

SUMMARY OF DECISIONS OF THE CONSTITUTIONAL COURT ON REQUESTS FOR REVIEW OF CONSTITUTIONALITY OF GENERAL ACTS OF THE INSTITUTIONS OF THE REPUBLIKA SRPSKA ENTITY

| DECISION NUMBER | SUBJECT OF CONSTITUTIONAL REVIEW | DECISION OF THE CONSTITUTIONAL COURT | CONCLUSION OF THE CONSTITUTIONAL COURT |
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| <p align="center">U-6/24 of 11 July 2024</p> | <p align="center">Decision on the Method and Conditions of the Sale of Real Property owned by the Republika Srpska located within the Special Area of Jahorina, by public bidding (<i>Official Gazette of the RS</i>, 114/23)</p> | <p>- It is established that the Decision on the Method and Conditions of the Sale of Real Property owned by the Republika Srpska located within the Special Area of Jahorina, by public bidding (<i>Official Gazette of the RS</i>, 114/23) is not compatible with the provisions of Article I(1), I(2) and VI(5) of the Constitution of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 61(1) o the Rules of the Constitutional Court of Bosnia and Herzegovina and Article 2(2) of the Law on the Temporary Prohibition of the Disposal of State Property of BiH (<i>Official Gazette of BiH</i>, 18/05, 29/06, 85/06, 32/07, 41/07, 74/07, 99/07, 58/08 and 22/22), the Decision on the Method and Conditions of the Sale of Real Property owned by the Republika Srpska located within the Special Area of Jahorina, by public bidding (<i>Official Gazette of RS</i>, 114/23) is declared null and void and shall cease to have effect on the day of publication of that decision in the <i>Official Gazette of RS</i>, 114/23.</p> <p>- Pursuant to Article 61 of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Government of the Republika Srpska and the Ministry of Trade and Tourism of the Republika Srpska are ordered to take all activities necessary to quash all decisions and activities taken based on the Decision on the Method and Conditions of the Sale of Real Property owned by the Republika Srpska located within the Special Area of Jahorina, by public bidding (<i>Official Gazette of the RS</i>, 114/23).</p> | <p align="center">Incompatibility with the Constitution of BiH established!</p> |

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| <p style="text-align: center;"><u>U-2/24</u> of 30 May 2024</p> | <p style="text-align: center;">Law on Manufacturing of Weapons and Military Equipment in the Republika Srpska <i>(Official Gazette of the Republika Srpska, 1/24)</i></p> | <p>- It is established that Article 10(3), Article 13(5), Article 15(1)(2) and (3), Article 17(2) and (3), Article 19(1), Article 20(1) and (3), Article 21(1) and (3), Article 22(2) and Article 27(1)(2) of the Law on Manufacturing of Weapons and Military Equipment in the Republika Srpska (<i>Official Gazette of the Republika Srpska, 1/24</i>) are not compatible with Article I(2), Article III(1)(b) and Article III(3)(b) of the Constitution of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 61(2) of the Rules of the Constitutional Court, Article 10(3), Article 13(5), Article 15(1)(2) and (3), Article 17(2) and (3), Article 19(1), Article 20(1) and (3), Article 21(1) and (3), Article 22(2) and Article 27(1)(2) of the Law on Manufacturing of Weapons and Military Equipment in the Republika Srpska (<i>Official Gazette of the Republika Srpska, 1/24</i>) are quashed.</p> <p>-Pursuant to Article 61(3) of the Rules of the Constitutional Court, the quashed provisions of Article 10(3), Article 13(5), Article 15(1)(2) and (3), Article 17(2) and (3), Article 19(1), Article 20(1) and (3), Article 21(1) and (3), Article 22(2) and Article 27(1)(2) of the Law on Manufacturing of Weapons and Military Equipment in the Republika Srpska (<i>Official Gazette of the Republika Srpska, 1/24</i>) shall be rendered ineffective on the next day following the date of the publication of the decision in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | <p style="text-align: center;">Incompatibility with the Constitution of BiH established!</p> |
| <p style="text-align: center;"><u>U-5/23</u> of 30 May 2024</p> | <p style="text-align: center;">Law on Immovable Property Used for the Functioning of Public Authorities <i>(Official Gazette of the Republika Srpska, 16/23)</i></p> | <p>- It is established that the Republika Srpska lacks a constitutional competence to regulate the legal matter that is the subject of the Law on Immovable Property Used for the Functioning of Public Authorities (<i>Official Gazette of the Republika Srpska, 16/23</i>) as that, in accordance with Article I(1), Article III(3)(b) and Article IV(4)(e) of the Constitution of Bosnia and Herzegovina, is a responsibility of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 61(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Law on Immovable Property Used for the</p> | <p style="text-align: center;">Incompatibility with the Constitution of BiH established!</p> |

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| | | <p>Functioning of Public Authorities (<i>Official Gazette of the Republika Srpska</i>, 16/23) is quashed.</p> <p>Pursuant to Article 61(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Law on Immovable Property Used for the Functioning of Public Authorities (<i>Official Gazette of the Republika Srpska</i>, 16/23) shall be rendered ineffective on the next day following the date of publication of the decision of the Constitutional Court in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | |
| <p>U-28/22 of 21 March 2024</p> | <p>Article 2, paragraphs 2 and 3 and Articles 5, 12 and 18 of the Law on Usurpations and Land Grants of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 8/20)</p> | <p>- It is found that Article 2, paragraphs 2 and 3 and Articles 5, 12 and 18 of the Law on Usurpations and Land Grants of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 8/20) are compatible with Article I(1), Article III(3)(b) and Article IV(4)(e) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p>U-21/23 of 18 January 2024</p> | <p>Articles 208a, 208b, 208v, 208g, 208d, 208d and 280a of the Criminal Code of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 64/17, 104/18, 15/21, 89/21, www.ohr.int - Decision of the High Representative nos. 12/23 and 73/23)</p> | <p>- It is found that Article 280a of the Criminal Code of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 64/17, 104/18, 15/21, 89/21- Decision of the High Representative nos. 12/23 and 73/23) is not compatible with Article II(3)(h) of the Constitution of Bosnia and Herzegovina and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>-Pursuant to Article 61(2) of the Rules of the Constitutional Court, Article 280a of the Criminal Code of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 64/17, 104/18, 15/21, 89/21, www.ohr.int - Decision of the High Representative nos. 12/23 and 73/23) is quashed.</p> | <p>Incompatibility with the Constitution of BiH established!</p> |

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| | | <p>-Pursuant to Article 61(3) of the Rules of the Constitutional Court, Article 280a of the Criminal Code of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 64/17, 104/18, 15/21, 89/21, www.ohr.int - Decision of the High Representative nos. 12/23 and 73/23) shall be rendered ineffective on the following day from the date of publication of the decision of the Constitutional Court of Bosnia and Herzegovina in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> <p>-It is found that Articles 208a, 208b, 208v, 208g, 208d and 208đ of the Criminal Code of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 64/17, 104/18, 15/21, 89/21, www.ohr.int - Decision of the High Representative nos. 12/23 and 73/23) are compatible with Article II(3)(h) of the Constitution of Bosnia and Herzegovina and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-3/21</u> of 28 September 2023</p> | <p>Article 7, Article 8, subparagraphs 1), 2), 3), 4), 5), 6), 7), 8) and 9), Article 9, paragraph (3), Article 19, Article 22, Article 30, paragraph (1), subparagraphs 6), 7), 8), 9), 10), 13) and 14), Article 33, paragraph (1), subparagraphs 5), 6), 7) and 8) and paragraph (2) of Article 33, Article 37, Article 48, paragraph (1), subparagraph 3) and paragraph (2) of</p> | <p>- It is established that Article 7, Article 8, paragraph (1), subparagraphs 1), 2), 3), 4), 5), 6), 7), 8) and 9), Article 9, paragraph (3), Article 19, Article 22, Article 30, paragraph (1), subparagraphs 6), 7), 8), 9), 10), 13) and 14), Article 33, paragraph (1), subparagraphs 5), 6), 7) and 8) and paragraph (2) of Article 33, Article 37, Article 48, paragraph (1), subparagraph 3) and paragraph (2) of Article 48, Article 50 of the Law on Quality Assurance in Higher Education of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 67/20) are compatible with Article I(2), III(2)(b) and III(3)(b) of the Constitution of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 61(2) of the Constitution of Bosnia and Herzegovina, Article 7, Article 8, subparagraphs 1), 2), 3), 4), 5), 6), 7), 8) and 9), Article 9, paragraph (3), Article 19, Article 22, Article 30, paragraph (1), subparagraphs 6), 7), 8), 9), 10), 13) and 14), Article 33, paragraph (1), subparagraphs 5), 6), 7) and 8) and paragraph (2) of Article 33, Article 37, Article 48, paragraph (1), subparagraph 3) and paragraph (2) of the same Article 48, and Article 50 of the Law on</p> | <p>Incompatibility with the Constitution of BiH established!</p> |

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| | <p>the same Article 48, and Article 50 of the Law on Quality Assurance in Higher Education of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 67/20 and 16/23</i>)</p> | <p>Quality Assurance in Higher Education of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 67/20 and 16/23</i>) are quashed. Pursuant to Article 61(3) of the Rules of the Constitutional Court, the quashed Article 7, Article 8(1), subparagraphs 1), 2), 3), 4), 5), 6), 7), 8) and 9), Article 9, paragraph (3), Article 19, Article 22, Article 30, paragraph (1), subparagraphs 6), 7), 8), 9), 10), 13) and 14), Article 33, paragraph (1), subparagraphs 5), 6), 7) and 8) and paragraph (2) of Article 33, Article 37, Article 48, paragraph (1), subparagraph 3) and paragraph (2) of the same Article 48, Article 50 of the Law on Quality Assurance in Higher Education of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 67/20 and 16/23</i>) shall be rendered ineffective on the first day following the date of the publication of the decision in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> <p>- It is established that Article 8(1), subparagraphs 10), 11) and 12), paragraph (2) of the Law on Quality Assurance in Higher Education of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 67/20 and 16/23</i>) are compatible with Article I(2), III(2)(b) and III(3)(b) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-2/21</u> of 28 September 2023</p> | <p>Law on Technical Regulations of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 98/13</i>) is not compatible with Article III(3)(b) of the Constitution of Bosnia and Herzegovina</p> | <p>- It is established that the Law on Technical Regulations of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 98/13</i>) is not compatible with Article III(3)(b) of the Constitution of Bosnia and Herzegovina. In accordance with Article 61(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Law on Technical Regulations of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 98/13</i>) is quashed.</p> <p>- The Law on Technical Regulations of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 98/13</i>) that is quashed shall be rendered ineffective on the next day following the publication of the decision of the Constitutional Court in the <i>Official Gazette of Bosnia and</i></p> | <p>Incompatibility with the Constitution of BiH established!</p> |

