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Bosnia - laws ✓

## MINISTRY OF CIVIL AFFAIRS AND COMMUNICATIONS

On the basis of article 28, para. 2 and 6, article 31 para 2, article 34 para 3, article 45 para 1 and article 56 of the Law on associations and foundations of Bosnia and Herzegovina (Official Gazette of B&H no32/01), Ministry of civil affairs and communications enacts:

### *Regulation*

*On keeping the registry books of associations and foundations of Bosnia and Herzegovina and of foreign and international associations and foundations and other not-for-profit organizations*

#### 1 – General provisions

##### Article 1

This Regulation prescribes form and content of the application forms for registry books of associations and foundations of Bosnia and Herzegovina and foreign and international associations and foundations and other not-for-profit organizations, the way in which registry book is kept and entries are made, request for entering changes in the registry book, keeping the collection of documents, keeping registry book, issuing excerpts of registry entries, as well as other issues of importance for registry entering and keeping in accordance with the Law on associations and foundations of Bosnia and Herzegovina (Official Gazette no 32/01), hereinafter: the Law.

##### Article 2

Associations and foundations that are being established as associations and foundations from Bosnia and Herzegovina shall be entered in the registry book kept by the Ministry of civil affairs and communications (hereinafter: the Ministry) in accordance with the Law and this Regulation.

The provisions of this Regulation shall apply to entering into registry book of foreign and international associations and foundations and other not-for-profit organizations.

## II REGISTRY BOOK AND ITS KEEPING

##### Article 3

1. Registry book of associations, foundations and foreign and international associations and foundations and other not-for-profit organizations (hereinafter: registry book) shall be kept as a separate durable hardcover book of dimensions 350x250mm (Form no RK-1).
2. Except for the cover page, the pages of registry book shall be numbered.

3. The cover page of the registry book shall read: "Bosnia and Herzegovina" and shall contain the titles: "Ministry of civil affairs and communications", "Registry book \_\_\_\_\_", a number shall be entered under the title (e.g. book I, II, III, IV).
4. Separate registry books shall be kept for associations, foundations, public benefit associations and foundations performing public competencies, foreign and international associations and foundations and other not-for-profit associations.
5. The person responsible shall certify the registry book with his/her signature and Ministry's seal, entering the certifying text on the first inner page of the registry book: "This registry book contains \_\_\_\_\_ pages altogether".

#### Article 4

1. Registry book columns shall be filled out by entering appropriate data under the column's number.
2. Columns shall be clearly written down, in ink or with a ball-point pen, starting with the beginning of the free portion of the column.
3. Entered text must not be corrected or deleted.
4. Exceptionally, smaller mistakes shall be corrected by crossing them out horizontally and affixing the date and the signature of the person responsible for the registry book keeping. If the mistakes are substantial, the whole entry shall be annulled by crossing the whole entry page with diagonal red line and the entry shall be made anew on the first available free page.

#### Article 5

1. The changes made after the first entry in the registry book shall be entered in the column that corresponds with the changes made. After the entry of the new data, the column containing old data shall be crossed out with a diagonal red line.
2. If the columns for the change of data are fully used up and in the case when an association, foundation, foreign and international associations and foundations and other not-for-profit organizations change their name, the entry shall be made on the first available free page of the registry book. On that occasion, all current data from the corresponding columns in the previous entry in the registry book will be transferred into the new entry. In the 'registry number' column, a number under which the subject has been registered shall be entered. In the 'registry transferred from the page no.' a number of the page from which the entry has been transferred shall be entered. On the page on which the registration is being transferred to, in the 'registration transfer to the page no.' a number of the page to which the registration is being transferred shall be entered. After this, the preceding page shall be crossed out with a red line.
3. The dissolution of associations, foundations, foreign and international associations and foundations and other not-for-profit organizations shall be entered in the appropriate column. Following this, the corresponding registry book page shall be crossed out with two red lines.

