

Year IX – No. 2, Monday 21 January 2002

Pursuant to Article IV. B. 7. a) (IV) of the Constitution of the Federation of Bosnia and Herzegovina, I hereby issue this

DECREE

ON THE PROMULGATION OF THE LAW ON THE PROTECTION OF PROPERTIES DESIGNATED AS NATIONAL MONUMENTS OF BOSNIA AND HERZEGOVINA BY DECISION OF THE COMMISSION TO PRESERVE NATIONAL MONUMENTS

The Law on the protection of properties designated as National Monuments of Bosnia and Herzegovina by decision of the Commission to Preserve National Monuments, passed by the Parliament of the Federation of Bosnia and Herzegovina at a session of the House of Representatives held on 13 December 2001 and at a session of the House of Peoples held on 14 December 2001, is hereby promulgated.

No. 01-3-4/02 14 January 2001, Sarajevo

President of the Federation of BiH Dr.Safet Halilović, signed

LAW

ON THE PROTECTION OF PROPERTIES DESIGNATED AS NATIONAL MONUMENTS OF BOSNIA AND HERZEGOVINA BY DECISION OF THE COMMISSION TO PRESERVE NATIONAL MONUMENTS

I – GENERAL PROVISIONS

Article 1.

This law stipulates the protection and rehabilitation measures applicable to properties designated as national monuments of Bosnia and Herzegovina by decision of the Commission to Preserve National Monuments, established pursuant to Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter: the Commission).

The provisions of other laws and regulations shall not be applicable if they are contrary to this law.

Article 2.

Definition of terms used in this law

For the purposes of this law a National Monument is a property that the Commission has designated as a national monument of Bosnia and Herzegovina pursuant to Article 5 of Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter: Annex 8), property entered on the Provisional List of National Monuments of Bosnia and Herzegovina, and properties registered, pursuant to the Law, under the terms of individual rulings issued by a competent authority, as cultural monuments, belonging to the architectural heritage, of historical importance or the natural heritage of Bosnia and Herzegovina prior to April 1992, until the Commission reaches a final decision on its status, pursuant to Article 5, §4 of Annex 8.

For the purposes of this law, the rehabilitation of national monuments of Bosnia and Herzegovina is the restoration of a damaged or destroyed property to the condition it was in prior to its destruction, or the reconstruction of a national monument on the same site, in the same form, of the same dimensions and using the same or same type of materials as were used prior to its destruction, using the same building techniques wherever possible.

II – THE PROTECTION OF NATIONAL MONUMENTS

Article 3.

National monuments enjoy the highest degree of legal protection stipulated by separate laws in the Federation of Bosnia and Herzegovina (hereinafter: the Federation).

Article 4.

Everyone, and in particular the competent authorities of the Federation of Bosnia and Herzegovina, the Canton, and urban and municipal authorities, shall refrain from any action that might damage the National Monument or jeopardize the preservation and rehabilitation thereof.

III – APPROVAL FOR THE PROTECTION, CONSERVATION AND RENOVATION/ RECONSTRUCTION OF NATIONAL MONUMENTS

Article 5.

Approval for the protection, conservation, presentation and rehabilitation of national monuments is issued by the Federal Ministry of Regional Planning and the Environment (hereinafter: the Ministry).

Article 6.

An applicant for approval as defined in Article 5 of this law is required to enclose with the application:

- a copy of the cadastral plan;
- proof of title or right of usufruct of the site, building or complex;
- a historical and architectural description of the original state of the building or complex with existing architectural, photographic and other documentation;
- a description of the current condition of the building or complex, and
- a design project for the rehabilitation of the building or complex.

In the case of an application for the rehabilitation of a building that has been completely destroyed, the applicant is required to submit not only the above items but also a main project.

Article 7.

By way of exception to the provisions of Article 6, in the case of wholly destroyed national monuments for which no documentation exists, the Commission may determine the criteria on the basis of which approval shall be granted.

Article 8.

The Ministry is responsible for issuing a ruling on an application for approval as stipulated in Article 5 of this law within 30 days of the date of submission of the application.

Article 9.

The provisions relating to administrative procedures shall apply to the procedure of issuing approval as set out in Article 5 of this law unless otherwise prescribed by the provisions of this law.

No appeal may be lodged against a ruling issued by the Ministry in the procedure of issuing approval as set out in Article 5 of this law.