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| | | <i>Herzegovina</i> in accordance with Article 61(3) of the Rules of the Constitutional Court. | |
| <p>U-26/22 of 13 July 2023</p> | <p>The issue referred by the Basic Court in Srebrenica, Basic Court in Banja Luka, Basic Court Bijeljina and Basic Court in Doboj</p> <p>Article 2(2), Article 3(2), Article 5, Article 6, Article 10(4) and Article 13 of the Law on Salaries and Compensations for Judges and Prosecutors in the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 56/22)</p> | <p>-It is established that Article 2(2), Article 3(2), Article 5, Article 6, Article 10(4) and Article 13 of the Law on Salaries and Compensations for Judges and Prosecutors in the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 56/22) are compatible with Article I(2) of the Constitution of Bosnia and Herzegovina, Article II(4) of the Constitution of Bosnia and Herzegovina, Article 1 of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 26 of the International Covenant on Civil and Political Rights</p> | <p>Incompatibility with the Constitution of BiH not established!</p> |
| <p>U-29/22 of 23 March 2023</p> | <p>Article 21 of the Law Amending the Law on Preschool Upbringing and Education (<i>Official Gazette of the RS</i>, 63/20), Article 140 of the Law on Primary Upbringing and Education (<i>Official Gazette of the RS</i>,</p> | <p>- It is established that Article 21 of the Law Amending the Law on Preschool Upbringing and Education (<i>Official Gazette of the RS</i>, 63/20), Article 140 of the Law on Primary Upbringing and Education (<i>Official Gazette of the RS</i>, 81/22) and Article 17 of the Law Amending the Law on Secondary Education and Upbringing (<i>Official Gazette of the RS</i>, 92/20) are compatible with the principle of the constituent status of the peoples referred to in the Preamble of the Constitution of Bosnia and Herzegovina, and with the right to non-discrimination under Article II(4) of the Constitution of Bosnia and Herzegovina in conjunction with</p> | <p>Incompatibility with the Constitution of BiH not established!</p> |

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| | <p>81/22) and Article 17 of the Law Amending the Law on Secondary Education and Upbringing (<i>Official Gazette of the RS, 92/20</i>)</p> | <p>Article 1.1 and Article 2 a) and c) of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> | |
| <p><u>U-17/22</u> of 1 and 2 December 2022</p> | <p>Law on Pharmaceuticals and Medical Devices of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 118/21</i>) and the Law on Amendments to the Law on the Republic Administration (<i>Official Gazette of the Republika Srpska, 15/22</i>)</p> | <p>- It is established that the Law on Pharmaceuticals and Medical Devices of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 118/21</i>) and the Law on Amendments to the Law on the Republic Administration (<i>Official Gazette of the Republika Srpska, 15/22</i>) are not compatible with Articles I(2) and III(3)(b) of the Constitution of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 61(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Law on Pharmaceuticals and Medical Devices of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 118/21</i>) and the Law on Amendments to the Law on the Republic Administration (<i>Official Gazette of the Republika Srpska, 15/22</i>) shall be repealed.</p> <p>- Pursuant to Article 61 (3) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the repealed Law on Pharmaceuticals and Medical Devices of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 118/21</i>) and Law on Amendments to the Law on the Republic Administration (<i>Official Gazette of the Republika Srpska, 15/22</i>) shall be rendered ineffective 3 on the first day following the date of the publication of this decision of the Constitutional Court in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | <p>Incompatibility with the Constitution of BiH established!</p> |

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| <p><u>U-10/22</u> of 22 September 2022</p> | <p>Law on Immovable Property Used for the Functioning of the Public Authority <i>(Official Gazette of the Republika Srpska, 29/22)</i></p> | <ul style="list-style-type: none"> - It is established that the Republika Srpska lacks constitutional jurisdiction to regulate legal matters that are subject matter of the Law on Immovable Property Used for the Functioning of the Public Authority (<i>Official Gazette of the Republika Srpska, 29/22</i>) as that, in accordance with Article I(1), Article III(3)(b) and Article IV(4)(e) of the Constitution of Bosnia and Herzegovina, falls within the jurisdiction of Bosnia and Herzegovina. - Pursuant to Article 61(2) of the Constitution of Bosnia and Herzegovina, the Law on Immovable Property Used for the Functioning of the Public Authority (<i>Official Gazette of the Republika Srpska, 29/22</i>) shall be rendered ineffective. - In accordance with Article 61(3) of the Rules of the Constitutional Court, the Law on Immovable Property Used for the Functioning of the Public Authority (<i>Official Gazette of the Republika Srpska, 29/22</i>), shall be rendered ineffective the day following the date of the publication of the Decision of the Constitutional Court in the <i>Official Gazette of Bosnia and Herzegovina</i>. | <p>Incompatibility with the Constitution of BiH established!</p> |
| <p><u>U-15/21</u> of 14 July 2022</p> | <p>Law on Non-Applicability of the Decision of the High Representative Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina <i>(Official Gazette of the Republika Srpska, 89/21)</i></p> | <ul style="list-style-type: none"> - It is established that the Law on Non-Applicability of the Decision of the High Representative Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina (<i>Official Gazette of the Republika Srpska, 89/21</i>) is not compatible with Article I(2) and III(3)(b) of the Constitution of Bosnia and Herzegovina. - Pursuant to Article 61(2) of the Rules of the Constitution of Bosnia and Herzegovina, the Law on Non-Applicability of the Decision of the High Representative Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina (<i>Official Gazette of the Republika Srpska, 89/21</i>) is quashed. - Pursuant to Article 61(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the quashed Law on Non-Applicability of the Decision of the High Representative Enacting the Law on Amendment | <p>Incompatibility with the Constitution of BiH established!</p> |

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| | | <p>to the Criminal Code of Bosnia and Herzegovina (<i>Official Gazette of the Republika Srpska</i>, 89/21) shall be rendered ineffective on the next day following the date of the publication of the present decision in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | |
| <p><u>U-2/22</u> Of 26 May 2022</p> | <p>Declaration on the Constitutional Principles no. 02/1-021-1034/ 21 of 10 December 2021</p> <p>Conclusions regarding Information on Judicial Institutions of Bosnia and Herzegovina no. 02/1-021-1032/21 of 10 December 2021</p> <p>Conclusions regarding Information on the transfer of responsibilities from the Republika Srpska to the level of Bosnia and Herzegovina in the area of defence and security no. 02/1-021-1033/21 of 10 December 2021</p> | <p>- There is a dispute over the following acts adopted by the National Assembly of the Republika Srpska: items 17, 18, 19 and 20 of the Declaration on the Constitutional Principles no. 02/1-021-1034/ 21 of 10 December 2021; items 4 and 5 of the Conclusions regarding Information on Judicial Institutions of Bosnia and Herzegovina no. 02/1-021-1032/21 of 10 December 2021; items 4 and 5 of the Conclusions regarding Information on the transfer of responsibilities from the Republika Srpska to the level of Bosnia and Herzegovina in the area of defence and security no. 02/1-021-1033/21 of 10 December 2021; items 5 and 6 of the Conclusions regarding Information on the transfer of responsibilities in the area of indirect taxation no. 02/1-021-1031/21 of 10 December 2021 and items 2 and 3 of the Conclusions regarding Information on the transfer of responsibilities from the Republika Srpska to the level of Bosnia and Herzegovina no. 02/1-021-1030/21 of 10 December 2021.</p> <p>- It is established that items 17, 18, 19 and 20 of the Declaration on the Constitutional Principles no. 02/1-021-1034/ 21 of 10 December 2021; items 4 and 5 of the Conclusions regarding Information on Judicial Institutions of Bosnia and Herzegovina no. 02/1-021-1032/21 of 10 December 2021; items 4 and 5 of the Conclusions regarding Information on the transfer of responsibilities U - 2/22 3 Decision on Admissibility and Merits from the Republika Srpska to the level of Bosnia and Herzegovina in the area of defence and security no. 02/1-021-1033/21 of 10 December 2021; items 5 and 6 of the Conclusions regarding Information on the transfer of responsibilities in the area of indirect taxation no. 02/1-021-1031/21 of 10 December 2021 and items 2 and 3 of the Conclusions regarding Information on the transfer of</p> | <p>Incompatibility with the Constitution of BiH established!</p> |

Conclusions regarding Information on the transfer of responsibilities in the area of indirect taxation no. 02/1-021-1031/21 of 10 December 2021

Conclusions regarding Information on the transfer of responsibilities from the Republika Srpska to the level U - 2/22 4 Decision on Admissibility and Merits of Bosnia and Herzegovina no. 02/1-021-1030/21 of 10 December 2021

responsibilities from the Republika Srpska to the level of Bosnia and Herzegovina no. 02/1-021-1030/21 of 10 December 2021, **are not compatible** with Article I(2) of the Constitution of Bosnia and Herzegovina and Article III(3)(b) of the Constitution of Bosnia and Herzegovina.