#### Article 6.

The registry book and the collection of certificates prescribed by this Regulation shall be deemed the registry books and certificates of enduring value. Entry of requests and other writings provided for by this Regulation, issuance of receipt confirmations, payment of fees, signing, archiving and keeping of the registry and dossier shall be done in a way that will ensure protection from misuse, damage or destruction, in accordance with the Ministry's rules on conducting office business.

### III - PUBLICITY OF THE REGISTRY BOOK

1. Every person shall have the right to access the information contained in the registry book, except for the personal information about the founders and members if the founders are natural persons and authorized representatives.
2. Every person may, in person or through mail, request to be given a copy of any entry in the registry book, or any other document in the registry book.
3. The requested copy referred to in the para. 2 of this article shall be delivered to the person submitting the request no later than 15 working days after the request has been received by the Ministry.
4. The copies shall be certified by the person assigned by the Minister to keep the registry book.

### IV - EXCERPT FROM THE REGISTRY BOOK

#### Article 8.

1. The Ministry provides an excerpt from the registry book if requested to do so in writing by the person authorized to represent association or foundation.
2. The excerpt from the registry book of associations, foundations, foreign and international associations and foundations and other not-for-profit organizations shall be made on Form no. IR-I-1 and shall contain:
  - a) registry number;
  - b) date, month and year of entry;
  - c) full and abbreviated name, if there is any;
  - d) address and telephone number;
  - e) basic statutory activities;
  - f) name and surname of the person authorized to represent it, capacity and scope of authorization;
  - g) temporary ban on activities (if there is any);
  - h) dissolution (if it has dissolved);
  - i) signature of authorized official of the Ministry;
  - j) Ministry's seal.
3. Registry book excerpt referred to in para 1 of this article contains: the most recent data entered into the registry book.
4. If requested by the competent bodies, and in order to determine facts in the proceedings administered by those bodies, the excerpt may contain outdated data as well, and that must be explicitly mentioned in the excerpt.

## V – COLLECTION OF CERTIFICATES

### Article 9.

1. Collection of certificates shall be kept for associations, foundations, associations and foundations of public interest, foreign and international associations and foundations and other not-for-profit organizations entered in the registry book.
2. On the cover of the collection of certificates, under the heading “Collection of certificates”, the name of the association or foundation and the registry number of its entry into books shall be written.
3. The collection of certificates shall contain a copy of: request for entering into registry book, request to be granted the public interest association or foundation status, memorandum of incorporation, statute, amendments and addendums to the statute, decision on entering into registry book of associations and foundations, as well as all the enclosures submitted with the request, where such enclosures served as the basis for the decision to make or amend the entry in the registry book.
4. Collections of certificates shall be deemed the certificates of enduring value.
5. All request referred to in para 3 of this article, as well as all the forms referred to in this Regulation shall be filled out using a typewriter or computer, in Cyrillic or Latin alphabet, on one of the official languages in use in Bosnia and Herzegovina, shall be signed by the authorized person and a seal shall be affixed. Entered data must not be crossed out, corrected or erased and they must be identical with the provisions of the memorandum of incorporation, statute, decision or conclusion of the governing body that the data correlates to.

## VI – FORMS AND PROCEDURE OF ASSOCIATION’S REGISTRATION

### Article 10.

1. Request for entry into registry book of associations shall be submitted to the Ministry (form no. Z-I-1 – Request for entry into the registry book of association or foundation). The request for entry shall be signed by the authorized representative.
2. The following data shall be entered in the request for entering in the registry book: full name (and abbreviated name, if there is any) of association, where that name shall be in three official languages in use in Bosnia and Herzegovina, address and telephone number of association, purport of entry, description and imprint of a sign (if there is any), name and address of the Ministry whom the request is submitted to, date of receipt of the request and the record number of the entry.
3. The following shall be enclosed together with the request for entry into registry book:
  - a) memorandum of incorporation, signed by all the founders;
  - b) statute;
  - c) aims or activities of the association or foundation (form no: Z-I-2)
  - d) decision or an excerpt from decision on appointing members of the managing board of the associations, foundations, foreign and international associations or

- foundations and other not-for-profit organizations (if there are any) signed by all the members of the managing board (form no: Z-I-3).
- e) decision or an excerpt from decision on appointing the person authorized to represent association in legal transactions;
  - f) personal identification document of a person authorized to represent association in legal transactions;
  - g) certified signature of the person authorized to represent association in legal transactions;
  - h) personal ID or an excerpt from the registry book that proves that the founders of the association are the citizens of B&H or legal persons registered in B&H, or, if the founder is a foreign citizen a passport and a permit to temporarily or permanently reside in B&H.
  - i) data proving the capital structure of the association or foundation (form no: Z-1-5).
4. Enclosures submitted with the request referred to in para 3 of this article shall be submitted in original, certified transcription or certified copy.

