

Pursuant to Articles 16 and 61 (2) of the Law on Administration (Official Gazette of BiH, No. 32/02 and 102/09), Article 14 (1) of the Aviation Law of BiH (Official Gazette of BiH, No. 39/09) and Article 65 (1) of the Bosnia and Herzegovina Civil Aviation Contract Law (Official Gazette of BiH, No. 51/15), the Director General of the Directorate of Civil Aviation of Bosnia and Herzegovina has hereby adopted

RULEBOOK

ON OVERSIGHT IN CIVIL AVIATION

PART ONE – GENERAL

Article 1 (Scope)

This Regulation defines the principles, types and areas of oversight, obligations of oversight subjects, competences, responsibilities and titles and powers of aviation inspectors (hereinafter: inspector) and authorized persons, the manner of planning and conducting oversight of the civil aviation in Bosnia and Herzegovina (hereinafter: BiH) to ensure the application of the provisions of the Aviation Law of BiH, the BiH Civil Aviation Contract Law (hereinafter: the Laws) and other regulations based on the laws.

Article 2 (Terms)

- (1) The terms used in this Rulebook have the following meanings:
- a) **Bosnia and Herzegovina Directorate of Civil Aviation** (hereinafter: the BHDCA) – the institution legally authorised to conduct oversight in civil aviation;
 - b) **Aviation area**: an area within the responsibility of the BHDCA that is subject to oversight (aircraft airworthiness, aircraft operations, flight crew licensing, civil aviation security, air navigation, airports, and aircraft ramp inspections);
 - c) **Annual oversight plan**: an overview of all inspections and audits planned for a given calendar year;
 - d) **Aviation inspector**: a person authorized by the Director General of the Bosnia and Herzegovina Directorate of Civil Aviation (hereinafter: the BHDCA) to conduct inspection in an aviation area defined by the inspector's authorisation;

- e) **Inspection**: a fundamental oversight activity involving systematic assessment of a certain characteristic of an oversight subject in order to verify compliance with the law and regulations based on the law;
 - f) **Inspector's authorisation**: a list of inspection tasks for which the inspector is authorised to conduct within an inspection;
 - g) **Inspector's ID**: a document used by an inspector to prove their official capacity and identity;
 - h) **Authorised person**: a person authorised by the Director General to conduct specific oversight tasks;
 - i) **RIP/SAFA Programme**: a system of referenced by-laws, organisational resources and procedures used to establish and conduct ramp inspections of aircraft,
 - j) **Certificate**: a document issued to an applicant by the BHDCA, certifying the applicant's compliance with the requirements defined in the laws and regulations based on the laws;
 - k) **Safety arguments**: documents serving the purpose of providing evidence that a proposed change in a functional system can be implemented in accordance with regulations.
- (2) Other terms that are used in this Rulebook have the same meanings as in the laws.

PART TWO - PRINCIPLES, TYPES AND AREAS OF OVERSIGHT, OBLIGATIONS OF OVERSIGHT SUBJECTS

Article 3 (Principle of Lawfulness)

Inspectors and authorised persons shall be responsible for the lawful and efficient conduct of oversight for which they are authorised.

Article 4 (Principle of Prevention)

Oversight shall have a preventive role in terms of preventing breaches of the law and other regulations within the remit of the BHDCA, as well as encouraging a discipline in the execution of regulations and increasing the levels of safety and security.

Article 5 (Principle of Transparency)

The BHDCA shall notify the public of the factual state and irregularities found in an oversight process in terms of air navigation safety, civil aviation security, protection of the lives and health of people or a major breach of the public interest.

Article 6 (Principle of Public Interest Protection)

Inspectors and authorised persons shall conduct oversight for the purpose of preserving the public interest, as well as the interests of legal and natural persons in accordance with the law.

Article 7 (Principle of Material Truth)

Inspectors and authorised persons shall, in an oversight process, determine the factual state of affairs and shall determine all the relevant facts in a complete and proper manner.