The following provisions shall be quashed:

- items 17, 18, 19 and 20 of the Declaration on the Constitutional Principles no. 02/1-021-1034/ 21 of 10 December 2021;
- items 4 and 5 of the Conclusions regarding Information on Judicial Institutions of Bosnia and Herzegovina no. 02/1-021-1032/21 of 10 December 2021;
- items 4 and 5 of the Conclusions regarding Information on the transfer of responsibilities from the Republika Srpska to the level of Bosnia and Herzegovina in the area of defence and security no. 02/1-021-1033/21 of 10 December 2021;
- items 5 and 6 of the Conclusions regarding Information on the transfer of responsibilities in the area of indirect taxation no. 02/1- 021-1031/21 of 10 December 2021;
- items 2 and 3 of the Conclusions regarding Information on the transfer of responsibilities from the Republika Srpska to the level U - 2/22 4 Decision on Admissibility and Merits of Bosnia and Herzegovina no. 02/1-021-1030/21 of 10 December 2021.
- The quashed provisions shall be rendered ineffective on the next day following the date of the publication of the decision in the *Official Gazette of Bosnia and Herzegovina* in accordance with Article 61(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina.

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| <p style="text-align: center;"><u>U-18/21</u> of 24 March 2022</p> | <p style="text-align: center;">Issue referred by the Basic Court in Zvornik.</p> <p style="text-align: center;">Law on Salaries and Other Compensations of Judges and Prosecutors in the Republika Srpska (Official Gazette of the Republika Srpska, 66/18)</p> | <p>- It is established that the Law on Salaries and Other Compensations of Judges and Prosecutors in the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 66/18) is not compatible with Article I(2) of the Constitution of Bosnia and Herzegovina and the provisions of Article II(4) of the Constitution of Bosnia and Herzegovina in conjunction with Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 1 of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 26 of the International Covenant on Civil and Political Rights, as it does not contain the provisions on a meal allowance.</p> <p>- Pursuant to Article 61 (4) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the National Assembly of the Republika Srpska is ordered to harmonise, within six months from the date on which the present Decision is delivered, the Law on Salaries and Other Compensations of Judges and Prosecutors in the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 66/18), with regard to the meal allowance, with the provisions of Articles I (2) and II (4) of the Constitution of Bosnia and Herzegovina in conjunction with Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 1 of Case No. U-18/21 3 Decision on Admissibility and Merits Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 26 of the International Covenant on Civil and Political Rights, by prescribing the provisions governing the meal allowance.</p> | <p style="text-align: center;">Incompatibility with the Constitution of BiH established!</p> |
| <p style="text-align: center;"><u>U-4/21</u> of 23 September 2021</p> | <p style="text-align: center;">Law on Forests of the Republika Srpska (Official Gazette of the Republika Srpska, 75/08, 60/13 and 70/20)</p> | <p>- It is established that the provisions of Article 3, Article 4 (1), Article 5 (2) (dj) and (3), Article 18 (1) and (2), Article 22 (1) and (2), Article 23 (1), Article 24 (1), Article 28 (2), Articles 31 and 33, Article 34 (1) (l) and (2) and (3), Articles 35 and 36, Article 37 (2), Article 46 (3), Article 47 (5), Article 48 (2), Article 49, Article 50 (2), Article 51 (3), Article 52 (1), Article 54 (1), Article 55 (1), Article 57 (1), Article 58 (2), Article</p> | <p style="text-align: center;">Incompatibility with the Constitution of BiH established!</p> |

60 (1), (3), (4) and (5), Article 61 (3), Article 62 (1), (2), (5), (6) and (8), Article 63 (3), Article 64, Article 65 (2), (3) (b), (v) and (i), Article 66, Article 71 (3) and (4), Article 72 (5), (6) and (7), Article 73 (1) and (2), Article 74 (2) and (5), Article 75, Article 77 (2), (3) and (5), Article 79, Article 80 (2), Article 81 (2), Article 82 (2), (3), (7) and (8), Article 84, Article 85 (1) and (2), Article 88 (1) (g), Article 89 (1), (2), (6) and (10), Article 90 (2), Article 92 (1) and (3), Article 95 (1), Article 97 (1) and (2), Article 98, Article 101 (1) (g), (dj) and (j), Article 102 (1) (dž) and (š), Article 104 (1), (2), (3), (4) and (5) and Article 107 (3) (z) and (i) of the Law on Forests of the Republika Srpska (*Official Gazette of the Republika Srpska*, 75/08, 60/13 and 70/20), in the part reading “owned by the Republic”, **are not compatible** with Articles I (1), III (3) (b) and IV (4) (e) of the Constitution of Bosnia and Herzegovina.

- The National Assembly of the Republika Srpska is ordered, in accordance with Article 61 (4) of the Rules of the 3 Constitutional Court of Bosnia and Herzegovina, to harmonize, no later than six months of the date of delivery of this Decision, the provisions of Article 3, Article 4 (1), Article 5 (2) (dj) and (3), Article 18 (1) and (2), Article 22 (1) and (2), Article 23 (1), Article 24 (1), Article 28 (2), Articles 31 and 33, Article 34 (1) (1) and (2) and (3), Articles 35 and 36, Article 37 (2), Article 46 (3), Article 47 (5), Article 48 (2), Article 49, Article 50 (2), Article 51 (3), Article 52 (1), Article 54 (1), Article 55 (1), Article 57 (1), Article 58 (2), Article 60 (1), (3), (4) and (5), Article 61 (3), Article 62 (1), (2), (5), (6) and (8), Article 63 (3), Article 64, Article 65 (2), (3) (b), (v) and (i), Article 66, Article 71 (3) and (4), Article 72 (5), (6) and (7), Article 73 (1) and (2), Article 74 (2) and (5), Article 75, Article 77 (2), (3) and (5), Article 79, Article 80 (2), Article 81 (2), Article 82 (2), (3), (7) and (8), Article 84, Article 85 (1) and (2), Article 88 (1) (g), Article 89 (1), (2), (6) and (10), Article 90 (2), Article 92 (1) and (3), Article 95 (1), Article 97 (1) and (2), Article 98, Article 101 (1) (g), (dj) and (j), Article 102 (1) (dž) and (š), Article 104 (1), (2), (3), (4) and (5) and Article 107 (3) (z) and (i) of the Law on Forests of the Republika

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| | | <p>Srpska (<i>Official Gazette of the Republika Srpska</i>, 75/08, 60/13 and 70/20), in the part reading “owned by the Republic”, with Articles I (1), III (3) (b) and IV (4) (e) of the Constitution of Bosnia and Herzegovina.</p> | |
| <p>U-16/20 of 16 July 2021</p> | <p>Resolution of a dispute between Bosnia and Herzegovina and the Republika Srpska, stemming from the adoption of the Decision on determining the conditions for awarding a concession through a negotiation process for the construction and use of Hydro Electric Power Plant „Buk Bijela“ on the Drina River, the Municipality of Foča, number: 04/1-012-2-472/16 of 4 March 2016 (<i>Official Gazette of the Republika Srpska</i>, 20/16), and the Ruling awarding a concession for the construction and use of HPP „Buk Bijela“ on the Drina River, the</p> | <p>- The Constitutional Court of Bosnia and Herzegovina establishes that there is a dispute over decisions on concession with regard to the concession property and the competence to pass them, which were passed by the Republika Srpska, and orders the Concession Commission of Bosnia and Herzegovina, in the capacity as the Joint Concession Commission, to resolve, in terms of Article 4, paragraph 3 and Article 6, paragraph 2 of the Law on Concessions of Bosnia and Herzegovina and no later than three months as of the delivery of the present decision, the disputes between Bosnia and Herzegovina and the Republika Srpska, arising in connection with the concessions awarded by the Decision on determining the conditions for awarding a concession through a negotiation process for the construction and use of Hydro Electric Power Plant „Buk Bijela“ on the Drina River, the Municipality of Foča, number: 04/1-012-2-472/16 of 4 March 2016 (<i>Official Gazette of the Republika Srpska</i>, 20/16), and by the Ruling awarding a concession for the construction and use of HPP „Buk Bijela“ on the Drina River, the Municipality of Foča, number: 04/1- 012-2-1099/16 of 20 May 2016 (<i>Official Gazette of the Republika Srpska</i>, 42/16) and by the Concession contract number: 05.05/012- 274-16/16 of 3 June 2016; Case No. U-16/20 3 Partial Decision on Admissibility and Merits by the Decision on determining the conditions for awarding a concession through a negotiation process for the construction and use of HPP „Foča“ on the Drina River, number: 04/1-012-2-81/19 of 10 January 2019 (<i>Official Gazette of the Republika Srpska</i>, 4/19), and by the Ruling awarding a concession for the construction and use of HPP “Foča” on the Drina River, number: 04/1-0122-221/19 of 24 January 2019 (<i>Official Gazette of the Republika Srpska</i>, 9/19) and by the Concession contract no.</p> | |

Municipality of Foča, number: 04/1-012-2-1099/16 of 20 May 2016 (*Official Gazette of the Republika Srpska*, 42/16) and the Concession contract number: 05.05/012-274-16/16 of 3 June 2016; the Decision on determining the conditions for awarding a concession through a negotiation process for the construction and use of HPP „Foča“ on the Drina River, number: 04/1-012-2-81/19 of 10 January 2019 (*Official Gazette of the Republika Srpska*, 4/19), and by the Ruling awarding a concession for the construction and use of HPP “Foča” on the Drina River, number: 04/1-0122-221/19 of 24 January 2019 (*Official Gazette of the Republika Srpska*, 9/19) and by the Concession

05.05/360-2-24/19 of 19 February 2019; and by the Decision on determining the conditions for awarding a concession through a negotiation process for the construction and use of HPP “Paunci” on the Drina River, number: 04/1-012-2-80/19 of 10 January 2019 (*Official Gazette of the Republika Srpska*, 4/19), and by the Ruling awarding a concession for the construction and use of HPP “Paunci” on the Drina River, number: 04/1-012-2-214/19 of 24 January 2019 (*Official Gazette of the Republika Srpska*, 09/19) and by the Concession contract number: 05.05/360-2-22/19 of 19 February 2019.

-The Concession Commission of Bosnia and Herzegovina is ordered, pursuant to Article 72(5) of the Rules of the Constitutional Court of Bosnia and Herzegovina, to inform the Constitutional Court within a time limit of three months from the delivery of this Decision, of the measures taken to enforce this Decision, at the latest.

