

On the basis of the Article 4. paragraph 4.a) of the Constitution of Bosnia and Herzegovina, Parliamentary Assembly of Bosnia and Herzegovina, at the session of The House of Representatives, held on November, 20th 2001 , and at the session of The House of Commons, held on October 1st, 2001 passed the following

THE LAW
ON FOREIGN TRADE CHAMBER
OF BOSNIA AND HERZEGOVINA

Article 1.

1. By this Law the Foreign Trade Chamber of Bosnia and Herzegovina (hereinafter: Chamber) is being founded. Issues regarding its status, membership, competence, structure, way of election and competence of its bodies, courts, financial and other issues relevant to its work are also being regulated by this Law.
2. The title of the Chamber is «Vanjskotrgovinska komora BiH» or «Spoljnotrgovinska komora BiH».
3. English translation of the title: «The Foreign Trade Chamber of Bosnia and Herzegovina».
4. The seat of the Chamber is in Sarajevo, Branislava Đurđeva Street, number 10.

Article 2.

1. The Foreign Trade Chamber of Bosnia and Herzegovina is an independent, non-governmental, non-political and non-profit public-legal association of the economic subjects and associations (members) from the territory of Bosnia and Herzegovina. The Chamber's functions are directed towards development and improvement of the economic relations of the B&H economy with abroad, including partnership relations and representation of members' interests against the competent B&H bodies and in the appropriate associations abroad.

2. The Chamber is a legal person with rights, obligations and liabilities determined by the Law and other acts passed on the ground of this Law.

3. While performing its activities the Chamber shall cooperate with:

- a) Chamber of Commerce of The Federation of Bosnia and Herzegovina;
- b) Chamber of Commerce and Industry of The Republic of Srpska;
- c) Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina.

4. Based on Article 2 of Law on Administration, the Chamber applies public authorizations in accordance to this law.

Article 2a.

Public authorizations, stated in Article 2, paragraph 4. are the following ones:

- a) Expert and operative activities regarding issuing of final approve for international work assignment contingents in line with interstate agreements of Bosnia and Herzegovina and Instruction from Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina.
- b) Issuing of forms on goods origin in the frame of General System of Preferences (GSP) –Form A, issuing of form on non-preferential goods origin (CERTIFICATE OF ORIGIN) in accordance to the concluded agreements of competent institutions of Bosnia and Herzegovina;
- c) Performance of competencies approved by Council of Ministers of Bosnia and Herzegovina or by other competent institution of Bosnia and Herzegovina based on Convention on temporary import –ATA carnet or Customs Convention on international goods transport based on TIR Carnet-TIR Convention.

Article 2b.

Provisions of Article 9. of the Law on Administration are not being applied to the Chamber.

Article 3.

1. Members of the Chamber are: companies, banks, insurance companies and other legal-economic persons registered for performance of business with abroad on the territory of B&H. They are automatically members on the basis of their membership in the chambers of commerce and on the basis of the Law of The Federation of B&H, Republic of Srpska (hereinafter: entities) and Brčko District.

2. Members of the Chamber are: The Chamber of Commerce of The Federation of B&H, The Chamber of Commerce and Industry of The Republic of Srpska and The Chamber of Commerce of Brčko District B&H as collective members.

Chambers of commerce organized on territorial and professional principles, specialized and similar associations are the members of the Chamber under the conditions determined by the Statute of the Chamber.

3. Members of the Chamber may be: scientific-research and educational institutions, associations of citizens registered for the economic activities, unions, associations of interest, funds, foundations and other organizations undertaking activities of importance for the economy, as well as individual and collective members ,if they show the interest to be the members of the Chamber.

4. The Chamber manages the Register of members on the basis of the data received from the regional/cantonal chambers of commerce from both entities and Brčko District. Those chambers are obliged to submit data on members to the Chamber.

5. The President of the Chamber makes an instruction on management of the Register, laid down in the previous paragraph.

Article 4.

1. The members of the Chamber, according to their free choice and interest, can freely organize their professional and specialized associations with or without characteristics of the legal person, within the frame of the Chamber.

2. Structural chambers, associations, trade chambers, unions as well as other associations at the state level can be organized as legal persons and registered in the competent courts on the basis of its seat.