Article 8 (Principle of Subsidiarity)

In conducting oversight, the provisions of the Law on Administrative procedure (hereinafter: the LAP), Law

Law on Administration and Law on the Civil Service in the Institutions of Bosnia and Herzegovina (hereinafter: Law on Civil Service) and the BIH Law on Misdemeanours shall be subsidiarily applied to issues not regulated by the Law or this Rulebook.

Article 9

(Types of Oversight)

- (1) Oversight shall include audits and inspections.
- (2) An audit is a comprehensive review of an oversight subject's activities that is aimed at verifying compliance with the regulatory requirements prescribed by the Law and with regulations based on the Law.
- (3) An inspection is a procedure allowing for a direct insight into the legality of the work and activities of the inspection subject, as well as implementation of administrative measures with the aim to prevent and rectify illegalities in the execution of the Law and regulations based on it.
- (4) Inspections shall be conducted in accordance with the Law on Administration and Law on Administrative Procedure of BIH.

Article 10

(Oversight subject)

An oversight subject shall be a natural or legal person that is subjected to an audit or inspection.

Article 11

(Obligations of an oversight subject)

An oversight subject shall allow the authorised person or inspector conducting oversight to perform their oversight activities without any obstructions and to have free access to: aircraft, airports, facilities, equipment and devices relevant to civil aviation security, and shall also allow them access to any relevant information as well as documents, data and materials upon request.

Article 12

(Obligations of authorised persons and inspectors)

An authorised person or an inspector conducting oversight shall keep as confidential any business data that they come to know while conducting the oversight.

PART THREE - COMPETENCES

Article 13

(Competence)

- (1) The BHDCA shall conduct oversight of the implementation of the Law and regulations based on the Law.
- (2) Oversight tasks in the field of civil aviation shall be performed by authorised persons and inspectors.
- (3) Oversight tasks on behalf of the BHDCA may be performed by the competent civil aviation supervisory authorities of other countries, subject to a special agreement concluded between them and the BHDCA.
- (4) In line with an agreement referred to in paragraph (3) of this Article, the BHDCA shall employ mutual recognition of oversight and oversight results with the supervisory authorities of other countries.
- (5) In line with an agreement referred to in paragraph (3) of this Article, responsibilities in regard to conducting oversight shall be shared.
- (6) The performance of an agreement referred to paragraph (3) of this Article shall be implemented in practice, regularly evaluated, and monitored by the BHDCA.

Article 14

(Procedure in case of incompetence)

Where an authorised person or an inspector has established in conducting oversight that there is an infringement of a regulation or that there is a reasonable suspicion of an infringement of a regulation within the remit of another inspection body or another administrative body, they shall, without delay, notify the competent inspection body or administrative body.

PART FOUR – AUTHORISATIONS AND TITLES

Article 15

(Authorised persons)

- (1) Audits shall be performed by the BHDCA's authorised persons pursuant to the relevant decisions issued by the BHDCA Director General.
- (2) An audit may be conducted by other domestic or foreign natural or legal persons authorised by the BHDCA Director General on the basis of a special document establishing the rights and obligations of engaged persons.
- (3) A person conducting an audit shall meet the qualification requirements prescribed in an internal BHDCA document.
- (4) An authorised person shall, in the course of conducting an audit, carry on their person an authorisation document issued by the BHDCA.

Article 16

(Inspectors)

- (1) Inspections shall be performed by inspectors.
- (2) Inspectors shall be civil servants with special authorisations, independent in their work, and shall conduct oversight in the aviation areas covered by the authorisations assigned to them.
- (3) The requirements for an inspector's nomination and authorisation shall be as follows:
 - a) at least five years of work experience in the field of civil aviation,
 - b) a successfully completed aviation inspector training, a specialised training in the relevant aviation area, and an On-the-job training course, as prescribed in an internal document enacted by the BHDCA.
- (4) An inspector shall be nominated and authorised by the BHDCA Director General.
- (5) No one shall influence the work of an inspector conducting an inspection, nor shall prevent the inspector from conducting the inspection and issuing the administrative and other measures for which the inspector is authorised by the Law and the relevant by-laws.
- (6) An inspector shall, in the course of conducting an inspection, carry on their person an inspector's ID, authorisation document and a stamp.

