

Decision imposing the Law on Administrative Fees

In accordance with my authority under Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP) and article XI of the Bonn Document, I do hereby decide that the Law on Administrative Fees for Bosnia and Herzegovina as passed by the Council of Ministers on 31 August 1998 and subsequently amended according to proposals made by the Parliamentary Assembly, shall enter into force on 31 July 1999 on an interim basis, until the Parliamentary Assembly adopts this Law in due form.

This decision and the text of the Law will be published in the Official Gazette of Bosnia and Herzegovina.

Sarajevo, 30 July, 1999

Carlos Westendorp
High Representative

PROPOSAL

LAW ON ADMINISTRATIVE FEES

Article 1

This Law shall regulate payment of administrative fees in procedures before the institutions of Bosnia and Herzegovina and in actions taken by these institutions.

Article 2

Administrative fees shall be paid for documents and actions in administrative matters, as well as for other matters and actions, before the institutions of Bosnia and Herzegovina.

Article 3

Documents and actions for which fees are charged and the amount of fees shall be established in the administrative fee tariff.

Administrative fee tariff shall be established by this Law.

Article 4

Administrative fee payer shall be a person at whose request the procedure has been initiated or actions taken in accordance with the administrative fee tariff.

If one administrative fee is payable by two or more fee payers, they shall have joint obligation.

Article 5

Unless regulated otherwise by the fee tariff, administrative fee shall be payable for:

1. Submissions – to be charged at the time when they are submitted, and for submissions for the records – to be charged at the time of making of the records;
2. Decisions and other documents – to be charged at the time of filing a request for their issuance;
3. Legal actions – to be charged at the time of filing a request for taking of such actions.

Article 6

A fee shall be charged at the time when the payment obligation occurs, unless otherwise regulated by this Law.

Article 7

If this is established by the fee tariff that a fee shall be charged according to the value of an object, the base for calculation of the fee shall be the value indicated in the submission or document, or the value established by an evaluation made by the organ conducting the procedure, when there is reasonable doubt that the value indicated in the submission or document does not concur with the real value.

Article 8

When the fee-payable document is issued in two or more copies at the request of the applicant, the same fee charged for transcripts and their certification shall be paid for the second and all other additional copies of the document.

Fee referred to in Paragraph 1 of this Article cannot be higher than the fee charged for the original.

Article 9

Decisions or other documents for which fees were charged must indicate that the fee was paid, and indicate the amount of the fee and under which tariff number it was charged.

Article 10

Unpaid and insufficiently paid submissions and other documents, except for those tax-exempted, must not be received directly from the applicant.

If an unpaid or insufficiently paid submission is submitted by mail, the organ responsible for deciding on the request shall issue a dunning letter to the fee payer, warning him/her to pay the regular fee and the dunning letter fee within eight days from the date of receiving the dunning letter.

The competent organ shall initiate the procedure upon receiving both the unpaid and the insufficiently paid submission referred to in Paragraph 2 of this Article, but the decision or any other document made with reference to the submission may not be handed over to the applicant before he/she pays for the fees in accordance to the dunning letter.

Article 11

Provisions of Article 10, Paragraph 2, of the Law shall not apply to unpaid and insufficiently paid submissions and other documents submitted by mail from abroad, and shall not apply to other documents and actions subject to payment of consular fees. Such submissions and documents shall be treated in accordance with Article 24 of the Law.

Article 12

Documents and actions in procedures conducted *ex officio* shall not be subject to payment of fees.

Article 13

The following persons and organisations shall be exempted from payment of fees:

1. Institutions of Bosnia and Herzegovina;
2. Humanitarian and charity organisations registered in Bosnia and Herzegovina;
3. Foreign diplomatic and consular missions, in diplomatic and consular matters – under terms of reciprocity;
4. Citizens employed by institutions referred to in Article 2 of the Law, for decisions on their employment;

Article 14

The following documents and actions shall be exempted from the fee:

1. in procedure for return of irregularly paid fees;
2. in procedure for correction of mistakes made in decisions, other documents and official records.