3. Employer Associations can be found in the Chamber in order to represent their interests regarding the cooperation with the state bodies and workers' unions, especially considering the employment and social policy.

Article 5.

In the frame of the Chamber boards, councils, commissions and other bodies can be found, based on functional principle, with aim to provide expert elaboration, discussion and determination of opinions/stands regarding the systems and mechanism of the foreign trade, customs, free zones, promotions, fairs and etc.

Article 6.

1. In the frame of its authorities, the Chamber represents the interests of its members through:

- a) The membership and representation of the economy interests in international organizations ;
- b) Representation of the Chamber's members interests at abroad, directly through its own representative network or through the diplomatic and consular network ;
- c) The performance of public authorizations ;
- d) The cooperation with the chambers of commerce in the country in the frame of their activities and authorizations;
- e) Promotion and coordination of the educational programs of interest to Chamber's members;
- f) Development of business and informatics system as well as linking to the international data bases ;
- g) Creation of better conditions for foreign investments;
- h) Promotion and coordination of providing of economic data and market analyses in the field of economic relations with abroad ;

- i) Promotion and organization of the international fairs in Bosnia and Herzegovina and official participation in the fairs abroad.

2. Apart from the authorizations, laid down in paragraph 1. , the Chamber, in partnership relation with the official bodies of Bosnia and Herzegovina, affects on:

- a) Development and improvement of foreign trade policy ;
- b) Development and improvement of the custom policy and tariffs ;
- c) Development and improvement of the international finances ;
- d) Coordination of the process of revival and reconstruction with the entities ;
- e) Development and improvement of the international transport and communications.

3. While performing activities, referred to in paragraphs 1. and 2. of this Article, the Chamber always conducts promotion of the BH economy both in country and abroad.

4. Beside the activities laid down in paragraphs 1. and 2. of this Article, the Chamber performs other activities determined by the regulations of the competent bodies in Bosnia and Herzegovina.

5. The frame of work as well as functions of the Chamber are determined in its Statute.

Article 7.

The competent bodies of Bosnia and Herzegovina submit to the Chamber laws and other regulations related to the foreign trade policy, transport, finance, agreements, contracts and other relevant documents on trade and investments. The Chamber provides professional opinion about those submitted documents.

Article 8.

In order to more efficiently perform its activities, the Chamber establishes cooperation with the chambers from entities and with other collective members (laid down in Article 3. paragraph 2. of this Law) through the foundation of the Inter Chamber Council in the way determined by the Statute.

Article 9.

1. The bodies of the Chamber are:

- Assembly
- Board of Directors
- Supervising Board
- President and two Vice-presidents

Article 10.

1. The bodies of the Chamber have a mandate in duration of 4 years.
2. The elections for the Chamber' bodies are not public.
3. The eminent business people and scientific experts from the field of the economy are being elected as members in Chamber's bodies.
4. Number, structure and way of work of the representatives in the bodies of the Chamber, as well as other relevant questions, are being determined by this Law, the Statute, electoral decisions and by other acts of the Chamber.
5. Until the Statute is passed, the decisions of the Chamber's bodies are being passed by the consensus.
6. The Assembly of the Chamber passes the Statute by the majority of 4/5 of the total number of representatives.

Article 11.

1. The Assembly is consisted of the representatives of the Chamber' members under the following criteria:
 - a) companies, banks, insurance companies and other legal persons – members of the Chamber, elect 70% of the total number of Chamber's representatives,
 - b) Chamber of Commerce of Federation of B&H, Chamber of Commerce of the Republic of Srpska, Chamber of Commerce of the Brčko District as collective members, the chambers of commerce organized on professional and territorial principle, specialized and similar organizations, scientific research and educational institutions, associations of citizens registered for economic activities, unions, associations of interest, funds, foundations and other organizations which undertake activities of importance for economy- elect 30% of the Chamber's representatives.
2. The Assembly is constituted of 60 representatives, out of which 38 are representatives from the territory of the Federation of Bosnia and Herzegovina, 19 from the Republic of Srpska and 3 from the Brčko District, accepting criteria needed to achieve adequate territorial, professional and national representation.

Article 12.

