

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(5) of the Aviation Law of Bosnia and Herzegovina (Official Gazette of BIH 39/09 and 25/18), the acting Director General hereby issues

RULEBOOK

ON APPROVAL OF EXEMPTIONS AND DEROGATIONS FROM THE APPLICATION OF BY-LAWS ENACTED BY THE BOSNIA AND HERZEGOVINA DIRECTORATE OF CIVIL AVIATION

I INTRODUCTORY PROVISIONS

Article 1

(Subject matter)

This Rulebook lays down the rules for the application of exemptions from the application of by-laws enacted by the Bosnia and Herzegovina Directorate of Civil Aviation (hereinafter: BHDCA), relating to the implementation of the rules for the safe conduct of air traffic and the rules for the application of derogations from the application of by-laws enacted by the BHDCA, relating to the implementation of the rules for the safe conduct of air traffic.

Article 2

(Terms)

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

- a) **Exemption** – any exemption from the application of a by-law enacted by the BHDCA, relating to the safe conduct of air traffic in the event of unforeseen urgent operational circumstances or in the event of operational needs of a limited duration;
- b) **Derogation** – any derogation from the application of a by-law enacted by the BHDCA, relating to the safe conduct of air traffic in the event where implementation of the equivalent safety standards may comply with the requirements contained in said by-laws;
- c) **By-law enacted by the Bosnia and Herzegovina Directorate of Civil Aviation** – any acts published in the Official Gazette of BIH, relating to the safe conduct of air traffic in the functional areas.

II EXEMPTIONS AND DEROGATIONS

Article 3

(Exemption approval rules)

- (1) Exemption from the application of a by-law referred to in Article 5 of this Rulebook shall be approved by the BHDCA's Director General only on the condition that it concerns:
 - a) unforeseen urgent operational circumstances or
 - b) in the event of operational needs of a limited duration.
- (2) Exemption from the application of a by-law shall last for the duration of the unforeseen urgent circumstance or operational need for which the exemption is granted.
- (3) A decision approving an exemption shall be issued by the BHDCA's Director General on the basis of a submitted request and evidence enclosed with the request by the requester, stating the unforeseen urgent operational circumstances or the operational need of a limited duration, following a request evaluation procedure carried out by the person in charge of the procedure.
- (4) The decision approving an exemption shall be adopted under the urgency procedure.
- (5) In addition to the request, the requester shall submit proof of payment of the administrative fee and of the exemption approval fee in accordance with the Decision on the fees charged by the BHDCA.

- (6) The BHDCA shall adopt detailed rules on internal activities in evaluating an exemption approval request and in establishing unforeseen urgent operational circumstances and operational needs of a limited duration.

Article 4

(Derogation approval rules)

- (1) Based on a request, the BHDCA shall approve derogation from a by-law enacted by the BHDCA, as referred to in Article 5 of this Rulebook.
- (2) The BHDCA shall only approve a derogation if the requester has satisfied the BHDCA that the implementation of the equivalent safety standards will comply with the requirements contained in said by-laws.
- (3) A decision approving a derogation shall be issued by the BHDCA's Director General on the basis of a submitted request and evidence enclosed with the request by the requester, following a request evaluation procedure carried out by the person in charge of the procedure.
- (4) The decision approving a derogation shall be adopted under the ordinary procedure.
- (5) In addition to the request, the requester shall submit proof of payment of the administrative fee and of the derogation approval fee in accordance with the Decision on the fees charged by the BHDCA.
- (6) The BHDCA shall adopt detailed rules on internal activities in evaluating a derogation approval request and establishing equivalent safety standards to comply with the requirements contained in the by-laws referred to in paragraph (1) of this Article.

III BY-LAWS

Article 5

(By-laws subject to exemption and derogation requests)

The BHDCA shall, based on a submitted request, adopt a decision approving exemption or derogation from by-laws adopted in the following functional areas:

- a) air navigation (ANS/ATM);
- b) airworthiness (AIR) and registration of aircraft;
- c) flight operations (OPS);
- d) personnel licensing (FCL);
- e) aerodromes (AGA);
- f) safety (SAFETY);
- g) security (AVSEC).

Article 6

(Exemption/derogation approval procedure)

- (1) The exemption/derogation approval procedure shall be subject to provisions of the Law on Administrative Procedure.
- (2) The BHDCA shall adopt a separate internal act to regulate in detail the processing of an exemption/derogation approval request.

IV FINAL PROVISIONS

Article 7

(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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4 December 2018
Banja Luka

Acting Director General
Željko Travar, sgd.