

Pursuant to Article 61(2) of the Law on Administration (Official Gazette of BIH 32/02, 102/09 and 72/17) and Article 40(3) of the Bosnia and Herzegovina Civil Aviation Contract Law (Official Gazette of BIH 51/15), the Director General of the Bosnia and Herzegovina Directorate of Civil Aviation hereby issues the following

RULEBOOK
on the handling of air passenger complaints

Article 1
(Subject matter)

This Rulebook regulates the actions of the Bosnia and Herzegovina Directorate of Civil Aviation (hereinafter: BHDCA), air operators, airport operators and passengers in the event of a violation of passengers' rights established by the Civil Aviation Contract Law (Official Gazette of BIH 51/15) (hereinafter: the Law).

Article 2
(Terms)

- (1) The terms used in this Rulebook are defined by the Law and the regulation on oversight in civil aviation.
- (2) In addition to the terms referred to in paragraph (1) of this Article, the terms used in this Rulebook shall have the following meanings:
 - a) "*Person authorised to handle passenger complaints*" means a person employed by the BHDCA who conducts the procedure for handling passenger complaints in accordance with the Law;
 - b) "*Passenger Rights Protection Inspector*" means an authorised BHDCA inspector who conducts the oversight procedure for passenger rights protection and imposes measures in accordance with the Law and the regulation on oversight in civil aviation;
 - c) "*Facilitation Inspector*" means an authorised BHDCA inspector who conducts the oversight procedure for the protection of the rights of disabled persons or persons with reduced mobility and imposes measures in accordance with the Law and the regulation on oversight in civil aviation;
 - d) "*Notice*" means a notification that the person authorised to handle a passenger's complaint communicates to the passenger via e-mail, which concludes the procedure for handling the passenger's complaint.

Article 3
(Application)

This Rulebook shall apply under the conditions set out in Article 3 of the Law, and for the reasons set out in Article 4 of this Rulebook.

Article 4
(Reasons for complaint)

Passengers referred to in Article 3 of this Rulebook may file a complaint for the following reasons:

- a) delays,
- b) flight cancellation,
- c) denied boarding,
- d) downgrading,
- e) destroyed, lost, delayed or damaged baggage, and
- f) violation of passenger rights of disabled persons or persons with reduced mobility.

Article 5
(Appeals and complaints)

- (1) A passenger who believes that his or her rights have been violated for reasons referred to in Article 4, items a) to e) of this Rulebook may file an appeal with the air operator for the protection of his or her rights and for the compensation of the costs incurred in accordance with the Law.
- (2) A disabled passenger or a passenger with reduced mobility or a passenger with special needs who believes that his or her rights have been violated for reasons referred to in Article 4, item f) of this Rulebook, or that an air operator or airport operator has acted contrary to the provisions of Articles 53 to 64 of the Law, may file a complaint with the air operator or airport operator and request the exercise of his or her rights prescribed by the Law.
- (3) If a passenger has duly submitted an appeal referred to in paragraphs (1) and (2) of this Article, but the appeal has not been upheld, the passenger may file a complaint with the BHDCA.
- (4) A complaint with evidence shall be submitted on the form published on the official BHDCA website. The passenger shall enclose all the evidence at their disposal, along with the complaint.

Article 6

(The BHDCA's handling of air passenger complaints)

- (1) After receiving a complaint regarding the violation of passenger rights for the reasons set out in Article 4, items a) to e) of this Rulebook, and having analysed the evidence submitted, the person authorised to handle passenger complaints shall contact the air operator in writing (by e-mail) with a request to provide a statement on the complaint.
- (2) In the event that the air operator submits a response refuting the passenger's complaint, the person authorised to handle the passenger's complaint will, depending on the specific case, request the opinion of the BHDCA's experts responsible for meteorology matters, aircraft operations, air navigation, aircraft maintenance, airworthiness, facilitation, aviation security, or other experts.
- (3) The person authorised to handle passenger complaints shall notify the complainant of the outcome of the procedure, based on the conducted procedure, the established facts and the evidence presented, and the opinions of the persons referred to in paragraph (2) of this Article.
- (4) When the person authorised to handle passenger complaints determines, during the passenger complaint handling procedure, that the passenger's rights established by the Law and Article 4, items a) to e) of this Rulebook have been violated, the person authorised to handle passenger complaints shall notify a passenger rights protection inspector, who shall initiate an inspection based on the request.
- (5) The passenger rights protection inspector shall initiate the inspection pursuant to the regulation governing the field of civil aviation oversight and the ascertained factual situation.

Article 7

(BHDCA actions in the event of violation of the rights of disabled passengers and passengers with reduced mobility)

- (1) After receiving a complaint regarding the violation of passenger rights referred to in Article 4, paragraph (1), item f) of this Rulebook, a civil air transport facilitation inspector shall analyse the submitted evidence and, if it is substantiated, initiate an inspection if it is determined that the rights of disabled passengers or passengers with reduced mobility or passengers with special needs referred to in Articles 53 to 64 of the Civil Aviation Contract Law have been violated.
- (2) The civil air transport facilitation inspector shall inform the complainant about the inspection referred to in paragraph (1) of this Article.

Article 8

(Notice to complainant)

- (1) The person authorised to handle passenger complaints shall send via email the notice referred to in Article 6, paragraph (3) of this Rulebook to the passenger.
- (2) The notice shall include:
 - a) the factual situation,
 - b) the evidence presented, and
 - c) the decision taken.
- (3) If the passenger is not satisfied with the outcome of the procedure conducted by the BHDCA, he or she may exercise his or her rights regarding compensation for damages before the competent court in Bosnia and Herzegovina by filing a claim for compensation for damages in accordance with the Law.

Article 9

(Entry into force)

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

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Director General
Zorislav Ivanović