Article 15

Fee-exempted documents must indicate the purpose for their issuance and the regulations which were used as the basis for such exemption.

Article 16

Foreign citizens shall have the same rights as citizens of Bosnia and Herzegovina in accordance with regulations on fee, under the conditions of reciprocity.

Article 17

The fees shall be paid in cash with the institutions referred to in Article 2. of this Law, in the territory of Bosnia and Herzegovina.

Article 18

Forced collection of the fee shall be carried out in accordance with entity regulations on forced collection of taxes from citizens, that is in accordance with the same regulations on forced collection of taxes from the legal entities.

Article 19

A person who paid fee in cash and he/she was not bound to pay, shall have the right to reimbursement of the fee.

Procedure for reimbursement of the fee shall be initiated upon the request of the applicant.

The body which collected the fee shall pass decision on reimbursement of the fee.

Fee reimbursement shall be covered from the budgetary revenues of Bosnia and Herzegovina whose institution the fee was paid to.

Article 20

The right to fee collection shall expire within two years starting from the fee due date, and the right to fee reimbursement shall expire within two years from the day when the fee has been paid.

Article 21

The Ministry of Civil Affairs and Communications shall exercise control over the application of regulations on administrative fee.

While performing its activities, each institution shall exercise internal control over the application of regulations on administrative fee.

Article 22

Fee in cash, regardless of the amount of the fee shall be paid even by fee payers with the seat, that is place of residence in Bosnia and Herzegovina, in cases when they address diplomatic and consular offices of Bosnia and Herzegovina abroad.

Fee from paragraph 1 of this Article shall be paid in Convertible Marks to the account of consular fee revenues.

Fee payers abroad who request from the bodies in Bosnia and Herzegovina to take action subject to fee payment shall pay fee in foreign currency in accordance with valid exchange rate.

Article 23

If a fee to be paid at diplomatic and consular offices of Bosnia and Herzegovina abroad has not been paid in

advance in terms of Article 5 of this Law, payment shall be made before the decision or some other document is forwarded to the fee payer.

Article 24

In the procedure with diplomatic and consular offices of Bosnia and Herzegovina abroad the following shall be exempted from fee payment:

1. institutions in Bosnia and Herzegovina;
2. documents and actions exempted from fee payment in Bosnia and Herzegovina in accordance with provisions of this Law;
3. documents and actions exemption of which is envisaged by international agreements.

Article 25

In the procedure with diplomatic and consular offices of Bosnia and Herzegovina abroad, citizens of Bosnia and Herzegovina having the status of refugee in third countries shall pay 50% of the prescribed consular fee for travel documents.

Article 26

Fee payer who requests a service shall be bound to pay real costs incurred by the request, besides consular fee.

Article 27

Head of diplomatic or consular office of Bosnia and Herzegovina abroad shall pass decision on reimbursement of consular fee and it shall be executed using current revenue from these fees.

Article 28

Supervision of the application of the provisions of this Law and administrative fee tariffs with diplomatic and consular offices of Bosnia and Herzegovina abroad shall be conducted by the Ministry of Civil Affairs and Communications in cooperation with the Ministry of Foreign Affairs.

Article 29

The Minister of Foreign Affairs shall be authorised to decide, in cooperation with the Minister of Civil Affairs and Communications, that diplomatic and consular offices of Bosnia and Herzegovina abroad collect consular fees from the citizens of certain states in the same amount in which these states and their offices abroad collect these fees from citizens of Bosnia and Herzegovina.

Article 30

Administrative fees specified in the Tariff in the section treating the work of the institutions referred to in Article 2 of this Law shall be paid in Convertible Marks to the account of the Budget of Bosnia and Herzegovina, in accordance with the order related to payment accounts of the BiH Budget, except for diplomatic and consular offices of Bosnia and Herzegovina Paragraph 2 of this Article is applicable to.

Administrative fees specified in the Tariff in the section Fees for the Operation of Diplomatic and Consular Offices of Bosnia and Herzegovina shall be paid to the foreign currency account of the diplomatic and consular office of Bosnia and Herzegovina which shall transfer these funds into the Budget of Bosnia and Herzegovina in accordance with the order related to payment accounts of the BiH Budget.

