

AGREEMENT BETWEEN

THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, THE GOVERNMENT OF THE REPUBLIC OF BULGARIA, THE GOVERNMENT OF THE REPUBLIC OF CROATIA, THE GOVERNMENT OF HUNGARY, THE GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA, THE GOVERNMENT OF MONTENEGRO, THE GOVERNMENT OF THE REPUBLIC OF SERBIA, THE GOVERNMENT OF THE SLOVAK REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA

ON

AERONAUTICAL SEARCH AND RESCUE COOPERATION AND COORDINATION

The Council of Ministers of Bosnia and Herzegovina, the Government of the Republic of Bulgaria, the Government of the Republic of Croatia, the Government of Hungary, the Government of the Republic of North Macedonia, the Government of Montenegro, the Government of the Republic of Serbia, the Government of the Slovak Republic and the Government of the Republic of Slovenia (*hereinafter referred to as "the Parties"*),

Considering that the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944 (*hereinafter referred to as "the Chicago Convention"*) and its Annexes provide the essential framework for an international civil aviation system on Search and Rescue (*hereinafter referred to as "SAR"*) operations,

Bearing in mind the importance of SAR, as an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety,

Being aware that immediate rescue measures are of vital importance for persons in distress,

Recognising the necessity of full compliance with the Standards and Recommended Practices of the International Civil Aviation Organization (*hereinafter referred to as "ICAO SARPs"*) in the area of SAR, set out in Annex 12 to the Chicago Convention on Search and Rescue (*hereinafter referred to as "Annex 12"*), and further developed in the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR) and other related SAR documents (*hereinafter referred to as "the international SAR provisions"*),

Recognising that Annex 12 is applicable to the establishment, maintenance and operation of SAR services in the territories of the States of the Parties and over the High Seas, and to the coordination of such services between States,

Having regard to the ICAO SARPs set out in Annex 9 to the Chicago Convention on Facilitation, and in particular Chapter 8 on the facilitation of, *inter alia*, search and rescue,

Recognising the need for harmonising and strengthening international cooperation and especially regional cooperation for the efficient organisation and conduct of aeronautical SAR operations and associated training,

Recognising the provisions laid down in the Memorandum of Understanding (*hereinafter referred to as "MoU"*), which was signed on 3 November 2016 in Belgrade, on the establishment of the Regional Aeronautical SAR Advisory Committee.

Considering that the Parties to this Agreement are, at the same time, Members or Observers to the Regional Aeronautical SAR Advisory Committee.

Have agreed as follows:

Article 1 – Objective and scope

This Agreement establishes a framework for cooperation among the Parties in conducting aeronautical SAR operations and sets out their various respective responsibilities in order to fully comply with their obligations as set out in ICAO SARPs.

The Parties agree that aeronautical SAR operations in or over the territorial sea, internal waters and land of the State each Party are to be carried out in accordance with the national legislation or legislation in force in the territories of the States of the respective Parties, taking into account the relevant international SAR provisions.

The Parties shall ensure close coordination with their respective national aeronautical SAR authorities to help promote common and effective SAR services under this Agreement in assisting each other, to the extent possible, in the conduct of SAR operations by authorising their Rescue Coordination Centres (hereinafter: RCCs) to request assistance from the RCC of the other Party or to promptly respond to distress calls and requests for assistance from the RCC of the other Party.

Terms and definitions shall for the purpose of this Agreement have the meaning laid down in Chapter 1 of the Annex 12.

Article 2 – SAR regions

For aeronautical SAR purposes the boundaries of neighbouring SAR regions shall, in principle and in so far as practicable, coincide with the corresponding boundaries between the States of the Parties' Flight Information Regions (*hereinafter referred to as "FIR"*).

Situations where the FIRs and the SAR regions do not correspond will be detailed in the separate bilateral agreement between the Parties concerned. The Contracting Parties of the later shall notify the depositary of this Agreement through diplomatic channels about the conclusion of internal procedures of such agreement. The depositary of this Agreement shall inform Parties on the conclusion on any of such bilateral agreement.

The delineation of the SAR regions between the Parties as defined in the paragraph 1 of this Article is to ensure the availability of SAR services, to improve or simplify SAR operations, and to facilitate proper distribution of distress alerts to RCCs. Hence, it is not related to and shall not prejudice the delineation of any other boundary between the Parties.

Article 3 – Authorities / [Entity]

The responsible aeronautical SAR authorities, RCCs and Maritime Rescue Coordination Centres (hereinafter: MRRCs) of the Parties are listed in the Annex of this Agreement.

Article 4 – Communication and cooperation

To ensure the proper coordination of SAR operations, the Parties should keep each other fully and promptly informed. If the RCC of a State of a Party considers that assistance from the RCCs of a State of an another Party is needed, it may request such assistance.

