

Decision giving approval to the amended RS Law on Apartment Privatisation

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 of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

Recalling further that the Law of the Republika Srpska on the Privatisation of State Owned Apartments (Official Gazette of Republika Srpska No. 11/00 of 25 April 2000) was suspended pursuant to my Decision No. 32/00 of 28 June 2000 (Official Gazette of Republika Srpska, No. 20/00 of 17 July 2000) which annulled article 73 thereof;

Having considered the Republika Srpska Law on Changes and Amendments to the Law on the Privatisation of State Owned Apartments, as adopted at the 5th Republika Srpska National Assembly Session on 2 May 2001, since published in the Official Gazette of the Republika Srpska, No. 18/01 of 8 May 2001);

Noting that at the meeting of the Constitutional Commission of the National Assembly of the Republika Srpska on 27 April 2001, the said Commission, having considered the said Law on Changes and Amendments to the Law on the Privatisation of State Owned Apartments and the issue as to whether or not the same would be discriminatory notwithstanding the adoption of the said Law on Changes and Amendments, duly referred it to the said National Assembly;

Taking into account the fact that many citizens of Bosnia and Herzegovina are anxious to purchase state owned apartments but are prevented from so doing so long as the suspension hension hereinbefore referred to of the Law of the Republika Srpska on the Privatisation of State Owned Apartments remains in force;

Acting consistently with the Decisions (No. 109/01 in respect of the Federation of Bosnia and Herzegovina and No. 110/01 in respect of the Republika Srpska) taken by me this day to harmonise Entity legislation on apartment privatisation;

Bearing in mind that in my said Decision No. 32/00 of 28 June 2000 (Official Gazette of RS, No 20/00 of 17 July 2000) it was stated:

"The application of the Law on the Privatisation of State Owned Apartments shall occur only upon the issuance of a decision by the High Representative."

Having considered and borne in mind all the matters aforesaid, I hereby issue the following

DECISION

The coming into force of the Law on the Privatisation of State Owned Apartments (as amended by the aforesaid Republika Srpska Law on Changes and Amendments to the Law on the Privatisation of State Owned Apartments and by my Decision No. 110/01) shall occur upon the publication of this, my Decision herein, in the Official Gazette of the Republika Srpska.

Article 1

Article 7, paragraph 2 of the Law on Sale of Apartments with Occupancy Rights, ("Official Gazette of the Federation of Bosnia and Hederation of Bosnia and Herzegovina" nos. 27/97, 11/98, 22/99, 27/99 and 7/00), shall be amended and read as follows: "A request under paragraph 1 of this Article shall be submitted within two years from the date of entry into force of this Law, or within three months from the date finalizing any court dispute, whichever date is later, and the contract of sale of the apartment (hereinafter; the contract) must be concluded within three months from the date the request to purchase the apartment is submitted."

This Decision shall be published without delay in the Official Gazette of the Republika Srpska.

Sarajevo, 17 July 2001

Wolfgang Petritsch
High Representative

Office of the High Representative