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/ Law on Posts of Bosnia and Herzegovina

## THE LAW

### ABOUT POST OFFICES OF BOSNIA AND HERZEGOVINA

*("Official Gazette of Bosnia and Herzegovina", No. 33/2005)*

#### I - SUBJECT OF THE LAW

##### Article 1

- (1) With this by law the basic ones are determined questions organization and functioning postal traffic in Bosnia and Herzegovina and postal traffic with another countries .
- (2) Postage services are carried out in accordance with the conditions which have been established by law , general and special conditions for performing postal service , acts postal operator , as well as on basis ratified , that is confirmed international convention , others international acts and contracts .

#### II - DEFINITIONS

##### Article 2

Everyone expressions which are used in this to the law they have next meanings :

- a) " postage services " means services transmission postal shipments and all others services which are listed in the nomenclature postal service ;
- b) " postage shipments " mean everything shipments which receive on transmission and for which fits operator postal traffic ;

- c) " letter carrier shipment " means every one post office shipment which contains ± i someone announcement in writing formi , na to each species physical media , which should deliver indicated to the recipient . Accounts for re ± ije , others accounts , financial and others reports are considered letter-bearing shipments ;
- d) " Sender " means everyone physical or legally face which gave or in whose the name is postal shipment given on transfer to the operator postal traffic ;
- e) " universal postage services " means everything those postage services which , in accordance with this by law and others postal regulations , they must be available on to the whole territory Bosnia and Herzegovina ;
- f) " reserved postage services " means those species universal postal service which mo ± e pru ± ati only public postal operator ;
- g) " unreserved postage services " means individual species universal postal service which , except public , I can do others \_ operators postal traffic ;
- h) " operators postal of traffic " mean everything subjects which are registered for performance activities from areas postal traffic ;
- i) " public postal operator " means company which is in the majority Ph.D \_ \_ owned by , and which is at the moment of making this one of the law already registered for stretching \_ \_ reserved and unreserved postal service ;
- j) " postal operator " means organization which , in accordance with this authorized by law for stretching \_ \_ unreserved postal service ;
- k) " financial postage services " means domestic and international ± iral services , monetary remittances and checks services , like everything \_ others services whose subject it is money , which are defined postal regulations in the framework regulations World postal alliance ;
- l) " special services " means those services which are defined general conditions and nomenclature postal traffic ;
- m) " other services " means supplementary and others postage services which requires the sender or recipient ;
- n) " postal regulations " means every regulation he made \_ authorized organ , and refers to stretching \_ \_ postal service ;
- o) " postal brand " means every one post office brand which is public issued public postal operator , including all \_ postage stickers and others prescribed postal abundance ± me which slu ± e like evidence payments postage services ;
- p) " direct mail " means everything shipments which contains ± e promotional and all others advertising messages printed in more of the same copies , which are sent on at least 30 different ones address ;
- r) " courier services " means postage services with extra by the value of , which the giver postal service performs on basis special requests of the sender , and imply downloading letter carriers shipments on address sender , and direct transmission and delivery on address recipient ;
- s) " public portal " means \_ post office service way which citizen electronic way fulfills own obligations according to dr ± avi and tra ± i services state and entity \_ \_ organs .

### III - PRINCIPLES OF POSTAL POLICY

#### Article 3

All entities that in Bosnia and Herzegovina provide postal services they have to consequently observe and carry out the following principles of postal policies :

a) postal services they have to be available to all citizens of Bosnia and Herzegovina, under the same conditions, without any kind of discrimination ;