Article 17

(Inspectors' titles)

Oversight of implementation of the provisions of the Law and other regulations based on it shall be performed by inspectors in the following aviation areas:

- a) aircraft airworthiness;
- b) aircraft operations;
- c) flight crew licensing;
- d) civil aviation security;
- e) air navigation;
- f) airports;
- g) SAFA ramp inspections.

Article 18

(Airworthiness inspector)

An airworthiness inspector shall be authorised to inspect the implementation of regulations regarding initial and continued airworthiness of aircraft and aeronautical products, parts and appliances, organisations and personnel involved in the design, production, management of continued airworthiness, training and maintenance.

Article 19

(Operations inspector)

An Operations inspector shall be authorised to inspect the implementation of regulations regarding operations for commercial and non-commercial purposes, own-account transport, medical transport, aerial work, transport and handling of dangerous goods, sports flying and amateur flying.

Article 20

(Flight Crew Licensing Inspector)

A flight crew licensing inspector (FCL inspector) shall be authorised to inspect the implementation of regulations regarding training centres and aviation personnel training centres, aeromedical centres and authorised medical examiners, as well as licenses, certificates, approvals and authorisations of persons involved in flight-related activities or training.

Article 21

(Security inspector)

A security inspector shall be authorised to conduct inspections in relation to acts of unlawful interference, continuous monitoring of implementation of the Security Programme of BIH and of security programmes issued by oversight subjects.

Article 22

(Air navigation inspector)

An air navigation inspector (ANS inspector) shall be authorised to inspect the implementation of regulations regarding air navigation service providers, air traffic management, airspace management (ASM), air traffic flow management (ATFM), communication, navigation and surveillance (CNS) services, aeronautical meteorology services, aeronautical information services / PANS-OPS, search and rescue services, training centres for ATM personnel, authorised personnel and holders of certificates of competence.

Article 23

(Airports inspector)

An airports inspector (AGA inspector) shall be authorised to inspect the implementation of regulations regarding compliance with the requirements for the issuance of certificates for: airports, airfields, heliports, hydrodromes and terrains; construction and reconstruction of airports, facilities and installations within an airport's area, terrain and aeronautical obstacles; lighting and power supply; status of manoeuvring areas and their use and maintenance; airport services and personnel; issuance of operational certificates to training organisations for aviation professional personnel at airports; licenses, approvals, certificates and authorisations of airport personnel and services; and transport and handling of dangerous goods.

Article 24

(SAFA ramp inspector)

A SAFA ramp inspector shall be authorised to inspect foreign aircraft that are under the oversight of another country and are landing at airports in BIH.

Article 25

(Suspension and revocation of authorisations)

(1) Authorisations of inspectors and authorised persons shall be suspended or revoked in the following cases Овлашћена инспектора и овлашћених лица суспендоваће се на одређено вријеме или потпуно одузети у сљедећим случајевима:

- a) if the person no longer meets the requirements for conducting oversight tasks;
- b) if there is a criminal proceeding brought against the person;

- c) due to negligence in the person's work, a breach in work discipline and failures to perform their duties;
 - d) if the person did not conduct oversight or did not take measures where it evidently had to be done, in particular if that lead to major adverse consequences;
 - e) if the person exceeds or misuses their authorisations in the course of conducting oversight;
 - f) if the person has not undertaken the required actions to implement a decision;
 - g) if the persons has, through illegal or unprofessional actions while conducting oversight, inflicted material damage to an oversight subject or another person;
 - h) if the person has failed to notify a competent inspector of an oversight subject's illegal activities of which the person learned while conducting oversight;
 - i) if the person has committed a criminal act while on duty;
 - j) if the person has breached the obligation to keep a business secret or other secrets that they've come to know in the course of conducting oversight;
 - k) ако не изврши инспекцијски надзор по налогу;
 - l) if the person performs other kinds of work that is considered a conflict of interest in accordance with the Law on Civil Service;
 - lj) in other cases as stipulated by laws or other regulations in Bosnia and Herzegovina.
- (2) A decision to suspend or revoke an authorisation shall be issued by the BHDCA Director General after a procedure has been completed to establish the person's potential responsibility.
- (3) On the date a decision on suspension or revocation of a person's authorisation enters into validity, the person shall be relieved of his duty and all his authorisations shall cease to be valid.