1. The Assembly of the Chamber:
 - passes the Statute of the Chamber,
 - passes the Directions for Chamber's long-term Activity plan,
 - passes the Annual Operational Program,
 - adopts the Annual Financial Plan and Annual Balance Sheet,
 - adopts the Chamber's Operational Report,
 - passes the Resolution on membership fee,
 - passes the Resolution on schedule of election for the Chamber's bodies,

-elects and retracts the President and two Vice-presidents of the Chamber,
-discusses the reports of bodies that are elected and retracted by the Assembly,
-passes other resolutions, conclusions and recommendations, according to its competence.

2. The way of work and process of decision making of the Assembly are being determined by the Statute and the Rulebook.

Article 13.

The Assembly elects the President and two Vice-presidents according to the number of representatives of each constitutive nation. President and Vice-presidents have a mandate in duration of sixteen months.

Article 14.

The Board of Directors is consisted of 9 members, out of which 6 are appointed by the Assembly among the most successful businessmen and professional staff from chambers of commerce, (2 from each constitutive nation- 4 from the Federation of Bosnia and Herzegovina, 2 from the Republic of Srpska). The other 3 members are already appointed on functions of President and two Vice-Presidents.

Article 15.

The Supervising Board is consisted of three members appointed by the Assembly among the successful economists and lawyers from the three constitutive national groups.

Article 16.

1. The Chamber has a President and two Vice-Presidents appointed by the Assembly, based on the principle of representation of constitutive national groups. The President and two Vice-presidents rotate on the function of President every 16 months in the way determined by the decision on election.

2. The Chamber's Assembly can decide, by the Resolution on nomination, whether the President and Vice-presidents should perform their activities on the volunteer base.

3. Apart from the nomination of the General Secretary, the Assembly can nominate two deputies of the general secretary, based on the principle of representation of each constitutive nation, who would perform specific activities.

Article 17.

1. The President of the Chamber represents the Chamber in the country and abroad,

2. The Vice-presidents perform their activities determined by the Statute or by the President's authorization.

3. The President and Vice-presidents of the Chamber perform the activities in mutual cooperation.

Article 18.

Competence of some bodies of the Chamber, its way of work and way of making of decisions and other relevant issues are being determined by the Statute of the Chamber or other relevant acts of the Chamber.

Article 19.

1. The General Secretary organizes the operational process of the Chamber's activities, manages the work of the professional units/services in the Chamber, overlooks the financial managing and is also responsible for the legality of the Chamber's functioning.
2. Procedure and conditions for the nomination of the General Secretary are being determined by the Statute of the Chamber.

Article 20.

1. The Arbitration Court, founded in the Chamber, is competent for settlement of disputes between economic subjects in accordance with the law. If the subjects agree to comply with the decisions of the Court, it can solve disputes by passing the final decisions or by intercession.
2. The Court of Honour is founded in the Chamber. Passing of judgments in a case of breaking of good business norms and acts of the Chamber, when the involved parties are economic subjects from both entities, is under the Court's competence.
3. The competence, procedure and the structure of the Court, laid down in the paragraphs 1. and 2. of this Article, are being determined by the Statute, rules and other acts of the Chamber.

Article 21.

1. According to the Article 6. of this Law, the Chamber organizes its activities in the frame of its bodies, structural and other chamber associations, as well as in the frame of its Administration through the internal organizational units as it is determined by the Statute; act on the work organization; act on work systematization and other internal acts of the Chamber.
2. In order to fulfill its tasks and activities the Chamber can, according to the law, hire companies, agencies, institutes and other legal persons registered in competent courts.
3. On the basis of the contracts, the Chamber may charge with commission certain institutions in the frame of its competence.

Article 22.

1. Financial means, needed for the Chamber's functioning, are gained through the membership and participation fees, paid by The Chamber of commerce of Federation of

Bosnia and Herzegovina, Chamber of commerce of the Republic of Srpska and Chamber of commerce of Brčko District, incomes realized based on application of public authorizations in line with this law, as well as from providing of consulting and other professional services to its members and in other ways determined by the Statute and other acts of the Chamber.

2. Joint activities of the Chamber's members are being financed from the membership and participation fee.

3. The Chamber's Assembly determines the amount of membership fees as well as the ways and terms of payment.

4. The Chamber's Assembly determines the amount of membership fee to the limit defined by this law.

5. The Chamber's Board of Directors determines the tariffs for the consulting and other services. Reimbursements for particular activities are determined by the contract.