Article 31

Administrative Fee Tariff shall be an integral part of this Law.

Article 32

This Law shall enter into force on the eighth day from the day of its publication in the Official Gazette of BiH, and it

shall be published in the Official Gazettes of the Entities.

E x p l a n a t i o n

LAW ON ADMINISTRATIVE FEES

Law on Administrative Fees and Administrative Fee Tariff

I CONSTITUTIONAL GROUNDS

The Constitutional grounds for the adoption of this Law is contained in Article 3, Point 1 e) of the Constitution of Bosnia and Herzegovina, pursuant to which, financing of institutions and payment of international obligations of Bosnia and Herzegovina is within the competencies of the institutions of Bosnia and Herzegovina.

II REASONS FOR ADOPTION OF THE LAW

Starting from the aforementioned constitutional grounds and specified obligations arising from the article which regulates financing of institutions and paying international obligations of Bosnia and Herzegovina and the Conclusion of the Council of Ministers of BiH made in its 53rd session held on 8 and 9 July 1998, there is a requirement to adopt this Law as the administrative fees specified in this Law are the revenue of the Budget of Bosnia and Herzegovina.

Besides, a number of laws have been enacted at the level of Bosnia and Herzegovina which are implying the obligations for the state bodies of Bosnia and Herzegovina in their implementation, which also incurs certain material expenses.

Among others, the following laws were adopted: Law on the Council of Ministers of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no 4/97), Law on the Policy of Direct Foreign Investment in Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No 4/98), Law on Customs Tariff (Official Gazette of Bosnia and Herzegovina, No 1/98 and 8/98), Law on the Execution of the Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina for 1998.

Law on Foreign Trade Policy (Official Gazette of Bosnia and Herzegovina, No 7/98).

III EXPLANATION OF THE PROPOSED SOLUTIONS

Art 1-9

The above stated articles specify that administrative fees are to be paid for documents and actions in administrative matters and for other matters and actions undertaken with the institutions of Bosnia and Herzegovina which are subject to payment of administrative fees as well as the fee rates fixed by the fee tariff which is an integral part of this Law, definition of a fee payer is given and the timing of a fee obligation, when it is payable and in what way, and the obligation of the body collecting fees to state the amount of the paid fee in the document for which the fee was paid.

Art 10-12

These articles elaborate the procedure of handling unpaid or insufficiently paid submissions which differs depending on whether they are submitted directly to the body or sent by mail, and whether the submission was delivered by mail from the territory of Bosnia and Herzegovina or abroad and whether the submission refers to documents and actions which are subject to payment of consular fees, and there is also a provision that documents and actions conducted ex officio are not subject to payment of fees.

Art 13-17

These articles regulate exemptions from the fee payment obligations, enlist documents and actions exempted from the fee payment, specify the obligation of the bodies to state the purpose of issuing the document which is not subject to a fee, and also that foreign nationals are exempted from paying fees under reciprocal terms.

Articles 18-22

The above mentioned articles stipulate the method of administrative fee payment with institutions in the territory of Bosnia and Herzegovina, compulsory collection procedure, reimbursement procedure, deadline for overdue payment of a fee, supervision and internal control of the application of this Law, cash fee collection procedure when fee-payers with their seat or place of residence in Bosnia and Herzegovina address diplomatic-consular missions abroad.

Articles 23-28

The above mentioned articles stipulate the fee collection procedure at diplomatic-consular missions of Bosnia and Herzegovina abroad, fee-exempted cases, percentage of fee payment out of the prescribed consular fee determined for our refugees in third countries and in the states formed by dissolution of the former SFRY, fee reimbursement procedure, and define a body which carries out the supervision over application of provisions of this Law and administrative fee tariff in diplomatic and consular missions abroad.