Article 26

(Conflict of interest)

Inspectors and authorised persons whose participation in oversight is deemed as a conflict of interest shall notify thereof their manager or team leader. A potential conflict of interest may include as follows:

- a) former employment with the oversight subject (depending on whether the separation happened in a recent period and what the terms were that lead to the termination);
- b) a direct relationship with the oversight subject; and
- c) participation in a partial ownership of the oversight subject by way of members of immediate family or other family connections in the company.

Article 27

(Training for authorised persons and inspectors)

- (1) The BHDCA shall provide inspectors and authorised persons employed by the BHDCA with adequate training that is necessary to perform oversight tasks.
- (2) The manner, types and methods of training shall be prescribed in an internal BHDCA document.
- (3) Training for inspectors and authorised persons shall be implemented in accordance with mid-term and annual training plans approved by the BHDCA Director General.

Article 28

(Work conditions for inspectors and authorised persons)

Inspectors and authorised persons shall be provided with any necessary work conditions and equipment by the BHDCA.

Article 29

(Assistance and Cooperation with Expert Institutions)

- (1) In its conduct of oversight, the BHDCA may request assistance and cooperation of expert institutions, technical services, or relevant experts, if so required to properly establish a factual state.

- (2) The BHDCA may require that certain expert-technical tasks (giving expert opinions, laboratory tests, expert evaluations, and similar) be performed by specialised organisations and/or individuals, or, if so envisaged, by accredited organisations and organisation authorised by means of a special regulation.
- (3) Engagement of expert institutions and individuals referred to in paragraphs (1) and (2) of this Article shall be approved by the BHDCA.
- (4) Costs incurred by the engagement of expert institutions and individuals referred to in paragraphs (1) and (2) of this Article shall be borne by the BHDCA.
- (5) If the results obtained through examination and expert evaluation, as well as other findings by expert institutions and individuals referred to in paragraph (2) of this Article, show that there has been a deviation from the applicable laws and by-laws the costs shall be borne by the reviewed entity (oversight subject).

PART FIVE – OVERSIGHT PLANNING AND IMPLEMENTATION

Article 30

(Oversight programme)

- (1) An oversight programme is a document used to determine the frequency of oversight for each individual oversight subject, including an assesment thereof.
- (2) The BHDCA shall, in an internal document, determine the content and development method of an oversight programme.
- (3) An oversight programme shall also include unannounced oversight visits.
- (4) By means of an oversight programme, the BHDCA shall establish an oversight cycle for a certified oversight subject, not longer than 24 months, unless otherwise prescribed in a different regulation.
- (5) The BHDCA may shorten the period referred to in paragraph (4) of this Article if there is evidence that an oversight subject's achieved level of safety has decreased.
- (6) The BHDCA may extend the period referred to in paragraph (4) of this Article to a maximum 36 months if the BHDCA has determined that in the last 24 months:
 - a) an oversight subject has proved an efficient identification of safety hazards and associated risk management;
 - b) an oversight subject has proved to be implementing a continuous management of all changes;
 - c) no Category 1 findings have been raised; and
 - d) all corrective actions have been undertaken within a time period accepted or approved by the BHDCA.
- (7) The BHDCA may additionally extend the period referred to in paragraphs (4) and (6) of this Article to a maximum 48 months if the requirements of paragraph (6) of this Article have been met and if the oversight subject has established, and the BHDCA approved, an efficient system of continuous reporting to the BHDCA about an achieved safety level and the oversight subject's compliance with the requirements contained in the law and regulations based on the law.
- (8) The BHDCA may decide to change the scope of pre-planned oversight visits and to include additional oversight visits, where required.
- (9) The BHDCA shall decide which arrangements, elements, services, functions, products, physical locations, and activities should be subject to oversight within a timeframe.
- (10) An oversight programme shall be updated at least once a year.

