

Decision Amending “The Law on Telecommunications” of the Republika Srpska

In the exercise of the powers vested in me 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”;

Noting that because there existed a need for a comprehensive regulatory regime for the broadcasting industry the High Representative, on 11 June 1998, issued a Decision establishing the Independent Media Commission;

Recalling the Peace Implementation Council’s exhortations of

23/24 May 2000, directing the High Representative to ensure rapid development of State-level regulatory mechanisms for telecommunications and media, and to ensure that there are no duplicative or conflicting regulatory competencies at any level of government, and drawing the parties' attention to the need to foster functional and democratically accountable common institutions;

Recalling that, on 2 March 2001, the High Representative issued a Decision (Official Gazette of Bosnia and Herzegovina 8/01, Official Gazette of the Federation of Bosnia and Herzegovina 11/01, and Official Gazette of Republika Srpska 12/01), Combining the Competencies of the Independent Media Commission and the Telecommunications Regulatory Agency, thereby creating the Communications Regulatory Agency;

Further recalling that the creation of a single economic space is of utmost importance for the economic growth and development of Bosnia and Herzegovina, and that the Peace Implementation Council in its Communiqué of 1 February 2001 noted that the "momentum of economic reform needs to be strengthened" because "private investment is a key prerequisite to stop a deepening of the economic and social crisis in Bosnia and Herzegovina";

Noting that the Law on Communications of Bosnia and Herzegovina, which provides for the legal and institutional framework for the regulation of common and international communications facilities across the whole territory of Bosnia and Herzegovina is in full force and effect as of the date hereof;

Further noting that the Law on Telecommunications of the Republika Srpska assumes responsibilities that are in conflict with the Law on Communications of Bosnia and Herzegovina;

Having considered and borne in mind the totality of the matters aforesaid, I hereby issue the following:

DECISION

Amending "The Law on Telecommunications" of the Republika Srpska (Official Gazette of Republika Srpska 19/96) by repealing Articles 1 through 34, 38, 40 through 51, and 56 through 131 thereof. The law which follows and forms an integral part of this Decision shall enter into force pursuant to Article 2 thereof but on an interim basis, until such time as the legislature of the Republika Srpska adopts the same in due form, without amendment and with no conditions attached. This Decision shall come into force forthwith and shall be published without delay in the Official Gazette of the Republika Srpska and in the Official Gazette of Bosnia and Herzegovina.

October 21, 2002

Paddy Ashdown
High Representative

LAW AMENDING THE LAW ON TELECOMMUNICATIONS OF THE REPUBLIKA SRPSKA

Article 1

The Articles 1 through 34, 38, 40 through 51, and 56 through 131 of the Law on Telecommunications of the Republika Srpska are repealed.

Article 2

This Law shall enter into force on 21 October 2002 and shall be published without delay in the Official Gazette of the Republika Srpska and in the Official Gazette of Bosnia and

Herzegovina.