If the RCC of a State of a Party receives information that human life is, or is believed to be, in distress within the SAR region of the State of one of the other Parties, that RCC shall, without delay, inform the RCC of the State of the other Party (-ies) concerned. Assistance to any aircraft either in distress or believed to be in distress, and to survivors of an aircraft accident within the SAR region of any Party, shall be rendered regardless of the State of registry or status of the aircraft, or the nationality or status of the persons in the aircraft, or the circumstances in which the aircraft or persons are found.

Article 5 – Facilitation of transit through the territory of the States of the Parties

Subject to conditions imposed by Annex 12, each Party will allow emergency transit without delay to the SAR units of another Party through or over its State's territorial sea, internal waters and land for the purpose of conducting SAR operations.

Article 6 – Operational agreements

The responsible authorities [entities], as defined in the Annex to this Agreement, shall conclude bilateral operational agreements on cooperation for the practical implementation of this Agreement with the responsible authorities of all the neighbouring States Parties of this Agreement. Such cooperation shall include, *inter alia*, joint SAR exercises and training, regular checks of relevant communication channels, liaison visits by SAR experts, the exchange of SAR information, procedures, techniques and experiences, and coordinating national positions on international SAR issues of mutual interest. The Parties shall establish appropriate procedures in the operational agreement to provide for the most effective and efficient means of communication.

The responsible authorities shall lay down detailed measures in the operational agreement in order to facilitate border crossings, stopovers in the territory of the State of another Party and the temporary import/export of aircraft, tools, spare parts and equipment required in search and rescue operations.

The temporary admission of items described shall be relieved from customs duties and other import duties and charges value add taxes, in accordance with the national legislation of the Parties.

Unless otherwise agreed between the Parties in the operational agreements, the carrying of weapons, ammunition and explosive ordnance is not allowed in the course of the SAR operations under this Agreement.

Article 7 – Costs

The Parties shall resolve the issue of bearing the expenses incurred by their participation in SAR operations in the operational agreement in accordance with the national legislation or legislation in force in the territories of the States of the Parties.

If the issue of bearing the expenses is not defined by the operational agreement or bilateral agreements, each Party shall bear the expenses incurred by its participation in SAR operations in conformity with this Agreement.

If, in the course of a SAR operation in conformity with this Agreement, damage is caused to a third party, the Party requiring assistance shall assume the responsibility as if the damage were caused by the members of its SAR units participating in the SAR operation, unless the damage is caused intentionally or through gross negligence.

Article 8 – Rights and obligations

Nothing in this Agreement shall affect in any way the rights and obligations of any Party, arising from international agreements or other arrangements between the Parties

Parties shall not transfer their rights, obligations and participation in this Agreement to other entities without the expressed consent of all the Parties.

All activities conducted under this Agreement are subject to the regulations and policies of the States of the Parties and to all laws, regulations and policies to which the Parties are subject.

Article 9 - Consultations

In the spirit of close cooperation, each Party shall consult with one another from time to time, with a view to ensuring the implementation of satisfactory compliance with the provisions of this Agreement and the Annex thereto, and any Party may at any time request consultations on the implementation, interpretation, application or amendment of this Agreement. No dispute shall be referred to an international body or third party for settlement.

Such consultations, which may transpire through discussion or correspondence, shall begin within a period of sixty (60) days from the date of the receipt of such a request, unless otherwise agreed by Parties.

Article 10 - Amendment of the Agreement

If any Party considers it desirable to amend any provision of this Agreement, such amendment shall be agreed upon in accordance with the provisions of Article 9. Such amendment shall enter into force when the Parties have notified each other through diplomatic channels on the fulfilment of their internal legal procedures relating to the conclusion and the entry into force of the international agreement.

Notwithstanding the provisions of paragraph (1) above, each Party may amend its SAR authorities as listed in the Annex to this Agreement. Such amendment shall enter into force when this Party notifies other Parties through diplomatic channels on the amendment of the Annex.

The term "Agreement" means this Agreement, its Annex and any amendment to the Agreement or to the Annex. The term "Annex" means the list of SAR Authorities, the list of RCCs and/or MRCCs of the States of the Parties.

Article 11 - Entry into force, duration and withdrawal

This Agreement shall be subject to ratification, acceptance or approval by the Parties in accordance with their respective national legislations.

This Agreement shall enter into force on the first day of the month following the date on which the third Party has deposited its instrument of ratification, acceptance or approval with the Depositary.

For the Party that ratifies, accepts or approves this Agreement after the date of its entry into force, in accordance with the Paragraph 2 of this Article, this Agreement shall enter into force for that Party on the first day of the month following the date of deposit of its instrument of ratification, acceptance or approval with the Depositary.