-Until then, further proceedings upon the request of 24 members of the House of Representative of Bosna ad Herzegovina are postponed.

contract no. 05.05/360-2-24/19 of 19 February 2019; and the Decision on determining the conditions for awarding a concession through a negotiation process for the construction and use of HPP “Paunci” on the Drina River, number: 04/1-012-2-80/19 of 10 January 2019 (*Official Gazette of the Republika Srpska*, 4/19), and by the Ruling awarding a concession for the construction and use of HPP “Paunci” on the Drina River, number: 04/1-012-2- 214/19 of 24 January 2019 (*Official Gazette of the Republika Srpska*, 09/19) and by the Concession contract number: 05.05/360-2-22/19 of 19 February 2019

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| <p><u>U-14/20</u> of 26 March 2021</p> | <p>Article 15 subparagraph 16 and Article 31 of the Law on Republic Administration (Official Gazette of Republika Srpska, 115/18)</p> | <p>-It is established that the provisions of Article 15 subparagraph 16 and Article 31 of the Law on Republic Administration (<i>Official Gazette of Republika Srpska</i>, 115/18) are compatible with Articles I(1), I(2), I(7)(e), III(1)(a), III(2)(b), III(3)(b) and V(3)(a), (c) and (d) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the Constitution of BiH not established!</p> |
| <p><u>U-4/20</u> of 26 March 2021</p> | <p>Articles 324, 325, 325a, 326 and 329 of the Law on Real Rights of the Republika Srpska (Official Gazette of the Republika Srpska, 124/08, 3/09 – correction, 58/09, 95/11, 60/15, 18/06 – Decision of the Constitutional Court and 107/19)</p> | <p>-It is established that the provisions of Articles 324, 325, 325a, 326 and 329 of the Law on Real Rights of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 124/08, 3/09 – correction, 58/09, 95/11, 60/15, 18/06 – Decision of the Constitutional Court and 107/19) are compatible with Article I(1), Article III(3)(b) and Article IV(4)(e) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the Constitution of BiH not established!</p> |
| <p><u>U-6/20</u> of 26 March 2021</p> | <p>The issue referred by the County Court in Banja Luka</p> <p>Article 128, paragraph 4 of the Law on the Rights of Combatants, Military Invalids and the Families of Fallen Combatants of the Homeland War of the Republika Srpska</p> | <p>- It is established that Article 128, paragraph 4 of the Law on the Rights of Combatants, Military Invalids and the Families of Fallen Combatants of the Homeland War of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 134/11, 9/12 and 40/12) is not compatible with Article II (3) (e) of the Constitution of Bosnia and Herzegovina and Article 6 (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>- The National Assembly of the Republika Srpska is ordered, in accordance with Article 61 (4) of the Rules of the Constitutional Court of Bosnia and Herzegovina, within six months at the latest from the date of the publication of this Decision in the <i>Official Gazette of</i></p> | <p>Incompatibility with the Constitution of BiH established!</p> |

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| | <p>(Official Gazette of the Republika Srpska, 134/11, 9/12 and 40/12)</p> | <p><i>Bosnia and Herzegovina, to harmonize</i> Article 128, paragraph 4 of the Law on the Rights of Combatants, Military Invalids and the Families of Fallen Combatants of the Homeland War of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 134/11, 9/12 and 40/12</i>) with Article II (3) (e) of the Constitution of Bosnia and Herzegovina and Article 6 (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The National Assembly of the Republika Srpska is ordered to inform the Constitutional Court of Bosnia and Herzegovina, within the Case no. U 6/20 3 Decision on Admissibility and Merits time limit referred to in the foregoing paragraph, in accordance with Article 72 (5) of the Rules of the Constitutional Court of Bosnia and Herzegovina, of the measures taken in order to enforce this Decision.</p> | |
| <p><u>U-8/19</u> of 6 February 2020</p> | <p>Article 53 of the Law on Agricultural Land of Republika Srpska (<i>Official Gazette of Republika Srpska, 93/06, 86/07, 14/10, 5/12 and 58/19</i>)</p> | <p>- It is established that Article 53 of the Law on Agricultural Land of Republika Srpska (<i>Official Gazette of Republika Srpska, 93/06, 86/07, 14/10, 5/12 and 58/19</i>) is not compatible with Article I(1), Article III(3)(b) and Article IV(4)(e) of the Constitution of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 61(2) of the Constitution of Bosnia and Herzegovina, Article 53 of the Law on Agricultural Land of Republika Srpska (<i>Official Gazette of Republika Srpska, 93/06, 86/07, 14/10, 5/12 and 58/19</i>) is quashed.</p> <p>- Pursuant to Article 61(2) of the Rules of the Constitutional Court, the Law on Agricultural Land of Republika Srpska (<i>Official Gazette of Republika Srpska, 93/06, 86/07, 14/10, 5/12 and 58/19</i>), the quashed Article 53 of the Law on Agricultural Land of Republika Srpska (<i>Official Gazette of Republika Srpska, 93/06, 86/07, 14/10, 5/12 and 58/19</i>) shall be rendered ineffective on the next day following the date of the publication of the decision of the Constitutional Court in the Official Gazette of Bosnia and Herzegovina.</p> | <p>Incompatibility with the Constitution of BiH established!</p> |

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| <p style="text-align: center;"><u>U-9/19</u> of 6 February 2020</p> | <p style="text-align: center;">Article 2, items 11, 12, 20 and 21, Article 4, Article 6 paragraph 2, Article 8 paragraph 1 lines 1 and 2, Article 10, Article 15 paragraph 2, Article 24, Article 25 paragraph 4, Article 28 paragraph 3, Article 30 paragraph 1, Article 94 paragraph 4 and Article 95 paragraphs 1 and 2 of the Law on Inland Waterways Navigation of the Republika Srpska (Official Gazette of the Republika Srpska, 54/19)</p> | <p>- It is established that the provisions of Article 2, items 11, 12, 20 and 21, Article 4, Article 6 paragraph 2, Article 8 paragraph 1 lines 1 and 2, Article 10, Article 15 paragraph 2, Article 24, Article 25 paragraph 4, Article 28 paragraph 3, Article 30 paragraph 1, Article 94 paragraph 4 and Article 95 paragraphs 1 and 2 of the Law on Inland Waterways Navigation of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 54/19) are not compatible with Article I(1), Article III(3)(b) and Article IV(4)(e) of the Constitution of Bosnia and Herzegovina.</p> <p>- In accordance with Article 61(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the provisions of Article 2, items 11, 12, 20 and 21, Article 4, Article 6 paragraph 2, Article 8 paragraph 1 lines 1 and 2, Article 10, Article 15 paragraph 2, Article 24, Article 25 paragraph 4, Article 28 paragraph 3, Article 30 paragraph 1, Article 94 paragraph 4 and Article 95 paragraphs 1 and 2 of the Law on Inland Waterways Navigation of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, . 54/19) shall be quashed.</p> <p>- The quashed provisions of Article 2, items 11, 12, 20 and 21, Article 4, Article 6 paragraph 2, Article 8 paragraph 1 lines 1 and 2, Article 10, Article 15 paragraph 2, Article 24, Article 25 paragraph 4, Article 28 paragraph 3, Article 30 paragraph 1, Article 94 paragraph 4 and Article 95 paragraphs 1 and 2 of the Law on Inland Waterways Navigation of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 54/19), shall be rendered ineffective on the first day following the publication of this Decision in the <i>Official Gazette of Bosnia and Herzegovina</i>, in accordance with Article 61(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina.</p> | <p style="text-align: center;">Incompatibility with the Constitution of BiH established!</p> |
| <p style="text-align: center;"><u>U-7/19</u> of 4 October 2019</p> | <p style="text-align: center;">Article 11(2) of the Constitution of Republika Srpska</p> | <p>- It is established that Article 11(2) of the Constitution of Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02 - correction, 30/02 - correction, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05 and 48/11) is not compatible with Article II(2) of the Constitution of Bosnia and Herzegovina in</p> | <p style="text-align: center;">Incompatibility with the Constitution of BiH established!</p> |

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| | | <p>conjunction with Article 1 of Protocol No. 13 to the European Convention for Protection of Human Rights and Fundamental Freedoms relating to abolition of the death penalty under all circumstances (<i>Official Gazette of Bosnia and Herzegovina</i> - International Treaties, 8/03).</p> <p>- Pursuant to Article 61(2) of the Constitution of Bosnia and Herzegovina, Article 11(2) of the Constitution of Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02 - correction, 30/02 - correction, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05 and 48/11) reading as follows: “The death penalty may be pronounced exclusively for capital crimes,” shall be quashed.</p> <p>- Article 11(2) of the Constitution of Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02 - correction, 30/02 - correction, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05 and 48/11), which has been quashed in accordance with Article 61(3) of the Rules of the Constitutional Court, shall be rendered ineffective the day following the date of the publication of the decision of the Constitutional Court in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | |
| <p><u>U-5/19</u> of 4 October 2019</p> | <p>Article 9(7) of the Law on Road Transport (Official Gazette of the Republika Srpska, 47/17)</p> | <p>It is established that the provision of Article 9(7) of the Law on Road Transport (<i>Official Gazette of the Republika Srpska</i>, 47/17) is compatible with Article III(1)(h) and (i) of the Constitution of Bosnia and Herzegovina..</p> | <p>Incompatibility with the Constitution of BiH not established!</p> |
| <p><u>U-23/18</u> of 5 July 2019</p> | <p>The issue referred by the County Court in Banja Luka</p> <p>Article 433 (1) of the Civil Procedure Code</p> | <p>- The request filed by the County Court in Banja Luka (Judge Milan Blagojević) for review of the compatibility of Article 433 (1) of the Civil Procedure Code (<i>Official Gazette of the Republika Srpska</i>, 58/03, 85/03, 74/05, 63/07, 105/08 - Decision of the Constitutional Court of the Republika Srpska, 45/09 - Decision of the Constitutional Court of the</p> | |