Article 11.

Ministry shall certify statute of an association in the following way: pages of the statute shall be sewn with a cord and both ends of the cord shall, at the last page of the statute, be fixed with a label that shall be stamped with the seal of the Ministry. The last page of the statute shall contain the text of the certification, reading: "Certified by the Ministry of civil affairs and communications of Bosnia and Herzegovina".

No.: \_\_\_\_\_

Signature

Date: \_\_\_\_\_

\_\_\_\_\_

Article 12

1. Association shall report change of a person authorized to represent it, change of other data contained in the mandatory content of the statute and dissolution of the association (forms no Z-I-6 Z-1-7, Z-1-8, Z-1-9).
2. Authorized submitter of the request shall enclose together with the request: decision on amending or augmenting the statute, or enacting a new statute, a copy of amendments, augments or of the new statute, decision of association's competent body to change the person authorized to represent it or a decision of the competent body on dissolution of the association.
3. Documents referred to in para 2 of this article shall be signed by the authorized person and certified with the seal of the association.
4. Dissolution of an association shall be recorded in the appropriate column in the registry book, thereafter the relevant page of the registry book shall be crossed out with two red lines.

VII – FORMS AND PROCEDURE OF FOUNDATION'S REGISTRATION

Article 13

1. The request for entering in the registry book of foundations shall be submitted to the Ministry (form no. Z-I-1 – Request for entry into the registry book of association or foundation).
2. The following data shall be entered in the request for entering in the registry book: full name (and abbreviated name, if there is any) of the foundation, where that name shall be in three official languages in use in Bosnia and Herzegovina, address and telephone number of the foundation, purport of entry, name and address of the Ministry whom the request is submitted to, date of receipt of the request and the record number of entry.
3. The following shall be enclosed together with the request for entry into the registry book:
  - a) memorandum of incorporation signed by the founders, testament or an excerpt from the testament appointing a person to undertake establishing activities;
  - b) statute;
  - c) (PAZNJA, U ORIGINALU STOJI POD "G") personal identification document of a person authorized to represent foundation in legal transactions;
  - d) personal identification document, or an excerpt from a registry book that proves the identity of a founder, if the foundation is established through an *inter vivos* act, or , if the foundation is established through a *mortis causa* act, a document proving the identity of a person authorized by the testament to undertake the establishing activities.
  - e) data proving the capital structure of the association or foundation (form no: Z-1-5).
4. Enclosures submitted with the request referred to in para 3 of this article shall be submitted in original, certified transcription or certified copy.
5. Ministry shall certify statute of a foundation in the following way: pages of the statute shall be sewn with a cord and both ends of the cord shall, at the last page of the statute, be fixed with a label that shall be stamped with the seal of the Ministry. The last page of the statute shall contain the text of the certification, reading: "Certified by the Ministry of civil affairs and communications, Sarajevo". (PAZNJA, OVO SE, CINI MI SE, DONEKLE RAZLIKUJE OD BOSANSKOG TEKSTA, UPOREDI CL. 11)

No.: \_\_\_\_\_

Signature

Date: \_\_\_\_\_

#### Article 14

1. Foundation shall report change of a person authorized to represent it, change of other data contained in the mandatory content of the statute and dissolution of the foundation (forms no Z-I-6 Z-1-7, Z-1-8, Z-1-9).
2. Authorized submitter of the request shall enclose together with the request: decision on amending or augmenting the statute, or enacting a new statute, a copy of amendments, augments or of the new statute, decision of association's competent body to change the

person authorized to represent it or a decision of the competent body on dissolution of the association.

