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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW
ON THE STATUS OF STATE PROPERTY
LOCATED ON THE TERRITORY OF THE REPUBLIKA SRPSKA
AND UNDER THE DISPOSAL BAN

OF THE REPUBLIKA SRPSKA
(BOSNIA AND HERZEGOVINA)

**Official Gazette of the Republika Srpska
of 29 December 2010
BANJA LUKA**

No. 135

Pursuant to item 2 of Amendment XL to the Constitution of the Republika Srpska (*Official Gazette of the Republika Srpska*, no. 28/94) I hereby issue the following

**DECREE
TO PROCLAIM THE LAW ON THE STATUS OF STATE PROPERTY LOCATED ON THE
TERRITORY OF THE REPUBLIKA SRPSKA AND UNDER THE DISPOSAL BAN**

I hereby proclaim the Law on the Status of State Property Located on the Territory of the Republika Srpska and under the Disposal Ban, which was adopted at the 27th special session held by the National Assembly of the Republika Srpska on 14 September 2010, and the Council for Protection of Vital Interest of the Constitutional Court of the Republika Srpska confirmed, in Decision no. UV-6/10 of on 10 December 2010, that the Law on the Status of State Property Located on the Territory of the Republika Srpska and under the Disposal Ban did not violate the vital interest of the Bosniac people.

No. 01-020-1553/10
29 December 2010
Banja LuKA

Milorad Dodik
President of the Republic

The Law on the Status of State Property Located on the Territory of the Republika Srpska and under the Disposal Ban (*Official Gazette of the Republika Srpska*, no. 135/10)

Article 1

"This law shall regulate the issue of the status of state property located on the territory of the Republika Srpska and under disposal ban."

Article 2

"The property located on the territory of the Republika Srpska and under disposal ban is considered to be:

a) Immovable property which passed to Bosnia and Herzegovina pursuant to the international Agreement on the Succession Issues and is considered to be either owned or possessed by any level of governmental body or public organization in the Republika Srpska and

b) 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 is considered to be either owned or possessed by any level of governmental body, public organization or any other body in the Republika Srpska."

Article 3

"(1) In terms of this law, the property located on the territory of the Republika Srpska and under disposal ban is owned by the Republika Srpska."

(2) The ownership right over the property referred to in Article 2 of this law shall be evidenced in the land registers or any other public registers in favor of the Republika Srpska pursuant to a decision by a body competent for property law affairs or a court decision.

(3) The Attorney's Office of the Republika Srpska shall file a request to conduct proceedings and establish the criteria for meeting the conditions to establish the ownership right over the property referred to in Article 2 of this law in favor of the Republika Srpska to the competent administrative body for property law affairs.

(4) Subsequent to the issuance of a ruling of the body referred to in paragraph 3 of this article, the Attorney's Office of the Republika Srpska shall initiate proceedings to evidence the ownership right over the property which is the subject of this law in the land registers or any other public registers in favor of the Republika Srpska.

(5) The Attorney's Office of the Republika Srpska shall, within six months from the date this law becomes effective, initiate proceedings to establish and evidence the ownership right over the property which is the subject of this law in the land registers or any other public registers in favor of the Republika Srpska."

Article 4

"(1) The property referred to in Article 2 of this law shall be under management and disposal of the Government of the Republika Srpska (the "Government").

(2) The right of disposal and management, in terms of this law, shall be considered to be sale, exchange, transfer of usage, lease, establishment of easement, establishment of the right to build, establishment of concession, establishment of mortgage and other forms of disposal in accordance with the applicable regulations."

Article 5

"The Government may conclude with the Council of Ministers of BiH an agreement on transfer of usage of the part of property required by the institutions of Bosnia and Herzegovina for conduct of affairs within their competence."

Article 6

"The usage of property transferred to the institutions of Bosnia and Herzegovina shall involve the possibility for the user, as investor, to build, reconstruct, remodel or rehabilitate facilities and infrastructure on the transferred property or to put the land to purpose in accordance with the nature of its business."

Article 7

(1) After the need of the institutions of Bosnia and Herzegovina to use the transferred property ceases, the possession of the said property shall be returned to the competent bodies of the Republika Srpska in the condition as found.

(2) When the property referred to in paragraph 1 of this article is repossessed, the user shall not be entitled to any compensation for conceivable investments in remodeling of the real property."

Article 8

"The Government referred to in Article 2 of this law may transfer ownership or usage of property to the units of local self-government, public institutions and public companies founded by the Government."

Article 9

“The Government shall, by a separate agreement with the Council of Ministers of BiH and the Government of the Federation of BiH, regulate the issue of perspective military property, required by the Armed Forces of Bosnia and Herzegovina.”

Article 10

“The proprietary rights over the property referred to in Article 2 of this law, acquired on a legal basis and in a valid manner, shall undergo no changes.”

Article 11

“This law shall enter into force on the 8th day from the day of its publication in the Official Gazette of the Republika Srpska.”

No. 01-1200/10
14 September 2010
Banja Luka

Igor Radojicic
President of the National Assembly
of the National Assembly