

**The High Representative's Decision Amending the Decision on Establishing
the Commission for State Property, for the identification and Distribution of
State Property, the Specification of Rights and Obligations of Bosnia and
Herzegovina, the Entities and the Brcko District of Bosnia –Herzegovina
in the Management of State Property**

March 18, 2005

No. 345/05

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall "Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid "by making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) "measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

Recalling further that the Declaration of the Peace Implementation Council Steering Board adopted at the level of Political Directors in Sarajevo on 24 September 2004 called for a "lasting solution" to "the issue of State Property";

Noting that pursuant to the aforesaid, a Commission for State Property, for the Identification and Distribution of State Property, the Specification of Rights and Obligations of Bosnia and Herzegovina, the Entities and the Brcko District of Bosnia-Herzegovina in the Management of State Property (hereinafter: Commission) comprised of expert representatives from both Entities of Bosnia and Herzegovina, the Brcko District of Bosnia and Herzegovina and institutions of Bosnia and Herzegovina was formed in December 2004 by a Decision of the Council of Ministers of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina no. 10/05);

Further noting that the laws temporarily prohibiting disposal of State Property by Bosnia and Herzegovina, the Entities or any of its subdivisions, require an extension of the Commission's competence enabling it to decide, upon the proposal of an interested party, on exemptions for certain state property;

Considering that the decision-making mechanism within the Commission, in the context of additional competences assigned to it by law, must adequately protect the interests of Bosnia and Herzegovina, the District of Brcko of Bosnia and Herzegovina, the Entities and their subdivisions; and

Further Considering that any extension of the Commission's competences also requires an extension of the deadline within which the Commission must complete all mandated tasks, including preparation of proposed legislation and/or final report;

Having considered, borne in mind and noted all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Amending the Decision on Establishing the Commission for State Property, for the identification and Distribution of State Property, the Specification of Rights and Obligations of Bosnia and Herzegovina, the Entities and the Brcko District of Bosnia –Herzegovina in the Management of State Property

Which is hereby attached as an integral part of this Decision.

The said Amendments to the Decision shall enter into force with immediate effect, on an interim basis, until such time as the Council of Ministers of Bosnia and Herzegovina adopts them in due form, without amendment and with no conditions attached.

This Decision shall come into force on forthwith and shall be published without delay in the “Official Gazette of Bosnia and Herzegovina”.

Sarajevo, 18 March 2005

Paddy Ashdown
High Representative

DECISION

Amending the Decision on Establishing the Commission for State Property, for the Identification and Distribution of State Property, the Specification of Rights and Obligations of Bosnia and Herzegovina, the Entities and the Brcko District of Bosnia-Herzegovina in the Management of State Property

Article 1

In the Decision on Establishing the Commission for State Property, for the Identification and Distribution of State Property, the Specification of Rights and Obligations of Bosnia and Herzegovina, the Entities and the Brcko District of Bosnia-Herzegovina in the Management of State Property (Official Gazette of Bosnia and Herzegovina, No. 10/05, hereinafter the “Decision”) after Article 4, a new Article, “4a” shall be added and shall read as follows:

“Article 4a

The Commission shall decide, by special majority, upon the proposal of an interested party, on the exemption of certain state property from the ban imposed by the laws on temporary prohibition of disposal of State Property at level of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina and Republika Srpska.

For the purposes of applying paragraph 1 of this Article, a special majority shall mean a minimum of 3 votes from the representatives of the BiH Institutions, and of each Entity.”

Article 2

Article 9, Paragraph 3 shall be amended and shall read:

“The Commission shall take decisions and adopt proposals by a qualified majority vote of the members present.

For the purposes of applying paragraph 1 of this Article, a qualified majority shall mean a minimum of 3 votes from the representatives of the BiH Institutions, and of each Entity and 1 vote from the Brcko District of Bosnia and Herzegovina.”

Article 3

Article 10, shall be amended and shall read as follows:

“The Commission shall prepare, by 30 November 2005, a final report on its work for the Chairman of the Council of Ministers and/or propose the relevant legislation within the same timeframe.”

Article 4

This Decision shall enter into force forthwith and shall be published without delay in the “Official Gazette of Bosnia and Herzegovina”.