3. Documents referred to in para 2 of this article shall be signed by the authorized person and certified with the seal of the foundation.

4. Dissolution of a foundation shall be recorded in the appropriate column in the registry book, thereafter the relevant page of the registry book shall be crossed out with two red lines.

## VIII – CRITERIA FOR OBTAINING PUBLIC INTEREST STATUS FOR AN ASSOCIATION OR FOUNDATION AND THE MODE OF REGISTRATION

### Article 15

1. An association or foundation may acquire the status of an association or foundation of public interest.

2. Request for obtaining a public interest status shall be submitted to the Ministry.

3. Request may be submitted to the Ministry alongside the request for entry into the registry book of associations and foundations kept by the Ministry or it may be submitted after the association or foundation has already been entered in the registry book.

### Article 16

1. Request shall be submitted to the Ministry (form no Z-II-1 – Request for obtaining status of a public interest foundation or association).

2. Request shall contain: full name (and abbreviated name, if there is any) of the association or foundation, address and telephone number of the association or foundation, its goals, name and address of the Ministry whom the request is submitted to, date of receipt of the request and the record number of the entry.

3. The following shall be enclosed together with the request for acquiring a public interest association or foundation status:

a) a decision or an excerpt from a decision of a competent body on submitting a request for acquiring a status of a public interest association or foundation, containing references to articles of the memorandum of incorporation and statute that regulate the basic goals and activities of the association or foundation, where it is requested to acquire the public interest association or foundation status and the request contains a signature of the authorized person and organization's seal.

b) activity report for the previous calendar year, in accordance with the article 21 of this Regulation, if the association or foundation operated for more than 12 months prior to the submission of the request.

c) Enclosures submitted with the request shall be submitted in original, certified transcription or certified copy.

### Article 17

1. An association or foundation may acquire public interest status if it fulfills its statutory goals and activities on the territories of both entities, or on territory of one of the entities and on Brcko District of Bosnia and Herzegovina in the following domains:

a) health care;

b) science;



- c) humanitarian aid;
- d) promotion of civil society;
- e) promotion and protection of human rights and minority rights;
- f) aid to the poor and those whose welfare is endangered;
- g) aid to invalids, children and the elderly;
- h) promotion and protection of the environment;
- i) promotion and protection of tolerance;
- j) culture;
- k) amateur sports;
- l) religious freedoms;
- m) aid to the victims of natural disasters;
- n) any other domain where one may fulfill or promote a public interest or charitable cause in Bosnia and Herzegovina.

2. An association or foundation may acquire the public interest status if its activity is directed towards the fulfillment of needs of the public or a particular group of users, if that particular group of users is in a more disadvantaged position in comparison with the population as a whole, or if there is a significant benefit for the community in securing special conveniences for that group of users.

#### Article 18

The Ministry may request opinion from competent organs of the entity or Brcko District of B&H on whether the conditions for acquiring public interest association or foundation status have been met, while asking them to convey their opinion to the Ministry within 10 days from the date of receipt of request.

#### Article 19

The Ministry shall pass a decision on whether to grant the public interest status to the association or foundation.

#### Article 20

1. If the request of an association or foundation for acquiring a public interest status is incomplete, the Ministry shall warn the applicant about that and will determine another deadline, not longer than 15 days, to complete the request documentation. If the applicant does not rectify request deficiencies until the new deadline, the Ministry shall pass a decision rejecting the request.

2. If the request for acquiring the status of public interest association or foundation does not meet the requirements prescribed by the Law, the Ministry shall pass a decision denying request for acquisition of status of public interest association or foundation.

3. The Ministry shall pass a decision on granting the status of public interest association or foundation, or a decision on denying or rejecting the request for acquiring the status of public interest association or foundation not later than 30 days after the receipt of the request.

4. The decision of the Ministry may be appealed before the Appellate Commission no later than 15 days after the receipt of the decision.