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| | <p>(Official Gazette of the Republika Srpska, 58/03, 85/03, 74/05, 63/07, 105/08 - Decision of the Constitutional Court of the Republika Srpska, 45/09 - Decision of the Constitutional Court of the Republika Srpska, 49/09 and 61/13)</p> | <p>Republika Srpska, 49/09 and 61/13) with Article II(2) of the Constitution of Bosnia and Herzegovina and Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in conjunction with the right to property under Article II(3)(k) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms is dismissed.</p> <p>- It is established that Article 433 (1) of the Civil Procedure Code (<i>Official Gazette of the Republika Srpska, 58/03, 85/03, 74/05, 63/07, 105/08 - Decision of the Constitutional Court of the Republika Srpska, 45/09 - Decision of the Constitutional Court of the Republika Srpska, 49/09 and 61/13</i>) is compatible with Article II(2) of the Constitution of Bosnia and Herzegovina and Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in conjunction with the right to property under Article II(3)(k) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>Incompatibility with the Constitution of BiH not established!</p> |
| <p><u>U-16/18</u> of 28 March 2019</p> | <p>Article 395 (1) of the Civil Procedure Code of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 58/03, 85/03, 74/05, 63/07, 108/08 /09</i>) – Decision of the Constitutional Court of the Republika Srpska 45/09 - Decision of the</p> | <p>- It is established that Article 395 (1) of the Civil Procedure Code of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 58/03, 85/03, 74/05, 63/07, 108/08 – Decision of the Constitutional Court of the Republika Srpska, 45/09 - Decision of the Constitutional Court of the Republika Srpska, 49/09 and 61/13</i>), in the part relating to “the Public Attorney’s Office” and Article 395 of the Civil Procedure Code of the Federation of Bosnia and Herzegovina (<i>Official Gazette of the Federation of Bosnia and Herzegovina, 58/03, 73/05, 19/06 and 98/15</i>) are compatible with Articles I(2) and I(4) of the Constitution of Bosnia and Herzegovina, Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article II(3)(k) of the Constitution of Bosnia and Herzegovina and Article 1 of</p> | <p>Incompatibility with the Constitution of BiH not established!</p> |

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| | <p>Constitutional Court of the Republika Srpska, 49/09 and 61/13)</p> | <p>Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | |
| <p><u>U-2/18</u> of 28 March 2019</p> | <p>Article 2(1) of the Law on the Day of the Republika Srpska (Official Gazette of RS, 113/16)</p> | <p>- It is established that Article 2(1) of the Law on the Day of the Republika Srpska (<i>Official Gazette of RS</i>, 113/16) reading as follows: “On the basis of confirmed will of the Republika Srpska citizens, 9 January is recognized as the Republic Day” is not compatible with Article I(2) of the Constitution of Bosnia and Herzegovina, Article II(4) of the Constitution of Bosnia and Herzegovina in conjunction with Article 1.1 and Article 2.a) and c) of the International Convention for Elimination of All Forms of Racial Discrimination and Article 1 of Protocol No. 12 to the European Convention for the Protection of Human Right and Fundamental Freedoms and Article VI(5) of the Constitution of Bosnia and Herzegovina.</p> <p>- Article 2(1) of the Law on the Day of the Republika Srpska (<i>Official Gazette of the RS</i>, 113/16) reading as follows: “On the basis of confirmed will of the Republika Srpska citizens, 9 January is recognized as the Republic Day” is quashed in accordance with Article 61(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina.</p> <p>- The quashed Article 2(1) of the Law on the Day of the Republika Srpska (<i>Official Gazette of RS</i>, 113/16) reading as follows: “On the basis of confirmed will of the Republika Srpska citizens, 9 January is recognized as the Republic Day”, shall cease to be in force on the day following the day of publication of this decision in <i>the Official Gazette of Bosnia and Herzegovina</i> in accordance with Article 61(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina.</p> | <p>Incompatibility with the Constitution of BiH established!</p> |

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| <p><u>U-21/18</u> of 31 January 2019</p> | <p>Article 48 and Article 48a of the Law on Amendments to the Law on Agricultural Cooperatives (Official Gazette of the Republika Srpska, 106/09 and Official Gazette of the Republika Srpska, 78/11)</p> | <p>- It is established that the provisions of Article 48 and Article 48a of the Law on Amendments to the Law on Agricultural Cooperatives (<i>Official Gazette of the Republika Srpska</i>, 106/09 and <i>Official Gazette of the Republika Srpska</i>, 78/11) are compatible with Article II (3) (k) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-18/18</u> of 29 Novemebr 2018</p> | <p>Issue referred to by Basic Court in Derventa</p> <p>Article 329(1)(b) of the Criminal Procedure Code of Republika Srpska (Official Gazette of the Republika Srpska, 53/12 and 97/17) and Article 3 of the Law Amending the Criminal Procedure Code of Republika Srpska (Official Gazette of the Republika Srpska, 66/18)</p> | <p>- It is established that Article 329(1)(b) of the Criminal Procedure Code of Republika Srpska (<i>Official Gazette of the Republika Srpska</i> , 53/12 and 97/17) and Article 3 of the Law Amending the Criminal Procedure Code of Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 66/18) is compatible with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms</p> | <p>Incompatibility with the BiH Constitution not established!</p> |

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| <p><u>U-11/17</u> of 15 February 2018</p> | <p>Issue referred to by County Court in Banjaluka</p> <p>Article 201(4) of the Labour Law of the Republika Srpska <i>(Official Gazette of the Republika Srpska, 1/16)</i></p> | <p>- A request lodged by County Court in Banja Luka for review of the compatibility of Article 201(4) of the Labour Law of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 1/16), with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms is dismissed</p> <p>- It is established that Article 201(4) of the Labour Law of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 1/16) is compatible with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-1/18</u> of 15 February 2018</p> | <p>Issue referred to by County Court in Banjaluka</p> <p>Articles 182(1), 208(2) and 433(1) of the Civil Procedure Code <i>(Official Gazette of the Republika Srpska, 58/03, 85/03, 74/05, 63/07, 49/09 and 61/13)</i></p> | <p>- The request filed by County Court in Banja Luka for review of the compatibility of Articles 182(1), 208(2) and 433(1) of the Civil Procedure Code (<i>Official Gazette of the Republika Srpska</i>, 58/03, 85/03, 74/05, 63/07, 49/09 and 61/13) with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms is dismissed</p> <p>- It is established that Articles 182(1), 208(2) and 433(1) of the Civil Procedure Code (<i>Official Gazette of the Republika Srpska</i>, 58/03, 85/03, 74/05, 63/07, 49/09 and 61/13) are compatible with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-7/17</u> of 30 November 2017</p> | <p>Issue referred to by County Court in Banjaluka</p> <p>Article 109(6) of the Law on Enforcement</p> | <p>- The request filed by the County Court in Banja Luka is granted.</p> <p>- It is established that Article 109(6) of the Law on Enforcement Procedure of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14) is not compatible with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms</p> | <p>Incompatibility with the BiH Constitution established !</p> |

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| | <p>Procedure of the Republika Srpska <i>(Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14)</i></p> | <p>- Pursuant to Article 61(4) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the National Assembly of the Republika Srpska is ordered to harmonize Article 109(6) of the Law on Enforcement Procedure of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14</i>) with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms within no later than six months from the date of publishing this Decision in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | |
| <p>U-2/17 of 1 June 2017</p> | <p>Issue referred to by County Court in Banjaluka</p> <p>Article 93(4) of the Law on Enforcement Procedure of Republika Srpska <i>(Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14)</i></p> | <p>- The request lodged by the County Court in Banja Luka is granted.</p> <p>- It is established that Article 93(4) of the Law on Enforcement Procedure of Republika Srpska (<i>Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14</i>) is not compatible with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>- Pursuant to Article 61(4) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the National Assembly of the Republika Srpska is ordered to harmonize Article 93(4) of the Law on Enforcement Procedure of Republika Srpska (<i>Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14</i>) with Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms within a time limit not exceeding six months from the date of publication of this Decision in the Official Gazette of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution established!</p> |
| <p>U-10/16 of 1 December 2016</p> | <p>Decision to Call a Republic Referendum, No. 02/1-021-894/16 of 15 July 2016 (<i>Official</i></p> | <p>- It is established that the Decision to Call a Republic Referendum, No. 02/1-021-894/16 of 15 July 2016 (<i>Official Gazette of the Republika</i></p> | <p>Incompatibility with the BiH Constitution established!</p> |

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| | <p><i>Gazette of the Republika Srpska, 68/16)</i></p> | <p>Srpska, 68/16) is not compatible with Article I(2) and Article VI(5) of the Constitution of Bosnia and Herzegovina.</p> <p>- The results of the referendum held on 25 September 2016 are annulled as the referendum was held based on the Decision to Call a Republic Referendum no. 02/1-021-894/16 of 15 July 2016 2016 (<i>Official Gazette of the Republika Srpska, 68/16</i>) which was established, in paragraph 2 of the enacting clause of this Decision, as not compatible with the Constitution of Bosnia and Herzegovina and contrary to the order of the Constitutional Court referred to in the Decision on Interim Measure no. U 10/16 of 17 September 2016 (<i>Official Gazette of BiH, 74/16</i>).</p> | |
| <p>U-3/16 of 1 December 2016</p> | <p>Issue referred to by Basic Court in Derventa</p> <p>Article 97(1) of the Law on Enforcement Procedure of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14</i>)</p> | <p>- The request filed by the Basic Court in Derventa for the review of compatibility of Article 97(1) of the Law on Enforcement Procedure of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14</i>) is dismissed.</p> <p>- It is established that Article 97(1) of the Law on Enforcement Procedure of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 59/03, 85/03, 64/05, 118/07, 29/10, 57/12, 67/13 and 98/14</i>) is compatible with Article II(3)(k) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p>U-7/15 of 26 May 2016</p> | <p>The first sentence of Article 7(1) of the Constitution of the Republika Srpska in the part reading: “the language of the Bosniac people“</p> | <p>-It is established that the first sentence of Article 7(1) of the Constitution of the Republika Srpska in the part reading: “the language of the Bosniac people” is compatible with the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |

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| <p><u>U-11/15</u> of 6 April 2016</p> | <p>Law on Mandatory Insurances in Traffic <i>(Official Gazette of RS, 82/15)</i></p> | <p>- The request for review of the constitutionality of the Law on Mandatory Insurances in Traffic (<i>Official Gazette of RS, 82/15</i>) is dismissed.</p> <p>- The Law on Mandatory Insurances (<i>Official Gazette of RS, 82/15</i>) is not in contravention of the provisions of Article I(2), I(4), III(3)(b) and III(5)(a) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-3/13</u> of 26 November 2015</p> | <p>Article 3(b) of the Law on Holidays of the Republika Srpska <i>(Official Gazette of the Republika Srpska, 43/07)</i></p> | <p>- It is established that Article 3(b) of the Law on Holidays of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 43/07</i>) is not compatible with Article I(2) of the Constitution of Bosnia and Herzegovina, Article II(4) of the Constitution of Bosnia and Herzegovina in conjunction with Article 1(1) and Article 2(a) and (c) of the International Convention on the Elimination of All Forms of Racial Discrimination and Article 1 of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>- Pursuant to Article 61(4) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the National Assembly of the Republika Srpska is ordered to harmonize Article 3(b) of the Law on Holidays of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 43/07</i>) with the Constitution of Bosnia and Herzegovina within a time limit of six months from the date of delivery of this Decision.</p> | <p>Incompatibility with the BiH Constitution established!</p> |
| <p><u>U-26/13</u> of 26 March 2015</p> | <p>Law on Primary Education and Upbringing in the Republika Srpska <i>(Official Gazette of the Republika Srpska, 74/08 and 71/09), Law</i></p> | <p>- The request for review of the constitutionality of the Law on Primary Education and Upbringing in the Republika Srpska (the <i>Official Gazette of the Republika Srpska, 74/08 and 71/09</i>), Law on Secondary Education and Upbringing in the Republika Srpska (the <i>Official Gazette of the Republika Srpska, 74/08, 106/09 and 104/11</i>), is hereby dismissed as ill-founded.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |

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| | <p>on Secondary Education and Upbringing in the Republika Srpska (Official Gazette of the Republika Srpska, 74/08, 106/09 and 104/11)</p> | <p>- The request for review of the constitutionality of the Law on Primary Education and Upbringing in the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 74/08 and 71/09), Law on Secondary Education and Upbringing in the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 74/08, 106/09 and 104/11), is dismissed as ill-founded</p> <p>- Law on Primary Education and Upbringing in the Republika Srpska (the <i>Official Gazette of the Republika Srpska</i>, 74/08 and 71/09), Law on Secondary Education and Upbringing in the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 74/08, 106/09 and 104/11), in the context of the request in question, are not compatible with the provisions of Articles II(1), II(4) and III(3)(b) of the Constitution of Bosnia and Herzegovina, Article 14 of the European Convention in connection with the provisions of Article 2 of Protocol No. 1 to the European Convention, and Article 1 of Protocol No. 12 to the European Convention.</p> | |
| <p><u>U-14/12</u> of 26 March 2015</p> | <p>Article 80(2)(4) (Item 1(2) of the Amendment LXXXIII) and Article 83(4) (Item 5 of the Amendment XL as amended by Item 4 of the Amendment LXXXIII)</p> | <p>It established that Article 80(2)(4) (Item 1(2) of the Amendment LXXXIII) and Article 83(4) (Item 5 of the Amendment XL as amended by Item 4 of the Amendment LXXXIII) of the Constitution of the Republika Srpska, Article IV.B.1, Article 1(2) (amended by the Amendment XLI) and Article IV.B.1, Article 2(1) and (2) (amended by the Amendment XLII) are not compatible with Article II(4) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>Incompatibility with the BiH Constitution established!</p> |
| <p><u>U-19/14</u> of 24 September 2014</p> | <p>Article 6, items a), b) and e) and Articles 13 and 16 of the Law on Cemeteries and Funeral Services (Official Gazette of the</p> | <p>- It is established that the provisions of Article 6, items a), b) and e) and Articles 13 and 16 of the Law on Cemeteries and Funeral Services (the Official Gazette of the Republika Srpska nos. 31/13 and 6/14) are compatible with Article II(3)(g), II(3)(k) and III(3)(b) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |

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| | <i>Republika Srpska, 31/13 and 6/14)</i> | | |
| U-10/14 of 4 July 2014 | Decision on Verification of the Accuracy and Authenticity of Data during the Registration of Permanent Residence in the territory of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 31/14</i>) | <p>- It is established that the Decision on Verification of the Accuracy and Authenticity of Data during the Registration of Permanent Residence in the territory of the Republika Srpska (<i>the Official Gazette of the Republika Srpska, 31/14</i>) is in contravention of Article III(3)(b) of the Constitution of Bosnia and Herzegovina and Article I(2) of the Constitution of Bosnia and Herzegovina.</p> <p>- The Decision on Verification of the Accuracy and Authenticity of Data during the Registration of Permanent Residence in the territory of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 31/14</i>) is quashed in its entirety pursuant to Article 61(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina.</p> <p>- The quashed Decision on Verification of the Accuracy and Authenticity of Data during the Registration of Permanent Residence in the territory of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 31/14</i>) shall cease to be in force on the day following the day of its publishing in the <i>Official Gazette of Bosnia and Herzegovina</i>, pursuant to Article 61(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina.</p> | Incompatibility with the BiH Constitution established! |
| U-25/13 of 23 January 2014 | Article 8 of the Law on Exercising the Right to Old Age Pension by Professional Military Personnel (<i>Official Gazette of Republika Srpska, 26/13</i>) | It is established that Article 8 of the Law on Exercising the Right to Old Age Pension by Professional Military Personnel (<i>Official Gazette of Republika Srpska, 26/13</i>) is compatible with Articles II(1), II(4), III(3)(b) and III(5)(a) of the Constitution of Bosnia and Herzegovina. | Incompatibility with the BiH Constitution not established! |

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| <p style="text-align: center;"><u>U-5/12</u> of 28 September 2012</p> | <p style="text-align: center;">Articles 4, 7, 10, 11, 40, 45, 46, 56, 62, 71 and 105 of the Law on Survey and Cadastre of the Republika Srpska (<i>Official Gazette of RS</i>, 6/12)</p> | <p>-It is established that the provisions of Articles 4, 7, 10, 11, 40, 45, 46, 56, 62, 71 and 105 of the Law on Survey and Cadastre of the Republika Srpska (<i>Official Gazette of RS</i>, 6/12) are compatible with Article I(2) of the Constitution of Bosnia and Herzegovina, Article II(3)(e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article II(3) (k) of the Constitution of Bosnia and Herzegovina and Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p style="text-align: center;">Incompatibility with the BiH Constitution not established!</p> |
| <p style="text-align: center;"><u>U-1/11</u> of 13 July 2012</p> | <p style="text-align: center;">Law on the Status of State Property Located in the Territory of the Republika Srpska and under the Disposal Ban (<i>Official Gazette of the Republika Srpska</i>, 135/10)</p> | <p>- It is established that the Republika Srpska lacks a constitutional competence to regulate the legal subject-matter of the Law on the Status of State Property Located in the Territory of the Republika Srpska and under the Disposal Ban (<i>Official Gazette of the Republika Srpska</i>, 135/10), as this, pursuant to Article I(1), Article III(1)(b) and Article IV(4)(e) of the Constitution of BiH, falls within the responsibility of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 63(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Constitutional Court of BiH shall render ineffective the Law on the Status of State Property Located in the Territory of the Republika Srpska and under the Disposal Ban (<i>Official Gazette of the Republika Srpska</i>, 135/10).</p> <p>- Pursuant to Article 63(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Law on the Status of State Property Located in the Territory of the Republika Srpska and under the Disposal Ban (<i>Official Gazette of the Republika Srpska</i>,135/10) shall cease to be effective the day after the date on which the present Decision of the Constitutional Court of BiH has been published in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | <p style="text-align: center;">Incompatibility with the BiH Constitution established!</p> |

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| <p>U-16/11 of 13 July 2012</p> | <p>Issue referred to by Basic Court in Teslić</p> <p>Law on the Implementation of Annex “G” of the Agreement on Succession Issues in the Territory of the Republika Srpska <i>(Official Gazette of the Republika Srpska, 71/10)</i></p> | <p>- The request lodged by the Basic Court in Teslić is granted.</p> <p>- It is established that the Law on the Implementation of Annex “G” of the Agreement on Succession Issues in the Territory of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 71/10</i>) is incompatible with the provisions of Article III(1)(e), Article III(3)(b), Article IV(4)(b) and Article V(4)(a) of the Constitution of Bosnia and Herzegovina in full.</p> <p>- Pursuant to Article 63(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Law on the Implementation of Annex “G” of the Agreement on Succession Issues in the Territory of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 71/10</i>) shall be rendered ineffective.</p> <p>Pursuant to Article 63(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina, the Law on the Implementation of Annex “G” of the Agreement on Succession Issues in the Territory of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 71/10</i>) shall be rendered ineffective on the day following the day of the publication of this decision in the Official Gazette of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution established!</p> |
| <p>U-4/12 of 26 May 2012</p> | <p>Article 4(1)(1) and Article 6(1) and (3) of the Law Amending the Election Law of the Republika Srpska <i>(Official Gazette of the Republika Srpska, 24/12)</i></p> | <p>- It is established that the provisions of Article 4(1)(1) and Article 6(1) and (3) of the Law Amending the Election Law of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 24/12</i>), are not compatible with Article I(2) and Article III(3)(b) of the Constitution of Bosnia and Herzegovina. The provisions of Article 4(1)(1) and Article 6(1) and (3) of the Law Amending the Election Law of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 24/12</i>) are herewith repealed in their entirety, pursuant to Article 63(2) of the Rules of the Constitutional Court of Bosnia and Herzegovina.</p> <p>- The repealed provisions of Article 4(1)(1) and Article 6(1) and (3) of the Law Amending the Election Law of the Republika Srpska (<i>Official Gazette of the Republika Srpska, 24/12</i>) shall cease to be in force on the</p> | <p>Incompatibility with the BiH Constitution established!</p> |