Articles 29-32

The above mentioned articles authorize the Minister of Foreign Affairs that, in cooperation with the Minister of Civil Affairs and Communications, to regulate that diplomatic and consular missions of Bosnia and Herzegovina abroad can collect consular fees from citizens of respective countries in the same amount in which those respective states and their missions collect fees from the citizens of Bosnia and Herzegovina, stipulate fee payment method for the work of institution in BiH, as well as the work of diplomatic and consular missions abroad, define that the Administrative Fee Tariff is the integral part of this Law, as well as that the Law enters into force on the above mentioned date from the day of its publishing in the Official Gazette of BiH.

IV MEANS FOR THE APPLICATION OF THE LAW

No special financial means are needed for the application of this Law.

T A R I F F S OF ADMINISTRATIVE FEES

I FEE FOR DOCUMENTS AND ACTIONS OF BOSNIA AND HERZEGOVINA INSTITUTIONS

Fee on documents and actions of Bosnia and Herzegovina institutions in Bosnia and Herzegovina shall be in KM as follows:

1. Submissions

TARIFF No: 1

For requests, pleas, propositions, applications and other submissions, unless otherwise prescribed by this Tariff **5 KM**

Remark:

Fee determined in Chapter II of this Tariff shall be paid for submissions which are sent or submitted to diplomatic or consular missions of Bosnia and Herzegovina abroad.

TARIFF No: 2

For appeal against the decision **10 KM**

2. Decisions

TARIFF No: 3

For all decisions for which no special fee is prescribed **15 KM**

Remarks:

1. If one decision is to be adopted on request of more persons, the fee under this Tariff number shall be paid as many times as the number of persons to whom the decision will be delivered.
2. No fee shall be paid for decisions passed on appeals.

3. **Certificate**

TARIFF No: 4

For certificates, unless otherwise prescribed **15 KM**

4. **Certifications, Transcripts and Excerpts**

TARIFF No: 5

- a. For certification of signatures and seals in the Ministry of Civil Affairs and Communications intended for use abroad **5 KM**
- b. Each further copy, additional **2 KM**
- c. For additional certification of signatures and seals on the original document in the Foreign Ministry **10 KM**
- d. For additional certification of copies, transcripts and translations in the Foreign Ministry **5 KM**

Remark:

The additional certification of signatures and seals under this Tariff number is related to the cases in which a respective competent administrative body certifies local document because of its use abroad.

TARIFF No: 6

1. For certification of original documents issued by diplomatic-consular missions of Bosnia and Herzegovina **4 KM**
2. For certification of copies and translations of documents issued by diplomatic-consular missions of Bosnia and Herzegovina **2 KM**

Remark:

Certification under this Tariff number shall be carried out by the Foreign Ministry.

TARIFF No: 7

For certification of documents issued by the foreign diplomatic-consular representation offices in Bosnia and Herzegovina **10 KM**

Remark:

Certification under this Tariff number shall be carried out by the Ministry of Foreign Affairs

TARIFF No: 8

For excerpts from the Registers on Marriages issued by the Ministry of.

5. **Opinions**

TARIFF No: 9

A fee for a submission which requests an opinion of the Bosnia and Herzegovina institutions on various issues related to the application of the laws of Bosnia and Herzegovina or the international laws **20 KM**

6. **Field of International Road and Water Transport**

TARIFF No: 10

- a. For each copy of a permission to an enterprise or another legal entity allowing it to conduct transport of passengers or goods by motor vehicles on a regular line in the international road transport, for each line **270 KM**
- b. For each copy of a permission to a foreign natural person or legal entity allowing it to conduct transport of passengers or goods by motor vehicles on a regular line in the international road transport, as follows:
 1. in bilateral transport **540 KM**
 2. in transit transport **360 KM**
- c. For certification of each copy of a time table, an itinerary and a cost list of the regular line in the international road transport by which an enterprise i.e. another legal entity conduct transport of passengers or goods by a motor vehicle **20 KM**
- d. For certification of each copy of the time table, an itinerary and a cost list of the regular line in the international road transport by which a foreign natural person or legal entity conducts transport of passengers or goods by a motor vehicle **40 KM**
- e. For a decision on approval on temporary or permanent termination of regular transport and the international road transport of passengers and goods, as follows:
 1. for an enterprise or another legal entity **50 KM**
 2. for a foreign natural person or legal entity **100 KM**

Remark:

1. Fee shall be paid for documents and activities referred to in this Tariff number, unless otherwise stipulated by an international agreement
2. A foreign natural person or legal entity shall be exempted from an obligation to pay a fee referred to in this Tariff number, under reciprocity conditions.

