAUTICAL INFORMATION SERVICES

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Providers of aeronautical information services shall ensure that information and data is available for operations in a form suitable for:

- (a) flight operating personnel, including flight crew, as well as flight planning, flight management systems and flight simulators;

- (b) providers of air traffic services which are responsible for flight information services, aerodrome flight information services and the provision of pre-flight information.

Providers of aeronautical information services shall ensure the integrity of data and confirm the level of accuracy of the information distributed for operations, including the source of such information, before such information is distributed.

2. WORKING METHODS AND OPERATING PROCEDURES

Providers of aeronautical information services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards in:

- (a) the Rulebook on the quality of aeronautical data and aeronautical information (Official Gazette of BIH, No 61/14);
- (b) the following Annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of aeronautical information services in the airspace concerned:
 - (i) Annex 3 on meteorological services for international air navigation in its 17th edition of July 2010, including all amendments up to No 75;
 - (ii) Annex 4 on aeronautical charts in its 11th edition of July 2009, including all amendments up to No 56;
 - (iii) without prejudice to the Rulebook on the quality of aeronautical data and aeronautical information (Official Gazette of BIH, No 61/14), Annex 15 on aeronautical information services in its 13th edition of July 2010, including all amendments up to No 36.

APPENDIX V – SPECIFIC REQUIREMENTS FOR THE PROVISION OF COMMUNICATION, NAVIGATION OR SURVEILLANCE SERVICES

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Providers of communication, navigation or surveillance services shall ensure the availability, continuity, accuracy and integrity of their services.

Providers of communication, navigation or surveillance services shall confirm the quality level of the services they are providing and shall demonstrate that their equipment is regularly maintained and where required calibrated.

2. SAFETY OF SERVICES

Providers of communication, navigation or surveillance services shall comply with the requirements of point 3 of Appendix II on the safety of services.

3. WORKING METHODS AND OPERATING PROCEDURES

Providers of communication, navigation or surveillance services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards of Annex 10 on aeronautical telecommunications to the Convention on International Civil Aviation in the following versions as far as they are relevant for the provision of communication, navigation or surveillance services in the airspace concerned:

- (a) Volume I on radio navigation aids in its sixth edition of July 2006, including all amendments up to No 85;
- (b) Volume II on communication procedures including those with PANS status in its sixth edition of October

- 2001, including all amendments up to No 85;
- (c) Volume III on communication systems in its second edition of July 2007, including all amendments up to No 85;
- (d) Volume IV on surveillance radar and collision avoidance systems in its fourth edition of July 2007, including all amendments up to No 85;
- (e) Volume V on aeronautical radio frequency spectrum utilisation in its second edition of July 2001, including all amendments up to No 85.

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.

APPENDIX VI – LIST OF EXAMPLES OF SERIOUS INCIDENTS

The incidents listed below are typical examples of serious incidents. The list is not exhaustive and only serves as a guide to the definition of 'serious incident':

- 1) a near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate;
- 2) controlled flight into terrain (CFIT) only marginally avoided;
- 3) aborted take-offs on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway;
- 4) take-offs from a closed or engaged runway, from a taxiway, excluding authorised operations by helicopters, or from an unassigned runway;
- 5) landings or attempted landings on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway; failures to achieve predicted performance during take-off or initial climb;
- 6) 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;
- 7) events requiring the emergency use of oxygen by the flight crew;
- 8) aircraft structural failure or engine disintegration, including uncontained turbine engine failures, not classified as an accident;
- 9) multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft;
- 10) flight crew incapacitation in flight;
- 11) fuel quantity requiring the declaration of an emergency by the pilot;
- 12) 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 classification;
- 13) take-off or landing incidents;
- 14) incidents such as undershooting, overrunning or running off the side of runways, system failures, weather phenomena, operation outside the approved