- b) freedom communications way letter carriers and others postal shipments must be guaranteed to all physical and legal persons in Bosnia and Herzegovina , without any what kind restrictions ;
- c) interest of all user postal service must be protected mood ± vitality and quality quiet service ;
- d) tariffs postal service they have to be non-discriminatory and transparent ;
- e) stretching \_ \_ postal service must be organized on a way that does not lead to danger health and safety people and property ;
- f) organization of the postal system must be provided possibility application regulations which relate \_ on import and export customs clearance of goods;
- g) all technological solutions in postal traffic they have to uva ± avati principles economy , efficiency and safety ;
- h) technically standards which relate \_ on level postal service they must be coordinated with standards European union ;
- i) prices reserved postal service are under Ph.D \_ \_ control , and if it is like this prices no provides cover real ones costs and development needs postal system , state and entities \_ provide subsidies public postal operators . Not allowed subsidization unreserved and others postal service from funds reserved postal service ;
- j) competition in postal traffic is encouraged to level which does not ugro ± ava social function universal postal service ;
- k) systems postage numbering they have to to provide identification dr ± ave and postal operator ;
- l) mutual cooperation public postal operator no it can be monopolistic oriented and must be based on l'm cleaning economic relations of interest of all citizens Bosnia and Herzegovina ;
- m) development postal service is encouraged by appropriate measures economic policies and constantly adapts to needs users , and technological , economic and social occasions ;
- n) presentation of the postal system of Bosnia and Herzegovina in the World postal alliance and others international organizations must provide complete equality of all public postal operator Bosnia and Herzegovina ;
- o) representation postal of the operator which they work on area of Bosnia and Herzegovina in free international associations no laughs at \_ was which way limit , and their action no it can be on damage and against the interests of others postal operator .

#### **Article 4**

Investor , owner residential buildings , eta ± ni owner , owner residential and commercial block or family houses du ± an is to na convenient place in the building , or in the yard the code entrance set up and maintain \_ postal mailbox for letter carriers shipments or to provide others adequate way for reception letter carriers shipments .

### **IV - POSTAL SERVICES**

#### **a) Universal postage services**

#### **Article 5**

(1) Universal postage services are postage services which is obligatory organize on the whole area Bosnia and Herzegovina and include reception , dispatch , transport , arrival and delivery :

- a) letter carriers shipments up to 2 kg;
- b) packages up to 31.5 kg;

- c) postal money order ;
- d) direct post office ;
- e) postal and telegraphic announcements ;
- f) recommended and valuable shipments ;
- g) secograms up to 7 kg.

(2) Maximum and minimum dimensions postal shipments covered universal postal services are dimensions which have been established Universal postal convention , that is By convention World postal alliance .

(3) Universal postage services are provided to everyone work days , at least Fri days of the week , except floor conditions and opportunities which are postal regulations defined like extraordinary .

(4) Universal postage services in Bosnia and Herzegovina pru ± aju public postal operators and others postal operators on basis license .

## **b) Reserved postage services**

### **Article 6**

(1) In the framework universal postal service , reserved postage services in the interior and international traffic include reception , dispatch , transport , arrival and delivery :

- a) letter carriers shipments up to 1000 gr;
- b) printed matter , newspapers and magazines ;
- c) package shipments up to 10 kg;
- d) postal and telegraphic money order ;
- e) payments monetary remittance on home address ;
- f) direct post office ;
- g) courier services , if the amount of the tariff is not ten times higher of regular rates,
- h) recommended and valuable shipments , without consideration on te ± inu ;
- i) judicial letters , administrative and misdemeanor letters \_ procedure , without consideration on te ± inu .

(2) Reserved postage services can perform \_ only public postal operators .

## **c) Financial postage services**

### **Article 7**

(1) Public postal operators , via unit postage network ± e and others points for universal postage services , they can provide \_ \_ services and to users financial postage services .

(2) Financially postal services different ones are provided forms ± iral remittance , te remittance done money and of checks , which refer physical and legal faces or are such monetary funds to them addressed .

(3) Within \_ own activities , public postal operators I can perform and others financial services , such as what are savings stakes of citizens , bound deposits , accounts of non-residents , treasury and treasury business , exchange business , lending population , card business , ± iro and current accounts payment , invoice for orders communal and others public companies and others

(4) Public postal operator organizes special financial organization - Postal bank , through which will perform jobs from this one member , in accordance with with By law and others regulations governing \_ this area.

(5) Until established appropriate legal regulations and formation postal of banks , postal operators financial services can perform \_ way appropriate business aran ± mana with another banks , in compliance with By law and others regulations that regulate financial services within \_ banking sector .

#### **d) Others services**

##### **Article 8**

(1) Floor to others services , in terms of this one of the law , special , supplementary and others are understood postage services which require the sender or recipient , which are determined General conditions for performing postal service .

(2) Operators postal traffic , works self - sustainability , they can also organize performance others service on new markets , which are defined \_\_ \_ with this by law and General conditions .