5. The Appellate Commission shall decide on the appeal no later than 30 days after receiving it.

#### Article 21

1. A public interest association and foundation shall once a year submit the activity report to the Ministry, no later than 15 days after the activity report has been adopted (form no: I-I-1).

2. Annual report shall contain:

- a) name (and abbreviated name, if there is one) of the association or foundation, where that name has been entered in the registry book, address and telephone number;
- b) description of association's or foundation's activities of public interest in the previous year;
- c) informations on a particular group that was the target of activities of public interest association or foundation;
- d) data on legal persons established by the association or foundation in order to engage in commercial activities;
- e) income and expenditure report of the association or foundation and the legal persons referred to in point d) of this article;
- f) signature of the authorized person and the seal of the association or foundation.

#### Article 22

1. Ministry and other competent organs in Bosnia and Herzegovina shall supervise the regularity of activities of public interest association and foundation in their implementation of laws and other regulations of Bosnia and Herzegovina.

#### Article 23

1. If the Ministry notices certain deficiencies or irregularities in the matter of its supervision over public interest association or foundation, it shall determine a deadline, not longer than 15 days, for rectification of such deficiencies or irregularities.

2. If the association or foundation does not rectify the irregularities noticed before the deadline set out in para 1 of this article expires, the Ministry shall pass a decision to revoke the public interest status of the association or foundation and erase its entry in the registry book of public interest associations and foundations.

3. The Ministry shall pass a decision on revocation of public interest status and erase the association or foundation from the registry book of public interest associations and foundations, if the public interest association or foundation does not submit its activity report as prescribed by the article 28 of this Regulation, in accordance with the procedure laid out in para 2 of this article.

4. The decision of the Ministry may be appealed before the Appellate commission no later than 15 days after the receipt of the decision.

5. The Appellate commission shall decide on the appeal no later than 30 days after receiving it.

6. There shall be no appeal against the decision of the Appellate commission, however, an administrative lawsuit might be lodged before the Court of Bosnia and Herzegovina.

## IX – FORMS AND PROCEDURE OF REGISTRATION OF FOREIGN AND INTERNATIONAL ASSOCIATIONS AND FOUNDATIONS AND OTHER NOT-FOR-PROFIT ORGANIZATIONS

### Article 24

1. Request of an foreign or international association, foundation or other not-for-profit organization (hereinafter: foreign organization) for entry into the registry book shall be submitted to the Ministry (form no. Z-III-1 – Request for entry in the registry of branch offices of foreign and international associations, foundations or other not-for-profit organizations).

2. The following data shall be entered in the request for entering in the registry book: full name (and abbreviated name, if there is any) of the foreign organization, address in the country of domicile, address and telephone number of the foreign organization in Bosnia and Herzegovina, purport of entry, name and address of the Ministry whom the request is submitted to, date of receipt of the request and the record number of the entry.

3. The following shall be enclosed together with the request for entry in the registry book:

a) an excerpt, issued within last six months, from the registry in the country of domicile where the foreign organization is registered, clearly designating who is authorized to represent the foreign organization in legal transactions and in practicing those activities that the organization is registered for;

b) memorandum of incorporation or statute, or other internal organizational act, or an excerpt from the memorandum of incorporation, statute or other internal organizational act, clearly designating who is authorized to represent the foreign organizations and what are the goals of the organization, if organization's country of domicile does not prescribe entering into registry books;

c) decision or an excerpt of the decision of the competent body of foreign organization on opening in B&H, certified with organization's seal or written on organization's memo, and signed by the authorized representative;

d) decision or an excerpt from the decision on appointing the person authorized to represent organization within B&H, certified with organization's seal or written on organization's memo, and signed by the authorized representative;

e) personal identification document of a person authorized to represent organization in B&H.

4. Documents referred to in para 3 of this article, except for its last point, shall be submitted as certified translations to one of the official languages of Bosnia and Herzegovina. Personal identification document of a person authorized to represent organization in B&H shall be submitted in original, certified transcription or certified copy.

### Article 25

1. Foreign organization shall report the change of the person authorized to represent it in Bosnia and Herzegovina, change of data on its statutory activities, and decision on

dissolution to the Ministry (form no Z-III-2 – Request for amendment of entry in the registry book of branches of foreign and international associations or foundation and other not-for-profit organizations).