Article 31

(Oversight of changes)

- (1) An oversight subject shall notify the BHDCA of all planned safety related changes.
- (2) When introducing changes associated with safety, the oversight subject shall use the procedures accepted by the BHDCA.
- (3) The BHDCA shall define the method of oversight of changes in a separate procedure.

Article 32

(Specific requirements for the oversight of changes in ATM/ANS)

- (1) The BHDCA shall review the requests for acceptance of changes associated with new functional systems or changes to the existing functional systems proposed by an organization where:
 - a) severity class 1 or risk severity class 2 has been determined as potential effects of hazards in accordance with a regulation on general and specific requirements for the provision of air navigation services; or
 - b) implementation of the change requires introduction of new aviation standards.
- (2) Where the BHDCA determines that there is a need for oversight in situations other than those specified in paragraph (1) points a) and b), it shall notify the organization that it will undertake the oversight of the notified changes.
- (3) The oversight shall be carried out in a manner commensurate with the risk level posed by the introduction of new functional systems or of the proposed change to the existing functional systems.
- (4) The oversight under paragraph (3) of this Article shall be undertaken pursuant to:
 - a) internal procedures;
 - b) documentation specifically intended for safety oversight personnel with guidelines on the performance of their functions;
 - c) safety objectives and requirements and other safety-related conditions dealing with the changes under consideration, as determined in:
 - 1) the statements on the conducted system tests defined by the Regulation on the Interoperability of the European Airspace Management Network;
 - 2) the statements on the conformity or suitability for use of the system constituents determined by the Regulation on Interoperability of the European Airspace Management Network; or
 - 3) the risk assessment and mitigation documents established in accordance with the applicable requirements;
 - d) additional safety-related conditions related to the introduction of changes, whenever necessary;
 - e) acceptability of the presented safety arguments, taking account of:
 - 1) the identification of hazards;
 - 2) the consistency in allocating risk severity classes;
 - 3) the validity of the safety objectives;
 - 4) the validity, effectiveness and feasibility of safety requirements and any other safety-related conditions identified;
 - 5) the demonstration that the safety objectives, safety requirements and other safety related conditions are continuously met;

- 6) the demonstration that the process used to produce safety arguments meets the applicable safety regulatory requirements;
 - f) verification of the processes that the oversight subject uses to produce safety arguments related to a new functional system or changes to the existing functional system under consideration;
 - g) identification of the need for a verification of ongoing compliance;
 - h) any necessary coordination activities with the functional areas of airworthiness and flight operations;
 - i) notification of acceptance, with conditions where applicable, or of non-acceptance, with supporting reasons, of the change under consideration.
- (5) Introduction into service by an oversight subject of a change under consideration shall be subject to acceptance by the BHDCA.

Article 33

(Initiation and conduct of oversight)

Oversight shall be initiated and conducted:

- a) on the basis of an approved annual plan (audits and inspections);
- b) ex officio (audits and inspections);
- c) by orders of the BHDCA Director General (inspections); and
- d) at the request of a natural or legal entity (inspections).

Article 34

(Oversight based on an annual plan)

The responsible authorised person or inspector shall initiate and conduct oversight on the basis of an annual oversight plan that is developed in accordance with the oversight programme and contains an overview of all inspections and audits planned in the specified calendar year.

Article 35

(Ex officio oversight)

The responsible inspector shall initiate ex officio oversight where so required by the law or by a regulation based on the Law, or when there is an indication of a potential or existing hazard to the safety of air navigation, safety of civil aviation or public safety caused by aircraft activities.