(3) Public postal operators they can also organize the performance of couriers service which have been liberalized and are located on the market . \_

### **V - ORGANIZATION OF POSTAL TRAFFIC**

#### **a) Operators postal traffic**

##### **Article 9**

(1) Postage services pru ± aju operators postal traffic .

(2) Operator postal traffic it can be \_\_ \_ everyone legally face which fulfills specific technical , personnel and others conditions , if for performance postal service owns authorization obtained of nadle ± leg authorities and if those services performs within \_ own registered activities .

a) public postal operators are authorized for stretching \_\_ \_ reserved postal service . This authorization implies concurrent right to stretching \_\_ \_ unreserved and all others postal service ;

b) public postal operators are in exclusive or majority ownership dr ± ave ;

c) others operators postal traffic , except public postal operator , no l can to have powers for stretching \_\_ \_ reserved postal service , already only unreserved and others postal service , of all or only individual . They are established in accordance with this by law , and l can be in private ownership .

(3) Authorization for postal work operators gives and subtracts , in accordance with the provisions this one of the law , the Agency for postal traffic of Bosnia and Herzegovina , with consent Ministries communication and traffic .

#### **b) Agency for postal traffic of Bosnia and Herzegovina**

##### **Article 10**

(1) Works performance regulatory function in the area postal of traffic , hereby by law the Agency is established for postal traffic Bosnia and Herzegovina ( hereinafter text : Agency ) , which acts in accordance with the principles objectivity , transparency and non-discrimination .

(2) Agency acts in the interest Bosnia and Herzegovina and all hers citizens .

(3) Agency there is status legal entity.

(4) Agency manages Advice Agencies , which consists of three members on parity basically three constitutive people in Bosnia and Herzegovina .

a) members Tips Agencies , from among the constitutive ones of the people , are appointed accordingly with by the Ministerial Law appointments , appointments Tips ministers and others appointments Bosnia and Herzegovina ;

b) mandate members Tips The agency lasts four year , and the chairman Tips Agencies it changes every time year days ;

c) Advice Agencies brings everything decisions by consensus ;

d) Advice Agencies brings acts Agencies by which they are defined : internal organization , authority \_ \_ Advice and others questions important for the work of the Agency ;

e) headquarters Agencies determines Advice ministers of Bosnia and Herzegovina .

( 5 ) Powers Agencies :

a) achieves contacts with postal administrations and international postal organizations ;

b) issues and confiscates licenses postal operators for performance postal service in accordance with the Rulebook which brings Advice Agencies ;

c) brings technological regulations for functioning postal traffic on territory whole of Bosnia and Herzegovina , and the region ± e regulations by which they are defined unique General conditions for performing postal service and general standards universal postal service ;

d) track whether postal \_ \_ operator pred ± ava conditions contained in the issued \_ licenses , and in case injuries quiet conditions or provision this one of the law , undertakes measures from own superiorities ; \_

e) follows respect established principles postage policies and initiates measures for elimination of all deviations of quiet principles ;

f) follows international postage regulations and informs public operators and others operators postal traffic about theirs adoption , changes and additions ;

g) if it is consent on contracts which conclude postal operators in Bosnia and Herzegovina with operators postal traffic postal administration others countries ;

h) determines methodology and principles for calculation interoperator , transit and terminal costs and monitors theirs implementation ;

i) follows international calculation in accordance with established principles and regulations World postal alliance and distribution inside operator ;

j) determines unique tariff politics for reserved services on area Bosnia and Herzegovina ;

k) predella ± e criteria for forming maximum the price execution postal service ;

l) determines height expenses for issue license and height annually fees for performance postal service , as well as deadlines for settlement obligation payments ;

m) if it is agreement on the program issuing postal marks which betrayal public postal operators ;

n) brings general order of transport postal shipments and findings optimal directions that transportation ;

o) determines amount fees for cover losses public postal operator ;

p) organizes symposiums , professional seminars and Fig.;

r) performs others superlatives \_ \_ which are Ouch entrusted with this by law or others acts in accordance with this by law .

(6) To perform jobs from paragraph (5) subparagraphs b), g), j) and l), the Agency apr ± i consent Ministries communication and traffic .

(7) Works execution entrusted jobs , Agency employs needed number professional and technical faces . Number and structure necessary work of staff determines Advice Agencies , and at theirs anga ± ovanje



provides representation constitutive people according to the last one list population Bosnia and Herzegovina from 1991 , in accordance with the plan personnel Agencies .