2. Authorized submitter shall enclose, together with the request, the following: decision or an excerpt from the decision on appointment of a new person to represent foreign organization in B&H, decision or an excerpt from the decision on changes in organization's activities, decision or an excerpt from the decision of a competent body on dissolving foreign organization.

3. Documents referred to in para 3 (SIC! – GRESKA U ORIGINALU TEKSTA) of this article shall be submitted in a certified translation to one of the official languages of Bosnia and Herzegovina.

4. Dissolution of foreign organization shall be entered in the appropriate column of the registry book, thereafter that registry book page shall be crossed out with two red lines.

## X – TRANSITORY AND CLOSING PROVISIONS

### Article 26

An association or foundation registered on entity or cantonal level before Law on associations and foundations of B&H has entered into force that want to register in accordance with this law, shall submit to the Ministry:

- a) certified attestation of the organ competent for registration at the entity or cantonal level that it has not been deleted from the registry;
- b) decision on registration in accordance with the Law, made by the body competent for registration of the association or foundation, signed by the authorized representative and sealed by the seal of the association or foundation;
- c) one copy of a memorandum of incorporation and the statute in force, certified with the seal of the association or foundation and signed by the authorized person, all documents harmonized with the provisions of the Law on associations and foundations of B&H, if such harmonization is necessary;
- d) excerpt from the most recent decision on appointing members of the managing board or other managing body of the association or foundation, signed by the members of the managing board, certified with the seal of the foundation or association and the signature of the authorized person;
- e) excerpt from the most recent decision on appointing the person authorized to represent the association or foundation, certified by the seal of the association or foundation and signed by the member presiding over the session during which the decision has been made;
- f) certified signature of the person authorized to represent association or foundation in legal transactions.

### Article 27

1. Foreign organization registered at the entity level before the Law on associations and foundations has entered into force that wants to register in accordance with this Law, shall submit the following to the Ministry:

- a) certified attestation of the organ competent within the entity, proving that organization has not been deleted from the registry book;

- b) excerpt from the registry in the country of domicile where the foreign organization has been registered, issued within last six months, establishing clearly who is authorized to represent foreign organization and what are the activities for which it has been registered;
- c) memorandum of incorporation, statute or some other internal organizational act, or an excerpt from the memorandum of incorporation, statute or other internal organizational act, establishing clearly who is authorized to represent foreign organization and what are the activities it has been established for, if the registration is not mandatory according to the law of the domicile state;
- d) decision or an excerpt of a decision of foreign organization's competent body on registration with this ministry, certified with the seal of the organization or written on the memo of the organization, signed by the authorized person;
- e) decision or an excerpt of a decision on appointing a person authorized to represent organization in B&H, certified with organization's seal, or written on the memo of the organization, signed by the authorized person;
- f) personal identification document of the person authorized to represent organization in B&H.

2. Documents referred to in para 3 of this article, except for the last point, shall be submitted in a certified translation in one of the official languages of Bosnia and Herzegovina. Personal identification document proving the identity of the person authorized to represent organization in B&H shall be submitted in original, certified transcription or certified copy.

#### Article 28

Following the decision on entering into registry, the Ministry shall within 15 days notify the organ that was previously competent in this matter so that it commences the procedure of deleting the association, foundation or foreign organization from the registry book it has been previously entered into.

#### Article 29

Person submitting the request shall pay the Ministry the following administrative fees:

- a) registration of association, foundation or foreign organization      KM 50
- b) amending the registry book entry of association, foundation or foreign organization      KM 50
- c) excerpt from registry book entry of association, foundation or foreign organization      KM 10
- d) copies of the documents per page      KM 1

#### Article 30

Request and forms are printed together with this Regulation and shall present its constitutive part.

#### Article 31

This regulation shall enter into force on the day of its enactment and will be published in the "Official Gazette of B&H".

NO 01/1-353/02  
April 8, 2002  
Sarajevo

Minister  
Svetozar Mihajlovic