Article 36

(Oversight by order)

The Director General may at any time issue a written order to conduct an inspection.

Article 37

(Oversight by request)

- (1) Any natural or legal entity shall be entitled to request from the BHDCA to carry out an inspection.
- (2) Where the inspector determines that, according to the applicable regulations, the conditions to initiate the procedure under paragraph (1) of this Article are met, the inspector shall carry out an inspection, draw up the records of the inspection that has been carried out, undertake appropriate measures and notify the requesting entity thereof in writing.
- (3) When the inspector determines that, according to the applicable regulations, the conditions to initiate the procedure are not met, they shall issue a decision denying the request.
- (4) An appeal may be lodged to the BHDCA Director General against the decision under the previous paragraph within eight (8) days after the receipt of the decision.

- (5) Appeals against decisions of the Director General are not allowed; however, it is possible to initiate an administrative dispute before the Court of Bosnia and Herzegovina.

Article 38

(Oversight announcement)

- (1) An audit announcement shall be provided at least 14 days prior to the date of the audit, and it shall contain: the purpose, time, place and subject of the audit, as well as the oversight personnel and the need for presence of the responsible persons on behalf of the natural or legal entity that is the subject of the audit.
- (2) Inspections shall not be announced.

PART SIX – OVERSIGHT REPORT AND RECORDS

Article 39

(Audit report)

- (1) An authorised person shall make a report of a conducted audit (hereinafter: the report) where facts and deficiencies identified during the audit shall be presented.
- (2) The report shall be made by the person who has carried out the audit. When an audit has been carried out by several authorised persons simultaneously, the report shall be made by the team leader on the basis of individual reports by the authorised persons that participated in the conduct of the audit.
- (3) The report shall be signed by the authorised person or the team leader.
- (4) The report shall be made in two identical copies, with one copy being submitted to the audited subject within 15 days after the completion of the audit, and one copy shall be kept in the file.
- (5) The report shall be a public document unless the report or a part of the report contains information that are a professional secret.

Article 40

(Inspection records)

- (1) The inspector shall make written records of a conducted inspection (hereinafter: records) where they shall present facts identified in the inspection.
- (2) The records shall be made by the inspector who carried out the inspection.
- (3) The records of a conducted inspection shall contain:
 - a) the name of the entity that carried out the inspection;
 - b) a BHDCA register number and the date and place of the inspection;
 - c) the title of the records;
 - d) time and place of the inspection, name of the oversight subject, the oversight subject's general information (when it is a physical person), the subject of the inspection, the names of the persons present at and of the person(s) who carried out the inspection;
 - e) a factual description;
 - f) a statement by the oversight subject regarding any comments on the records, and that the records were read;
 - g) time of completion of the inspection;
 - h) the manner in which the records are to be delivered;
 - i) any documents used, for any purpose, during the inspection; when necessary, the documents shall be attached to the records;

j) signature by the oversight subject, signatures by the persons present, and signature by the inspector who carried out the inspection.

- (4) The records shall be made on the spot and shall be signed both by the inspector and the oversight subject.
- (5) In case of a more complex inspection, it is allowed to make the records not later than three days after the inspection.
- (6) The records shall be made in two identical copies, one copy being submitted to the oversight subject and one copy shall be kept in the file.
- (7) The records shall be a public document, unless the records or a part of the records contain information that are a professional secret.

Article 41

(Objections to the records)

- (1) An oversight subject shall be entitled to place objections to the records directly when the records are being made, or when the records are delivered subsequently, within three days after the receipt of the records.
- (2) A no-objection statement by the oversight subject regarding the records shall be entered into the records.
- (3) Where objections to the records are attached to the records, they shall be verified by means of the oversight subject's signature and sealed by the oversight subject's official seal.
- (4) Where the oversight subject has not placed any objections to the records within the deadline specified under paragraph (1) of this Article, it shall be considered that they have no objections to the records.
- (5) The inspector shall consider the objections to the records and when necessary supplement the evidence associated with the parts of the records to which the objections are related.
- (6) The inspector shall not decide separately on the objections to the records but shall assess them when issuing the relevant administrative document. The rationale for the administrative document shall include all the objections to the records and the reasons for their rejection.