(8) Expenses Agencies are settled from of income of issuing license postal operators , Bud ± eta institution BiH and others of income Agencies .

(9) Agency after completion each business years publishes report on his work , including financial \_ report and report independent auditor and submits Mr on consideration Council of Ministers and Parliamentary to the assembly Bosnia and Herzegovina .

### **c) Jurisdictions Tips ministers of Bosnia and Herzegovina and the Ministry communication and traffic**

#### **Article 11**

(1) In total organization postal traffic in Bosnia and Herzegovina superlatives \_ \_ Tips ministers Bosnia and Herzegovina , that is Ministries communication and traffic in particular include :

- a) defining basic criteria which they have to fulfill interested subjects for getting powers for performing postal service ;
- b) determination ways presentations public postal operators in the World postal alliance , as well as others international organizations in which postal \_ system Bosnia and Herzegovina must represent like unique system ;
- c) prescribing way regulations and others Act basic conditions for security availability postal service on to the whole territory Bosnia and Herzegovina ;
- d) proposing of the law on the post , giving consent on General conditions of performance postal service ;
- e) defining goals policies of Bosnia and Herzegovina and monitoring international standards in the field postal system;
- f) prescribing and monitoring tariffs policies for reserved services and quality pru ± anja postal service ;
- g) giving consent on Statute Agencies ;
- h) proposing amendments and additions legal regulations which are regulated postal traffic in Bosnia and Herzegovina ;
- i) giving consent Agency for postal work operator ;
- j) the rest questions established by the Constitution of Bosnia and Herzegovina , hereby by law and others acts in accordance with this by law .

( 2 ) Powers and responsibilities from of paragraph (1) hereof member Advice ministers BiH realizes way Ministries communication and traffic . Ministry communication and traffic individual jobs entrusts Agency , and in that volume case if it is guidelines for realization entrusted jobs .

### **d) Interoperator postal traffic**

#### **Article 12**

(1) Each one operator postal traffic is required to transfer postal shipments which receive of was which one of the other operator postal traffic on area of Bosnia and Herzegovina treats on completely equal way , as well as transmission postal shipments which entrusted him was which physical or legally person in Bosnia and Herzegovina .

(2) Operators postal traffic I can conclude among themselves bilateral and multilateral agreements with consent Agencies , and which they have to be consistent with the principles postage policies established with this by law .

### **e) Inter-entity postal traffic**

#### **Article 13**

(1) Transmission postal shipments in between entities is treated as internal postal traffic and not can be limited \_\_ administrative measures .

(2) Operators postal of traffic , with consent Agencies , agree ways and directions postage exchanges , learning \_\_ principles economy , efficiency and safety .

#### **f) International postal traffic**

##### **Article 14**

(1) Getting it done international postal the service must be in accordance with the relevant provisions World postal alliances and others agreements international organization which are binding for Bosnia and Herzegovina , fortified directions transportation and concluded contracts in between operator postal traffic in Bosnia and Herzegovina with operators postal traffic others postal administration .

(2) The agency is obliged to comply \_ with paragraph (1) of this member and others relevant provisions this one of the law , through postal regulations , provide to all persons in Bosnia and Herzegovina non-discriminatory , safe and effective access international postal services and in connection with that on suitable way follows execution downloaded obligation public and others postal operator .

#### **d) Principles for calculation costs and refunds**

##### **Article 15**

(1) Public postal operators cover losses , in case when prices reserved postal service no they cover theirs expenses , reimbursed from others of income achieved performing postal service .

(2) Works realization established principles postage policies , public postal operators are obliged to provide \_\_ such internal accounting system from which one will see \_ structure income and expenses reserved and unreserved universal service , and structure and height income and expenses special postal service . Internal accounting systems they have to provide location expenses of all postal service in accordance with standards European union .

(3) Mutual refunds , on basis international and interoperator postal service , they have to cover expenses transmission and processing postal shipments .

a) refunds on basis international postal service , which they belong public to the operator postal of traffic , are carried out on basis international calculations , and on basis regulations World postal alliance ;

b) refunds which they belong public to the operator postal traffic on basis internal interoperator postal traffic are regulated on basis methodology and principles which determines Agency .

## **VI - POSTAGE STAMPS**

##### **Article 16**

(1) Postage brands betrayal public postal operators .