This Agreement is concluded for an indefinite period of time.

Any Party may withdraw from this Agreement at any time by written notification of withdrawal to the Depositary. The withdrawal shall take effect six months after the receipt of the notification by the Depositary.

Article 12 – Settlement of Disputes

In case of a dispute between two or more Parties concerning the interpretation or application of this Agreement, the Parties concerned shall seek a solution through the mutual consultations and negotiations and shall not refer to an international body or third party for settlement.

Article 13 - Accession

After the entry into force of this Agreement, this Agreement shall be opened for accession.

For the accession Party, this Agreement shall enter into force on the first day of the month following the date of the deposit of its instrument of accession with the Depositary.

The accession Party shall be an ICAO Contracting State.

Article 14 – Depositary

The Government of the Republic of Serbia shall act as the Depositary of this Agreement.

Upon its entry into force in accordance with the provisions of the paragraph 2 of Article 11, this Agreement and any amendments thereto shall be registered by the Depositary with the International Civil Aviation Organization (ICAO).

Article 15 – Final Provision

If the need to exchange sensitive information arises, the Parties may use as a guideline the Policy on the Confidentiality, Protection and Appropriate Use of Information Relative to the Activities of the Regional Aeronautical SAR Advisory Committee.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments have signed this Agreement.

The original of this Agreement in a single original in the English language shall be deposited with the Depositary which shall transmit a certified copy thereto to each Party.

Done at Ohrid on 22/02/2023

For the Council of Ministers of **Bosnia and Herzegovina**

For the Government of **Montenegro**

For the Government of the **Republic of Bulgaria**

For the Government of the **Republic of Serbia**

For the Government of the **Republic of Croatia**

For the Government of the **Slovak Republic**

For the Government of **Hungary**

For the Government of the **Republic of Slovenia**

For the Government of the **Republic of North Macedonia**



ANNEX

SAR Authorities, RCCs and MRCCs

Bosnia and Herzegovina:

- Aeronautical SAR Authority: Bosnia and Herzegovina Directorate of Civil Aviation (BHDCA);
- RCC: Rescue Coordination Centre of Bosnia and Herzegovina (BHRCC), Bosnia and Herzegovina Air Navigation Services Agency (BHANSA);

Republic of Bulgaria:

- Aeronautical SAR Authority: Directorate General Civil Aviation Administration, The Republic of Bulgaria;
- RCC: RCC Varna;

Republic of Croatia:

- Aeronautical SAR Authority: Civil Protection Directorate, Ministry of the Interior, Republic of Croatia;
- RCC: Operational Centre, Civil Protection Directorate, Ministry of the Interior, Republic of Croatia;
- MRCC: MRCC Rijeka;

Hungary:

- Aeronautical SAR Authority: Ministry of Interior of Hungary;
- RCC: Hungarian Defence Forces Air Operation Command and Control Centre, Air Operation Centre;

Republic of North Macedonia:

- Aeronautical SAR Authority: Civil Aviation Agency of the Republic of North Macedonia;
- RCC: RCC Skopje;

Montenegro:

- SAR Authority:
 - o SAR Authority responsible for land:
 - Ministry of the Interior of Montenegro;
Directorate for Protection and Rescue;
Department 112 – Operational communication centre 112;
 - o SAR Authority responsible at the sea:
 - Ministry of Capital Investments of Montenegro;
Administration for Maritime Safety and Port Management;
Sector for Safety of Navigation;
 - o Authority responsible for SAR oversight:
 - Civil Aviation Agency Montenegro;
- RCC: Operational communication centre 112 – Aeronautical Rescue Coordination Centre of Directorate for Protection and Rescue of Ministry of the Interior;
- MRCC: Maritime Rescue Coordination Centre of Administration for Maritime Safety and Port Management of Ministry of Capital Investments;

Republic of Serbia:

- Aeronautical SAR Authority: Civil Aviation Directorate of the Republic of Serbia;
- RCC: Rescue Coordination Centre Belgrade of the Civil Aviation Directorate of the Republic of Serbia;

Slovak Republic:

- Aeronautical SAR Authority: *(will be subsequently listed, in accordance with the provisions of Article 10 (2) of this Agreement);*
- RCC: *(will be subsequently listed, in accordance with the provisions of Article 10 (2) of this Agreement);*

Republic of Slovenia:

- Aeronautical SAR Authority: Administration of the Republic of Slovenia for Civil Protection and Disaster Relief;
- RCCs:
 - o Slovenian Air Navigation Services, Limited;
 - o Ministry of the Interior, Police;
 - o Ministry of Defence, Administration of the Republic of Slovenia for Civil Protection and Disaster Relief;
- MRCC: Ministry of Infrastructure, Slovenian Maritime Administration;