Article 42

(Taking measures)

- (1) Where actions contrary to the law or other regulations are identified, the inspector shall have the right and duty to undertake the measures specified in the general legislation on inspections and in the relevant laws.
- (2) The inspector shall issue a decision pronouncing a measure under paragraph (1) of this Article.
- (3) The decision shall be made in two identical copies. One copy of the decision shall be submitted to the oversight subject, while the other copy shall be kept in the file.
- (4) In case of urgent measures, the inspector may issue the decision orally. In such case, the inspector must issue a written decision not later than five days after the inspection has taken place.

Article 43

(Appeal against decision)

- (1) An appeal against an inspector's decision may be lodged to the BHDCA Director General within 8 days after the receipt of the decision.
- (2) The appeal against the decision under paragraph (1) of this Article shall not delay its execution.
- (3) The inspector may delay execution of the decision where there is a justified request of the appellant and where flight safety or the safety of civil aviation is not jeopardised.
- (4) Appeals against the Director General's decisions under paragraph (1) of this Article are not allowed; however, it is possible to initiate an administrative dispute before the Court of Bosnia and Herzegovina.

Article 44

(Classification of findings)

- (1) Unless otherwise specified by another regulation, findings shall be classified into the following categories:
 - a) 'Category 1'
 - b) 'Category 2'.
- (2) A BHDCA inspector or another BHDCA authorised person shall issue a 'Category 1' finding where:
 - a) there is a significant non-compliance by an oversight subject with the requirements contained in the BiH Aviation Law and the regulations adopted on the basis of this Law or with the conditions for issuance of a licence, rating or certificate, which constitutes a serious hazard to the safety of air traffic;
 - b) there is evidence on the misuse or unauthorised use of a certificate / licence / rating / approval / authorisation by an oversight subject;
 - c) a certificate / licence / rating / approval / authorisation was obtained or revalidated having submitted falsified evidence;
 - d) an oversight subject does not have an accountable manager;
 - e) a BHDCA inspector or authorised person has been denied access to the facilities of the oversight subject during normal operating hours or after a written request.
- (3) A BHDCA inspector or authorised person shall issue a 'Category 2' finding where there is a non-compliance by an oversight subject with the requirements contained in the BiH Aviation Law and the regulations adopted on the basis of this Law or with the oversight subject's procedures and manuals, that are not specified under paragraph (2).

Article 45

(Observations)

- (1) While carrying out an audit, the inspector or authorised person may convey an observation to the oversight subject in terms of drawing special attention to a non-compliance by the oversight subject with the requirements contained in the relevant laws and regulations based on the laws, with an internal policy, procedures, instructions, guidelines etc. where those non-compliances cannot be included into 'Category 1' or 'Category 2' findings.
- (2) The purpose of an observation under paragraph (1) of this Article is to assist the oversight subject in remedying any non-compliances specified under paragraph (1) of this Article with the objective of ensuring a more efficient and economical functioning of the oversight subject.

Article 46

(Measures for 'Category 1' findings)

- (1) In case of 'Category 1' findings the inspector shall undertake urgent and appropriate measures to ban or restrict the activity or shall undertake measures to revoke a certificate / licence / rating / approval / authorisation and to partially or completely limit or suspend a certificate / licence / rating / approval / authorisation, or shall demand an exceptional verification of the professional or medical fitness of aviation staff or shall ground the aircraft, and shall issue a decision thereof.