TARIFF No: 11

For permission to conduct alternate drives in non-scheduled international road transport of passengers, as follows:

1. in bilateral transport **120 KM**
2. in transit transport **100 KM**

Remark:

1. Fee shall be paid for documents and activities referred to in this Tariff number, unless otherwise stipulated by an international agreement
2. A foreign natural person or legal entity shall be exempted from an obligation to pay a fee referred to in this Tariff number, under reciprocity conditions.

TARIFF No: 12

For a permission for empty busses to enter the territory of Bosnia and Herzegovina, take over the passengers and conduct other sorts of the international non-scheduled transport of passengers in the road transport **40 KM**

Remark:

1. Fee shall be paid for documents and activities referred to in this Tariff number, unless otherwise stipulated by an international agreement
2. A foreign natural person or legal entity shall be exempted from an obligation to pay a fee referred to in this Tariff number, under reciprocity conditions.

TARIFF No: 13

For a permission to carry out international road transport of goods, as follows:

1. For an enterprise or another legal entity, for each permission **30 KM**
2. For a foreign natural person or legal entity, for each permission **50 KM**
3. For a foreign natural person or legal entity, for each multiple-use permission:
 - first class permission **3000 KM**
 - second class permission **2500 KM**
 - third class permission **1500 KM**

Remark:

1. Fee shall be paid for documents and activities referred to in this Tariff number, unless otherwise stipulated by an international agreement
2. A foreign natural person or legal entity shall be exempted from an obligation to pay a fee referred to in this Tariff number, under reciprocity conditions.

TARIFF No: 14

- For registration - certification of a copy of the time table of the inter-Entity bus line **20 KM**
- For certification of every other attachment **10 KM**
- For a decision on approval of the time-table of the inter-Entity bus line **50 KM**

TARIFF No: 15

For a decision upon a request for the extraordinary transport of goods in the international road transport, as follows:

1. In bilateral transport, for transport by a trailer **30 KM**
2. For each next trailer, under the same decision **20 KM**
3. In transit transport, for transport by a trailer **60 KM**
4. For each next trailer, under the same decision **30 KM**

TARIFF No: 16

For the decision to foreign natural person and legal entity approving local road transport of goods between particular places in Bosnia and Herzegovina **90 KM**

TARIFF No: 17

For the decision defining name, designation and call sign of a ship:

1. To local entity or natural person **2000 KM**
2. To foreign legal entity of natural person **3000 KM**

TARIFF No: 18

For the approval of sailing through waterways of Bosnia and Herzegovina to foreign legal entity or natural person **3000 KM**

TARIFF No: 19

For the approval of a ship's registration into Register of Shipping to foreign legal entity or natural person:

1. Less than 2,000 NRT **500 KM**
2. From 2,000 to 5,000 NRT **750 KM**
3. From 5,000 to 15,000 NRT **1000 KM**
4. From 15,000 to 30,000 NRT **1500 KM**
5. From 30,000 to 50,000 NRT **2000 KM**

6. Over 50,000 NRT **3000 KM**

TARIFF No: 20

For the approval of cabotage transport of passengers and goods on inland waterways and waterway in the sea of Bosnia and Herzegovina to foreign legal entity or natural person **2500 KM**

TARIFF No: 21

For the decision approving the first registration of vessels of inland and sea navigation into Register of Shipping:

1. For ships, lighters, barges, passenger ships, mixed-transportation ships, technical ships and other vessels **500 KM**
2. For other vessels, except boats **350 KM**
3. For boats and floating vessels **150 KM**

Remark:

Fee under this Tariff number shall not be paid for public vessels exclusively used for official public purposes.