Article 23.

1. Members of the Chamber, laid down in the Article 3. of this law, pay monthly membership fee that cannot be higher than triple amount of average net salary in Bosnia and Herzegovina, paid in previous calendar year which is being determined in accordance to the official data on Agency for Statistics of Bosnia and Herzegovina.

2. Annual membership, together with the annual budget, is determined considering the profit and capital value of Chamber's members, and up to the amount limit laid down in paragraph 1 of this article. .

3. The Chamber may also apply determined tariffs for the consulting and other services to those subjects who are not the members of the Chamber, and for those activities where Chamber acts as an agent during the process of conclusion of business agreements.

Article 24.

1. Every year, Board of Directors submits to the Assembly a proposal of financial plan/budget for the next year as well as Annual report and Balance sheets for the last year with written elaboration. Annual reports and Balance sheets for the last year should be preliminary revised by the Supervising board.

2. Drafts of financial plan/budget, annual report and all attaching documents are to be filled in accounting unit of the Chamber and at disposal to every member of the Chamber. Information on those documents is being published, at least 14 days prior to their consideration in the Assembly, in «Official Gazette of B&H» and in at least three daily newspapers covering the territory of Bosnia and Herzegovina.

3. Discussions and voting on the budget draft on the session of the Assembly are open to the public.

4. Chamber is obliged to submit Report on budget realization, till March 30 for the previous calendar year, to Council of Ministers of Bosnia and Herzegovina for the purpose of informing it.

Article 25.

1. The first Assembly shall have 60 representatives, out of which 38 are representatives from the territory of the Federation of Bosnia and Herzegovina, 19 from the Republic of Srpska and 3 from the Brčko District, accepting criteria needed to achieve adequate territorial, professional and national representation.
2. Election of representatives, laid down in the paragraph 1. of this Article, is performed on the basis of the electoral rules of the entity chambers of commerce, also accepting criteria needed to achieve adequate territorial, professional and national representation.
3. In ten days time since the day of entering into force of this law and solely for the purpose of conducting the first constitutive session of the Assembly, Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina, on the basis of the proposals submitted by the competent chambers of commerce, nominates the Board, consisted of six members, authorized to announce invitation for election, to passes the decisions and to coordinate all electoral and other activities until the final constitution of the Chamber' s Assembly.
4. The election of the representatives of the first Assembly as well as its constitution shall be performed in 60 days time after the date when this law enters into force.
5. On the basis of the Decision on organization of Chamber of Commerce of Bosnia and Herzegovina («Official Gazette of B&H» no. 15/00), the elections for the first constitutive session of the Assembly of the Foreign Trade Chamber of Bosnia and Herzegovina as well as the election of other bodies of the Foreign Trade Chamber of Bosnia and Herzegovina are considered as completed in accordance with this Article.

Article 26.

The Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina is in charge for implementation of this law.

In accordance to the Law on Administration, Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina performs supervision of Chamber's work.

Article 27.

The Foreign Trade Chamber of Bosnia and Herzegovina is a legal successor of the Chamber of Commerce of Bosnia and Herzegovina, founded by the Law on chambers of commerce («Official Gazette of B&H», no. 33/90).

Article 28.

1. Transfer of the assets, rights and liabilities from the Chamber of commerce of B&H to the Foreign Trade Chamber of B&H is to be done within 90 days following the date of constitution of the Chamber's Assembly.

2. Usage of real property will be defined by the contracts between the Chamber and other chambers of commerce and professional associations. Contracts are being approved by the competent body of the Chamber.

Article 29.

The Statute of the Chamber is to be published in «Official Gazette of B&H».

Article 30.

On the date when this law enters into force, application of the following laws is being terminated: Law on chambers of commerce («Official Gazette of B&H», no.33/90) and Decision on organization of the Chamber of commerce of Bosnia and Herzegovina («Official Gazette of B&H», no.15/00).

Article 31.

This law enters into force in 8 days time after its publishing in the «Official Gazette of Bosnia and Herzegovina».

PS B&H no.57/01
Sarajevo, November 20th, 2001

Note: In this text, Law on amendments of the Law on Foreign Trade Chamber of Bosnia and Herzegovina is included. Stated Law was published in "Official gazette of Bosnia and Herzegovina", number 72/13.