- (2) An appeal against an inspector's decision under paragraph (1) of this Article may be lodged to the BHDCA Director General within 8 days after the receipt of the decision.
- (3) The appeal against the decision under paragraph (1) of this Article shall not delay its execution.
- (4) The inspector may delay the execution of a decision where there is a justified request by the appellant and where flight safety or the safety of civil aviation are not jeopardised.
- (5) Appeals against the Director General's decisions under paragraph (2) of this Article are not allowed; however, it is possible to initiate an administrative dispute before the Court of Bosnia and Herzegovina.

Article 47

(Measures for 'Category 2' findings)

- (1) A BHDCA inspector or authorised person shall, by means of an oversight report, notify the oversight subject about 'Category 2' findings and shall require that a corrective action plan to remedy the identified non-compliances be submitted not later than 30 days after the receipt of the report.
- (2) A corrective action plan under paragraph (1), made by the oversight subject, shall contain a root cause analysis for each finding, as well as corrective actions and deadlines for their implementation; after the plan has been assessed as applicable and appropriate, a BHDCA inspector or authorised person shall accept it, together with the proposed deadlines for the implementation of all corrective actions and they shall notify the oversight subject thereof in writing.
- (3) Where a proposed corrective action plan is not acceptable, the BHDCA shall specify the reasons and demand revision of the corrective action plan.
- (4) A BHDCA inspector or authorised person shall alter a 'Category 2' finding into a 'Category 1' finding and act in accordance with their authorisation if the oversight subject:
 - a) has failed to submit a corrective action plan within 30 days after receipt of the report; or
 - b) has failed to implement the corrective actions within accepted deadlines.

Article 48

(Oversight records, reports and exchange of information)

- (1) The BHDCA shall adopt internal documents for the implementation of this Rulebook.
- (2) The BHDCA shall keep records of all oversight activities, changes, findings identified by the BHDCA inspectors and authorised persons, as well as of BHDCA authorisations, measures undertaken, corrective actions and finding closure dates.
- (3) The BHDCA shall annually make a safety analysis whose integral part shall be a report on conducted oversight activities.
- (4) The report under paragraph (3) of this Article shall also contain information on:
 - a) the BHDCA's organisational structure, regulations and internal documents;
 - b) the airspace under the responsibility of Bosnia and Herzegovina - having established or nominated the BHDCA - and where necessary on oversight subjects;
 - c) qualified entities authorised to conduct oversight, where applicable;
 - d) the existing levels of the BHDCA's human resources;
 - e) all safety-related issues identified through oversight processes.

- (5) The BHDCA shall exchange safety oversight information with interested oversight entities of other countries, subject to signed agreements.

Article 49

(General offence provisions)

Provisions of the BIH Law on Minor Offences and other relevant laws specifying minor offences shall apply to such offences.

Article 50

(Criminal offender reporting)

- (1) Where an inspector or authorised person, after an oversight visit, reasonably suspects that the oversight subject has committed a crime, they shall report the criminal offender to the competent prosecutor's office.
- (2) The report shall be submitted in writing or orally.
- (3) The relevant provisions of the BIH Criminal Law shall apply to the crime reporting procedure.

Article 51

(Orders)

- (1) The BHDCA shall issue air navigation safety orders and civil aviation safety orders where there are circumstances posing a hazard to air navigation safety and civil aviation safety, and requiring urgent actions with the objective of mitigating the identified risk.
- (2) The orders shall include the following information as a minimum:
 - a) the circumstances posing a hazard to air navigation safety and civil aviation safety;
 - b) who the orders apply to;
 - c) the required measures and actions;
 - d) a deadline for the implementation of the measures and actions;
 - e) the date of their entry into force.
- (3) The BHDCA shall communicate the safety orders to the oversight subject.
- (4) The BHDCA shall communicate the safety orders to other relevant and competent entities, where applicable.

PART SEVEN – FINAL PROVISIONS

Article 52

(Regulation revocation)

On the date when this Rulebook enters into force, the Rulebook on inspections and audits in civil aviation shall be revoked (Official Gazette of BIH, No 14/11 and 14/14).

Article 53

(Entry into force)

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

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16 March 2016
Banja Luka

Director General
Đorđe Ratkovic, sgd.