TARIFF No: 22

For the decision on registration and removal from the register of vessels of inland and sea navigation **500 KM**

7. Travel documents and citizenship

TARIFF No: 23

For the claims for issuance of a travel document by the Ministry of Civil Affairs and Communications **5 KM**

TARIFF No: 24

For the claim of issuance of official passport **10 KM**

TARIFF No: 25

For the claim for cessation of citizenship of Bosnia and Herzegovina providing statement of a waiver of the BiH citizenship **1700 KM**

Remark:

1. Fee from this Tariff number shall be paid in Bosnia and Herzegovina in KM applying the official rate of exchange valid on the date of payment.
2. One fee shall be paid for the members of a family and for major children over 23 years of age it is necessary to provide evidence that they are unemployed or regularly attending schools.

8. Foreign trade

TARIFF No: 26

On issued decisions on registration of foreign investments, Article 5. Item a (Law on the Policy of Direct Foreign Investments – "Official Gazette of BiH", No. 4/98), fee in the amount of **50 KM**

TARIFF No: 27

For decisions on good customs clearance without crossing customs line (Article 9. Item 3. of the Law on Foreign Trade Policy, Official Gazette of BiH, Number 7/98), fee in the amount of **50 KM**

TARIFF No: 28

On issued decisions on products origin (Article 8. Item 3. of the Law on Foreign Trade Policy – Official Gazette of BiH, Number 7/98) fee in the amount of **10 KM**

II FEE ON DOCUMENTS AND ACTIONS OF DIPLOMATIC AND CONSULAR OFFICES OF BOSNIA AND HERZEGOVINA

TARIFF No: 29

For applications and other submissions of diplomatic and consular offices of Bosnia and Herzegovina (hereinafter: DKP BiH) **10 DM**

Remark:

Fee under this Tariff number shall be paid for any administrative action on the request of a fee payer, unless specific fee has been prescribed for such action.

TARIFF No: 30

For travel documents issued by DKP BiH:

1. For issuance of a travel document – passport **180 DM**
2. For issuance of a duplicate of a travel document – passport **360 DM**
3. For issuance of a travel document – passport for a child **90 DM**
4. For issuance of a duplicate of a travel document for a child **180 DM**
5. For issuance of a travel certificate **30 DM**
6. For entry of a child's name into a parent's passport **90 DM**
7. For a child's name entry into a child's travel certificate **15 DM**

Remark:

Persons having the status of a refugee shall pay 50% of the prescribed fee.

TARIFF No: 31

For visas issued by DKP BiH:

1. For issuance of a single entry or transit visa **20 DM**
2. For issuance of a multiple entry or transit visa up to 90 days **50 DM**
3. For issuance of a multiple entry or transit visa over 90 days **70 DM**

TARIFF No: 32

For making a will in DKP BiH:

1. In the premises of DKP BiH **100 DM**
2. Outside the premises of DKP BiH **200 DM**
3. For making a document revoking the will or inheritance statement **50 DM**

TARIFF No: 33

For each transcript or copy produced in DKP BiH with certification:

1. For the first page **10 DM**
2. For each page **5 DM**

TARIFF No: 34

For certification of a signature on a document:

1. For certification of either a citizen's or a legal person's signature on a document **20 DM**
2. For certification of a parent's signature on a letter of attorney **30 DM**

Remark:

A fee referring to this Tariff number shall be paid for certification of every signature on a document, except for certification of a parent's signature.

TARIFF No: 35

For certification of a statement made by DKP BiH:

1. Statement **50 DM**
2. Statement on acceptance of paternity **100 DM**

TARIFF No: 36

For certification of a signature on request for citizenship of Bosnia and Herzegovina **600 DM**

TARIFF No: 37

For certification of a signature on request for withdrawal of citizenship of Bosnia and Herzegovina **600 DM**

TARIFF No: 38

For statement on waiver of citizenship of Bosnia and Herzegovina **900 DM**

TARIFF No: 39

For certificates, confirmations of birth certificates or dispatch notes for a dead person's transfer, issued by DKP of BiH, unless otherwise regulated **50 DM**

Office of the High Representative