



Emerika Bluma 1, 71000 Sarajevo
Tel. 28 35 00 Fax. 28 35 01

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Legal Department



**LAW ON THE TEMPORARY PROHIBITION OF
DISPOSAL OF STATE PROPERTY OF BOSNIA AND
HERZEGOVINA**

**“Official Gazette of Bosnia and Herzegovina”, 18/05 (32/07)¹, 29/06
(32/07), 85/06 (32/07), 41/07, 74/07, 99/07, 58/08, 22/22**

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¹ In Blue Color – The High Representative Decisions Nos. 343/05, 02/06 and 25/06 have been adopted by the BHPA and published in the “Official Gazette of Bosnia and Herzegovina”, No. 32/07).

LAW ON THE TEMPORARY PROHIBITION OF DISPOSAL OF STATE PROPERTY OF BOSNIA AND HERZEGOVINA

Article 1

This Law prohibits the disposal of State Property.

For the purpose of this Law, State Property is considered to be:²

1. Immovable property, which belongs to the State of Bosnia and Herzegovina pursuant to the international Agreement on Succession Issues, signed on 29 June 2001 by the states of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Slovenia, and the Federal Republic of Yugoslavia
2. Immovable property, for which the right of disposal and management belonged to the former Socialist Republic of Bosnia and Herzegovina before 31 December 1991
3. Agricultural land, considered as State Property by the Constitutional Court of Bosnia and Herzegovina in its decisions in Case No. U-8/19
4. Rivers, forests, and forestland, considered as State Property by the Constitutional Court of Bosnia and Herzegovina in its decisions in Case No. U-9/19 and Case No. U-4/21

Article 2

Notwithstanding the provisions of any other law or regulation, State Property may be disposed of only by the State of Bosnia and Herzegovina, as its titleholder, in accordance with the provisions of this Law.³

Any decision, act, contract, or other legal instrument, disposing of property referred to in Article 1 of this Law concluded contrary to provisions of this Law, after its entry into force, shall be null and void.

² In Double-Underline – According to the High Representative Decision Enacting the Law on Amendments to the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina („Official Gazette of Bosnia and Herzegovina“, 22/22), Article 1, Paragraph 2 was amended.

Previously:

For the purpose of this Law, State Property is considered to be:

1. Immovable property, which belongs to the state of Bosnia and Herzegovina (as an internationally recognized state) pursuant to the international Agreement on Succession Issues signed on 29 June 2001 by the states of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Slovenia and the Federal Republic of Yugoslavia which, on the day of adoption of this Law, is considered to be owned or possessed by Bosnia and Herzegovina or other public organizations of Bosnia and Herzegovina; and
2. Immovable property for which the right of disposal and management belonged to the former Socialist Republic of Bosnia and Herzegovina before 31 December 1991, which on the day of adoption of this Law is considered to be owned or possessed by Bosnia and Herzegovina, or public organization or body of Bosnia and Herzegovina and any of its subdivisions.

For the purpose of this Law, disposal of the aforementioned property shall mean the direct or indirect transfer of ownership.

³ In Double-Underline – According to the High Representative Decision Enacting the Law on Amendments to the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina („Official Gazette of Bosnia and Herzegovina“, 22/22), Article 2, Paragraph 1 was amended.

Previously:

Notwithstanding the provisions of any other law or regulation, State Property may be disposed of only in accordance with the provisions of this Law.

Article 3

Assets and rights of enterprises, registered as such, which are subject to privatization pursuant to the Framework Law on Privatization of Enterprises and Banks in Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina no. 14/98 and 14/00), and applicable regulations thereunder, shall be exempt from the prohibition under this Law.

Additionally, the State Property Commission established by the Decision of the Council of Ministers of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, No. 10/05, hereinafter: “the Commission”) may, upon the proposal of an interested party, decide to exempt certain State Property from the prohibition imposed by this Law.