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| | | <p>next day from the date this decision is published in the <i>Official Gazette of Bosnia and Herzegovina</i>, pursuant to Article 63(3) of the Rules of the Constitutional Court of Bosnia and Herzegovina.</p> <p>- The request lodged by Mr. Sulejman Tihić, the Chairman of the House of the Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, in the part requesting review of the constitutionality of Article 3(2) and (4) and Article 11 of the Law Amending the Election Law of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 24/12), is dismissed as ill-founded. 3 It is established that the provisions of Article 3(2) and (4) and Article 11 of the Law Amending the Election Law of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 24/12) are compatible with Articles I(2) and III(3)(b) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-2/11</u> of 27 May 2011</p> | <p>Law on Execution of the Budget of the Republika Srpska for 2011 (<i>Official Gazette of the Republika Srpska</i>, 1/11) and the Decision on Adoption of the Budget of the Republika Srpska for 2011 (<i>Official Gazette of the Republika Srpska</i>, 1/11)</p> | <p>- It is established that the Law on Execution of the Budget of the Republika Srpska for 2011 (<i>Official Gazette of the Republika Srpska</i>, 1/11) and the Decision on Adoption of the Budget of the Republika Srpska for 2011 (<i>Official Gazette of the Republika Srpska</i>, 1/11) are compatible with Articles III(3)(b), III(5)(a) and VIII(3) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-15/09</u> of 27 March 2010</p> | <p>Second Report of the Republika Srpska to the United Nations Security Council on the Situation in Bosnia and Herzegovina No.</p> | <p>- The request to establish that the preparation and submission of the Second Report of the Republika Srpska to the United Nations Security Council on the Situation in Bosnia and Herzegovina No. 04/1-2219/9 of 16 November 2009 is not compatible with Articles I(1), III(1)(a),</p> | <p>Incompatibility with the BiH Constitution not established!</p> |

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| | <p>04/1-2219/9 of 16 November 2009</p> | <p>III(3)(b), V(3)(a) and (c) and V(4)(a) of the Constitution of Bosnia and Herzegovina, is dismissed as ill-founded.</p> | |
| <p>U-15/08 of 3 July 2009</p> | <p>Decision of the Government of Republika Srpska granting consent to the Agreement entered into between Hill & Knowlton International Belgium and the Republika Srpska and the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC and the Republika Srpska, 04/1-012-2121/07 of 21 December 2007 (Official Gazette of the RS, 119/07), the Conclusion of the RS Government No. 04/1-012-2669/08 of 13 November 2008, item 614700 of the RS Budget for 2008, which reads “the allocation of funds for the Republika Srpska’s representation</p> | <p>- The request to establish that the Decision of the Government of Republika Srpska granting consent to the Agreement entered into between Hill & Knowlton International Belgium and the Republika Srpska and the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC and the Republika Srpska, 04/1-012-2121/07 of 21 December 2007 (<i>Official Gazette of the RS</i>, 119/07), the Conclusion of the RS Government No. 04/1-012-2669/08 of 13 November 2008, item 614700 of the RS Budget for 2008, which reads “the allocation of funds for the Republika Srpska’s representation abroad” which is an integral part of the Decision of the RS National Assembly adopting the RS Budget for 2008 (<i>Official Gazette of the Republika Srpska</i>, 117/07), item 614700 of the RS Budget for 2009, which reads “the allocation of funds for the Republika Srpska’s representation abroad”, which is an integral part of the Decision of the RS National Assembly adopting the RS Budget for 2009 (<i>Official Gazette of the Republika Srpska</i>, 126/08), the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC and the Republika Srpska, 04/1-2058/07 of 3 January 2008, which was signed on 24 December 2007, Annex I, No. 04/1-2015/08 of 8 December 2008, to the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC and the Republika Srpska No. 04/1-2058/07 of 24 December 2007, and the activities of the Republika Srpska carried out in the United States of America either directly or indirectly on the basis of the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC 3 and the Republika Srpska, 04/1-2058/07 of 3 January 2008, through their authorised Agent Quinn Gillespie & Associates, Quinn Gillespie & Associates LLC and directed towards the government, institutions and officials of the United States of America and officials of certain international organisations, are compatible with Articles III(1)(a) and (b), III(3)(b), V(3)(a) and (c) and</p> | <p>Incompatibility with the BiH Constitution not established!</p> |

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| | <p>abroad” which is an integral part of the Decision of the RS National Assembly adopting the RS Budget for 2008 <i>(Official Gazette of the RS, 117/07)</i>, item 614700 of the RS Budget for 2009, which reads “the allocation of funds for the Republika Srpska’s representation abroad”, which is an integral part of the Decision of the RS National Assembly adopting the RS Budget for 2009 <i>(Official Gazette of the Republika Srpska, 126/08)</i>, the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC and the Republika Srpska, 04/1-2058/07 of 3 January 2008, which was signed on 24</p> | <p>V(4)(a) of the Constitution of Bosnia and Herzegovina, is dismissed as ill-founded.</p> | |
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| <p>December 2007, Annex I, No. 04/1-2015/08 of 8 December 2008, to the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC and the Republika Srpska No. 04/1-2058/07 of 24 December 2007, and the activities of the Republika Srpska carried out in the United States of America either directly or indirectly on the basis of the Memorandum of Agreement entered into between Quinn Gillespie & Associates, LLC 3 and the Republika Srpska, 04/1-2058/07 of 3 January 2008, through their authorised Agent Quinn Gillespie & Associates, Quinn Gillespie & Associates LLC and directed towards the</p> | | |
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| | <p>government, institutions and officials of the United States of America and officials of certain international organisations</p> | | |
| <p><u>U-15/07</u> of 4 October 2008</p> | <p>Article 3 paragraph 2, Article 15 paragraph 2 and Articles 47, 48, 49, 50, 51 and 52 of the Expropriation Law of the Republika Srpska (<i>Official Gazette of Republika Srpska, 112/06 and 37/07</i>)</p> | <p>-It is established that the provisions of Article 3 paragraph 2, Article 15 paragraph 2 and Articles 47, 48, 49, 50, 51 and 52 of the Expropriation Law of the Republika Srpska (<i>Official Gazette of Republika Srpska, 112/06 and 37/07</i>) are compatible with the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p><u>U-3/08</u> of 4 October 2008</p> | <p>Articles 8, 9, 10, 11, 12, 13, 14 and 16 of the Law on Conditions and Manner of Settlement of Debts Arising from Old Foreign Currency Savings by Issuance of Bonds in 3 the Republika Srpska (<i>Official Gazette of Republika Srpska, 1/08</i>)</p> | <p>- It is established that Articles 8, 9, 10, 11, 12, 13, 14 and 16 of the Law on Conditions and Manner of Settlement of Debts Arising from Old Foreign Currency Savings by Issuance of Bonds in 3 the Republika Srpska (<i>Official Gazette of Republika Srpska, 1/08</i>) are compatible with the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |

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| | | <p>Herzegovina, in conjunction with Article 1.1 and Article 2(a) and (c) of the International Convention on the Elimination of All Forms of Racial Discrimination referred to in Annex I to the Constitution of Bosnia and Herzegovina.</p> <p>-Pursuant to Article 63(2) of the Rules of the Constitutional Court, Article 2 of the Law on Use of the Flag, Coat of Arms and the Anthem (<i>Official Gazette of Republika Srpska</i>, 4/93) in the part providing that the flag, coat of arms and anthem of the Republika Srpska “represent statehood of the Republika Srpska” and Article 3 of the Law on the Use of Flag, Coat of Arms and Anthem (<i>Official Gazette of the Republika Srpska</i>, 4/93) in the part providing that the symbols of the Republika Srpska are used “in accordance with moral norms of the Serb people” are annulled.</p> <p>-Pursuant to Article 63(2) of the Rules of the Constitutional Court, the annulled provisions shall cease to be in effect from the day of publication in the <i>Official Gazette of Bosnia and Herzegovina</i>.</p> | |
| <p>U-14/05 of 2 December 2005</p> | <p>The provisions of the Law on Establishment and Mode of Settlement of the Internal Obligations of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 63/04) relating to the old foreign currency</p> | <p>- It is established that the provisions of the Law on Establishment and Mode of Settlement of the Internal Obligations of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 63/04) relating to the old foreign currency savings are not compatible with Article III of the Constitution of Bosnia and Herzegovina.</p> <p>- The following is repealed in accordance with Article 63 para 2 of the Rules of the Constitutional Court of Bosnia and Herzegovina</p> <p>- In the Law on Establishment and Mode of Settlement of the Internal Obligations of the Republika Srpska (<i>Official Gazette of the Republika Srpska</i>, 63/04), Article 3 para 1(2), Article 4 para 1(4) in the part reading as follows: “except court decisions and decisions of other competent bodies in respect of the old foreign currency savings 4 referred to in Article 3 para 1(2) of this Law”, Article 9 para 1(2) in the part reading as follows: “except court decisions and decisions of other competent</p> | <p>Incompatibility with the BiH Constitution established!</p> |

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| | | <p>bodies in respect of the old foreign currency savings referred to in Article 3 para 1(2) of this Law”, as well as Articles 11 through 18.</p> <p>- According to Article 63 para 3 of the Rules of the Constitutional Court of Bosnia and Herzegovina, the repealed provisions shall cease to be in effect on the following day after the date of publication of this Decision in the Official Gazette of Bosnia and Herzegovina.</p> | |
| <p>U-68/02 of 25 June 2004</p> | <p>The provisions of Articles 41 and 48 of the Law on Excise Tax and Turnover Tax (<i>Official Gazette of the Republika Srpska</i>, 25/02, 60/03 and 96/03)</p> | <p>- It is hereby established that the provisions of Articles 41 and 48 of the Law on Excise Tax and Turnover Tax (<i>Official Gazette of the Republika Srpska</i>, 25/02, 60/03 and 96/03) are not compatible with Article I(4) of the Constitution of Bosnia and Herzegovina.</p> <p>- Pursuant to Article 63 para 2 of the Rules of Procedure of the Constitutional Court of Bosnia and Herzegovina, the National Assembly of the Republika Srpska is ordered to harmonize the provisions of Articles 41 and 48 of the Law on Excise Tax and Turnover Tax with the Constitution of Bosnia and Herzegovina, within a time-limit of three months after the date of publication of this Decision in the Official Gazette of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution established!</p> |
| <p>U-42/01 of 26 March 2004</p> | <p>Agreement on the Establishment of Special Parallel Relationships between the Federal Republic of Yugoslavia and the Republika Srpska of 5 March 2001 (<i>Official Gazette of the Republika Srpska</i>, 26/01) IS in accordance with Article III(2)(a) of the Constitution of</p> | <p>- The Agreement on the Establishment of Special Parallel Relationships between the Federal Republic of Yugoslavia and the Republika Srpska of 5 March 2001 (<i>Official Gazette of the Republika Srpska</i>, 26/01) was concluded in accordance with Article III(2)(a) of the Constitution of Bosnia and Herzegovina.</p> <p>- Article 2, lines 1, 2, 4, 11 and 12 of the Agreement on the Establishment of Special Parallel Relationships between the Federal Republic of Yugoslavia and the Republika Srpska is compatible with the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> <p>Incompatibility with the BiH Constitution not established!</p> |