Administrative litigation may be instigated against a ruling as set out in § 2 of this Article by filing a case with the Supreme Court of the Federation of Bosnia and Herzegovina within 30 days of the date of receipt of the ruling.

Rulings issued contrary to the provisions of this law are null and void.

IV – OBLIGATIONS PURSUANT TO ANNEX 8.

Article 10.

The Federation shall be responsible for ensuring and providing the legal, scientific, technical, administrative and financial measures necessary to protect, conserve, display and rehabilitate the National Monument.

The Ministry shall be responsible for ensuring the measures stipulated in the preceding § by issuing and implementing by-laws.

V – MANDATORY COOPERATION

Article 11.

Officials of the administrative bodies and institutions of the Federation, Canton, city and municipality are required to cooperate with the Commission.

Officials of the administrative bodies and institutions of the Federation, Canton, city and municipality are required to cooperate with the Ministry and at the Ministry's request to submit all relevant documentation relating to the national monument.

Article 12.

Within 14 days from the date of entry into force of this law, cantonal administrative bodies and city and municipal services are required to submit to the Ministry all applications currently in hand with accompanying documentation as they relate to the approval referred to in Article 5 of this law.

VI – SUPERVISION

Article 13.

Supervision of the implementation of this law and of the by-laws adopted pursuant thereto shall be conducted by the Ministry.

Article 14.

Inspectoral supervision of the provisions of this law shall be conducted according to the provisions governing inspectoral supervision as stipulated by the Regional Planning Law.

VII – TRANSITIONAL AND CONCLUDING PROVISIONS

Article 15.

If an administrative procedure for the issuance of approval for rehabilitation has been set in motion before the relevant body prior to the date of entry into force of this law but by the said date no first-instance ruling has been issued, or the ruling had been revoked prior to that date and returned to the first-instance body for the procedure to be repeated, the procedure shall continue according to the provisions of this law.

Article 16.

The provisions of regional planning documents that are contrary to the provisions of this law shall not be applicable to the protected areas of national monuments.

Article 17.

All relevant bodies and individuals acting under the authorization of the relevant bodies are required to protect the properties for which a petition has been submitted to the Commission for designation as a national monument for a period of one year from the date of submission of the petition to the Commission or until the adoption of a final decision.

Article 18.

This law enters into force on the day following the date of its publication in the Official Gazette of the Federation of BiH.

Speaker of the House of Peoples of the Parliament of the Federation of BiH
Prof. Dr.Ivo Komšić, signed

Speaker of the House of Representatives of the Parliament of the Federation of BiH
Ismet Briga, signed

Law on Amendments to the Law on Preservation of Assets Declared National Monuments of Bosnia and Herzegovina under Decisions of the Commission for Protection of National Monuments

The Law on Preservation of Assets Declared National Monuments of Bosnia and Herzegovina Under Decisions of the Commission for Protection of National Monuments ("Official Gazette of the Federation of Bosnia and Herzegovina" no. 02/02), is hereby amended as follows:

1. The title of the Law shall henceforth be "Law on Implementation of Decisions of the Commission to Preserve National Monuments Established under Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina".

2. Article 2, §1, shall be replaced with the following:
"**National Monument**" shall be a property designated by the Commission as a National Monument in accordance with Articles 5 and 6 of Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter:"Annex 8"), and properties listed in the annexed Provisional List of National Monuments, pending a final decision by the Commission regarding their status and without limit of time and whether or not a petition has been submitted regarding the property."

3. Article 7, § 1, becomes § 2 and a new § 1 shall be inserted, as follows:
"The Ministry shall take into account any and all findings, explanations and decisions of the Commission issued under Article 5(4) of Annex 8."

4. Article 8 shall be replaced with the following:
"Subject to compliance with Articles 2(2), 6 and 7(1) of this Law, the Ministry shall issue the permits required in respect of the rehabilitation of a National Monument within 30 days of the submission of the request."

5. After Article 15, § 1, a new § 2 shall be inserted, as follows:
"This shall in no way inhibit the issuance of a permit for rehabilitation nor any action taken in accordance with such a permit, nor any other action taken in accordance with this Law or Annex 8."

6. This Decision shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina and shall come into force on the date of such publication.

9 February 2002

Wolfgang Petritsch

High Representative