*The portion of State Property that will continue to serve defense purposes, pursuant to and in accordance with Articles 71-74 of the Law on Defense of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no. 88/05) shall also be exempt from the temporary prohibition imposed by this Law.*⁴

Article 4⁵

The temporary prohibition on the disposal of State Property in accordance with this Law shall be in force until entry into force of State-level legislation regulating the rights of ownership and management of State Property, adopted by the Parliamentary Assembly of Bosnia and Herzegovina, or the High Representative decides otherwise.

⁴ In Italic – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 25/06 (“Official Gazette of Bosnia and Herzegovina”, 85/06), in Article 3, following Paragraph 2 a new paragraph was inserted.

⁵ In Double-Underline – According to the High Representative Decision Enacting the Law on Amendments to the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina („Official Gazette of Bosnia and Herzegovina“, 22/22), Article 4 was amended.

Previously:

Article 4

The temporary prohibition on the disposal of State Property in accordance with this Law shall be in force until entry into force of the law regulating implementation of criteria to be used for identification of property owned by Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska and Brcko District of Bosnia and Herzegovina, and specifying the rights of ownership and management of State Property, which shall be enacted upon the recommendations of the Commission, or until either an acceptable and sustainable resolution of the issue of apportionment of State Property between the State and other levels of government has been endorsed by the Peace Implementation Council Steering Board, or the High Representative decides otherwise.

Previously:

In Bold – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 2/06 (“Official Gazette of Bosnia and Herzegovina”, 29/06), in Article 4, the words “one year from the day of the entry into force of this Law” were replaced with the words “30 September 2006”.

In Italic – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 25/06 (“Official Gazette of Bosnia and Herzegovina”, 85/06), in Article 4, the words “30 September 2006” were replaced with the words “May 31, 2007”.

In Underline – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 46/07 (“Official Gazette of Bosnia and Herzegovina”, 41/07), in Article 4, the words “31 May 2007” were replaced with the words “30 September, 2007”.

In Bold-Italic – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 08/07 (“Official Gazette of Bosnia and Herzegovina”, 74/07), in Article 4, the words “30 September 2007” were replaced with the words “31 December 2007”.

In Bold-Underline – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 13/07 (“Official Gazette of Bosnia and Herzegovina”, 99/07), in Article 4, the words “31 December 2007” were replaced with the words “30 June 2008”.

Article 5^{6 7 8 9 10 11 12}

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

⁶ In Bold – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 2/06 (“Official Gazette of Bosnia and Herzegovina”, 29/06), this Law shall enter into force forthwith and shall be published without delay in the “Official Gazette of Bosnia and Herzegovina”.

⁷ In Italic – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 25/06 (“Official Gazette of Bosnia and Herzegovina”, 85/06), this Law shall enter into force forthwith and shall be published without delay in the “Official Gazette of Bosnia and Herzegovina”.

⁸ In Underline – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 46/07 (“Official Gazette of Bosnia and Herzegovina”, 41/07), this Law shall enter into force upon publication and shall be published without delay in the “Official Gazette of Bosnia and Herzegovina”.

⁹ In Bold-Italic – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 08/07 (“Official Gazette of Bosnia and Herzegovina”, 74/07), this Law shall enter into force on the day of its publication in the “Official Gazette of Bosnia and Herzegovina”.

¹⁰ In Bold-Underline – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 13/07 (“Official Gazette of Bosnia and Herzegovina”, 99/07), this Law shall enter into force on the day of its publication in the “Official Gazette of Bosnia and Herzegovina”.

¹¹ In Italic-Underline – According to the High Representative Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina No. 20/08 (“Official Gazette of Bosnia and Herzegovina”, 58/08), this Law shall enter into force on the day of its publication in the “Official Gazette of Bosnia and Herzegovina”.

¹² In Double-Underline – The High Representative Decision Enacting the Law on Amendments to the Law on the Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina („Official Gazette of Bosnia and Herzegovina“, 22/22) shall come into effect immediately and shall be published on the official website of the Office of the High Representative, and in the “Official Gazette of Bosnia and Herzegovina” without delay. This law shall enter into force on the eighth day after the date of its publication on the official website of the Office of the High Representative or one day after the date of its publication in the “Official Gazette of Bosnia and Herzegovina”, whichever comes first.