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| | <p>Bosnia and Herzegovina</p> | <p>- The Agreement on the Establishment of Special Parallel Relationships between the Federal Republic of Yugoslavia and the Republika Srpska was not published in the official languages of the Republika Srpska.</p> <p>- The Government of the Republika Srpska is ordered to provide publication of the Agreement on the Establishment of Special Parallel Relationships between the Federal Republic of Yugoslavia and the Republika Srpska in the Bosnian and Croat languages and in the Latin alphabet, within a period of 30 days as from the date of publication of the present Decision in the <i>Official Gazette of the Republika Srpska</i>.</p> | |
| <p><u>U-44/01</u> of 27 February 2004</p> | <p>Article 11 of the Law on Territorial Organization and Local Self-Government (Official Gazette of the Republika Srpska, 11/94, 6/95, 26/95, 15/96, 17/96, 19/96, and 6/97) and the title itself of the Law on the Town of Srpsko Sarajevo as well as its Articles 1 and 2 (Official Gazette of the Republika Srpska, 25/93, 8/96, 27/96, and 33/97)</p> | <p>- It is hereby established that a part of Article 11 of the Law on Territorial Organization and Local Self-Government (Official Gazette of the Republika Srpska, 11/94, 6/95, 26/95, 15/96, 17/96, 19/96, and 6/97) and the title itself of the Law on the Town of Srpsko Sarajevo as well as its Articles 1 and 2 (Official Gazette of the Republika Srpska, 25/93, 8/96, 27/96, and 33/97) with respect to the names: Town of Srpsko Sarajevo, Srpski Drvar, Srpski Sanski Most, Srpski Mostar, Srpsko Goražde, Srbinje, Srpski Ključ, Srpska Kostajnica, Srpski Brod, Srpska Ilidža, Srpsko Novo Sarajevo, Srpski Stari Grad and Srpsko Orašje are not compatible with Article II(4) in conjunction with Articles II(3) and II(5) of the Constitution of Bosnia and Herzegovina.</p> <p>The National Assembly of the Republika Srpska is ordered, pursuant to Article 63 para 2 of the Rules of Procedure of the Constitutional Court of Bosnia and Herzegovina, to harmonize Article 11 of the Law on Territorial Organization and Local Self-Government and the title itself of the Law on the Town of Srpsko Sarajevo as well as its Articles 1 and 2 with the Constitution of Bosnia and Herzegovina, within a period of three months after the date of publication of the present Decision in the Official Gazette of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution established!</p> <p>Incompatibility with the BiH Constitution not established!</p> |

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| | | <p>- It is hereby established that Article 11(a) of the Law on the Territorial Organization and Local Self-Government is compatible with the Constitution of Bosnia and Herzegovina.</p> <p>- The remainder of the request relating to Article 11 of the Law on Territorial Organization and Local Self-Government is hereby dismissed.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p>U-56/02 of 30 January 2004</p> | <p>Decision Amending the Constitution of the Republika Srpska <i>(Official Gazette of Bosnia and Herzegovina, 13/02 and Official Gazette of the Republika Srpska, 31/02)</i></p> | <p>The Decision Amending the Constitution of the Republika Srpska (<i>Official Gazette of Bosnia and Herzegovina, 13/02 and Official Gazette of the Republika Srpska, 31/02</i>) is compatible with Article III of the Constitution of Bosnia and Herzegovina. The Decision Amending the Constitution of the Republika Srpska regulates matters related to the judicial system of the Republika Srpska, including the establishment of the High Judicial and Prosecutorial Council of the Republika Srpska. Therefore, it is about matters that are within the competence of the Entity, and competences that were not transferred from the Entity to Bosnia and Herzegovina by the Decision on Amendments. Therefore, the amendments to the Constitution of the Republika Srpska on these matters, which were issued by the High Representative, substituting for the National Assembly of the Republic of Srpska, are not in violation of Article III(3)(a) of the Constitution of Bosnia and Herzegovina.</p> | <p>Incompatibility with the BiH Constitution not established!</p> |
| <p>U-5/98 of 18 and 19 August 2000 - IV Partial Decision</p> | <p>Constitution of the Republika Srpska: Article 68 item 16, as modified by Amendment XXXII, b) Article 7 paragraph 1, c) Article 28 paragraph 4 as amended by</p> | <p>- Article 68 item 16 of the Constitution of the Republika Srpska, as modified by Amendment XXXII, Article 7 paragraph 1, and Article 28 paragraph 4 of the Constitution of the Republika Srpska are not compatible with Constitution of BiH.</p> <p>- Article 4 of the Constitution of the Republika Srpska, as modified by Amendment LVI item 2, and Article 80 paragraph 1 of the Constitution of the Republika Srpska, as modified by Amendment XL item 1, and Article 106 item 2 are compatible with Constitution of BiH.</p> | <p>Incompatibility with the BiH Constitution established!</p> <p>Incompatibility with the BiH Constitution not established!</p> |

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| | Amendment LVI, item 2 and Article 80, paragraph 1 as amended by Amendment XL, item 1 and Article 106, paragraph 2 | - Article 68, item 16, as modified by Amendment XXXII, Article 7, paragraph 1, and Article 28, paragraph 4, shall cease to be valid on the date of publication of this decision in the <i>Official Gazette of Bosnia and Herzegovina</i> . | |
| <u>U-5/98</u> of 30 June and 1 July 2000 -III Partial Decision | Constitution of the Republika Srpska: paragraphs 1, 2, 3 and 5 of the Preamble, supplemented by amendments XXVI and LIV, b) the words "Sate of the Serb People" and Article 1, supplemented by Amendment XLIV | - Regarding the Constitution of the Republika Srpska: The Constitutional Court declares the following provisions, or parts of the provisions, unconstitutional : a) paragraphs 1, 2, 3 and 5 of the Preamble, supplemented by amendments XXVI and LIV, b) the words "Sate of the Serb People" and Article 1, supplemented by Amendment XLIV. - The provisions or parts of the provisions of the Constitution of Republika Srpska for which the Constitutional Court found to be in contravention of the Constitution of Bosnia and Herzegovina shall cease to be valid on the date of publication of this decision in the <i>Official Gazette of Bosnia and Herzegovina</i> . | Incompatibility with the BiH Constitution established! |
| <u>U-5/98</u> of 18 and 19 February 2000 | Constitution of the Republika Srpska: Article 59, paragraphs 1,2 and 3, Article 58, paragraph 1, Article 59, paragraphs 4 and 5, Article 60 and Article 68, item 6 | - The Constitutional Court declares that, paragraphs 1, 2, and 3 of Article 59 are unconstitutional . - Article 58, paragraph 1, Article 59, paragraphs 4 and 5, Article 60 and Article 68, item 6 are compatible with the Constitution of BiH - Article 59, paragraphs 1, 2 and 3 of the Constitution of the Republika Srpska shall cease to be valid on the day of publication of this decision in the <i>Official Gazette of Bosnia and Herzegovina</i> . | Incompatibility with the BiH Constitution established! Incompatibility with the BiH Constitution not established! |
| <u>U-5/98</u> of 29 January 2000 I Partial Decision | Article 2 paragraph 2; Article 6 paragraph 2; Article 44 paragraph 2; Article 98 of the Constitution of | - The Constitutional Court declares the following provisions or parts of provisions unconstitutional : a) The word "border" in Article 2 paragraph 2; b) The words "or extradited" in Article 6 paragraph 2; c) Article 44 paragraph 2; d) Article 98 and Article 76 paragraph 2 as | Incompatibility with the BiH Constitution established! |

Republika Srpska and Article 76 paragraph 2 of the Constitution of the Republika Srpska as modified by Amendment XXXVIII and Article 138 of the Constitution of the Republika Srpska as modified by amendments LI and LXV

Amendment LVII of the Constitution of the Republika Srpska, item 1, which supplements the Chapter on Human Rights and Freedoms; Article 80, paragraph 1 of the Constitution of the Republika Srpska as modified by Amendments XL and L, item 2 and c) Article 90, as amended by Amendments XLI, item 1 and LXII.

modified by Amendment XXXVIII and e) Article 138 as modified by Amendments LI and LX and LXV.

- The provisions or parts of provisions of the Constitutions of the Republika Srpska and the Federation of BiH, which the Constitutional Court has found to be in contradiction with the Constitution of Bosnia and Herzegovina, cease to be valid from the date of publication of this Decision in the *Official Gazette of Bosnia and Herzegovina*.

- The applicant's request **is hereby dismissed** with respect to the following provisions: a) Amendment LVII item 1, which supplements the Chapter on Human Rights and Freedoms; b) Article 80, paragraph 1 as modified by Amendments XL and L, item 2 and c) Article 90, as supplemented by Amendments XLI, item 1 and LXII.

Incompatibility with the BiH Constitution not established!

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| | <p>on the Election of Councilors to the Assembly of the Town of Istočno Sarajevo adopted by the Assembly of the Municipality of Kasindo, no. 02-023-113/05 of 15 April 2005; Decision on the Election of Councilors to the Assembly of the Town of Istočno Sarajevo adopted by the Assembly of Municipality Trnovo, no. 01-33/05 of 28 April 2005; Decision on the Election of Councilors to the Assembly of the Town Istočno Sarajevo adopted by the Assembly of the Municipality Istočni Stari Grad, dated 4 April 2005, is compatible with Article I(2) of the Constitution of Bosnia and Herzegovina.</p> | |
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