(2) Postage brands they have to to have identification Bosnia and Herzegovina , entity and identification postal operator .

(3) On stamps public postal operators cannot be : pictures , signs , symbols \_\_ or some others marks and contents \_\_ offensive character , or which are in contradiction with legal regulations Bosnia and Herzegovina .

(4) For each show postal stamps , public postal operator it is his duty to obtain consent Agencies . If Agency determine that brands which are broadcast contains prohibited elements \_\_ paragraph (3) of this member , will suspend this show .

## VII - CONFIDENTIALITY OF POSTAL SHIPMENTS

### Article 17

(1) Postal operators they are obliged to provide secrecy postal shipments . Postal to the operator it is forbidden to: unauthorized found out contents \_\_ \_ postage shipments , or zadr ± i , cover up or unauthorized give the person a postage stamp consignment , unauthorized face announce was what kind data which are related to the postal service by shipment , or unauthorized face enable or help perform \_ \_ some of quiet actions . The ban also applies to employees postal operator and after cessation of work at postal operator .

(2) Postal operator can open and view \_\_ \_ contents \_\_ \_ postage shipments , with consent sender or recipient .

(3) Exceptionally of provision of paragraph (2) hereof member , postal operator can open and view \_\_ \_ \_ post office shipment without consent sender or recipient in the following cases :

a) when it is postal shipment impossible to deliver to the recipient nor return to the sender ;

b) when there is justified suspect that the shipment contains ± i subjects prohibited for transfer in postal shipments ;

c) when it is postal shipment damaged so that Ugro ± en hers content and \_\_ \_

d) when postal shipment in international traffic vile ± e customs review and foreign exchange review in terms of customs laws and foreign exchange regulations .

(4) Procedure opening and viewing content \_\_ \_ postal shipments is regulated by the General conditions for performing postal service , which brings Ministry traffic and communication BiH , which are in compliance with the regulations European union .

## VIII - RESPONSIBILITY FOR THE TRANSFER OF POSTAL SHIPMENTS

### Article 18

(1) Postal operator he has to pay \_ \_ appropriate compensation to the sender recommended or values letter carriers shipments , packages , money orders and telegrams in the case theirs loss , damage or delays that occurred \_\_ \_ guilt , intention or by negligence public postal operator .

a) procedure payments damages and hers height are determined by postal regulations , which are harmonized with the regulations World postal alliance ;

b) as regards \_ \_ responsibilities , for compensation no it can exist \_\_ \_ the difference in between loss , damage or delays postal domestic and international shipments \_ \_ postal traffic ;

c) in case when no can be determined \_\_ \_ responsibility from of paragraph (1) hereof member , public postal operators jointly bear responsibility for fee damages .

(2) Sender postage shipments is responsible to the operator postal traffic for damage which one postal shipment inflict persons in the service \_ \_ operator postal traffic , equipment operator postal traffic or to others postal shipments , sub provided that the origin damage mo ± e blame , intention \_\_ \_ or carelessness of the sender .

## IX - FORCED EXECUTION

### Article 19

Postage shipments which they enter the frame universal services and which are \_ \_ vol basis they find the code operator postal traffic no they can be subject judicial , administrative or was which one of the other shape forced executions , except in cases explicitly foreseen special by law .

## X - PENAL PROVISIONS

## Article 20

(1) Cash by punishment from 5,000 KM to 15,000 KM will be fined for offense postal operator and others subject of business which there is property legal entity, as well as an entrepreneur if unauthorized performs activity from Art . 6 and 16 of this year of the law .

(2) For actions from of paragraph (1) hereof member shall be punished for offense and responsible face postal operator or of the other of the subject of business which there is property legal entity by penalty from 500 KM to 1,500 KM.

## Article 21

(1) Cash by punishment from 5,000 KM to 15,000 KM will be fined for offenses public postal operators if not \_ they hold \_ Art . 3, 5, 6 and 16 of this year of the law .

(2) For actions from of paragraph (1) hereof member shall be punished for offense and responsible face public postal operator monetary by punishment from 500 KM to 1,500 KM.

(3) Simultaneously with the utterance monetary penalties in the case multiple repetitions offense , to the operator postal traffic the license will be revoked on temporally period of six months .

(4) Floor multiple by repetition offense a misdemeanor is implied which is repeated three times in time from three to six months .

## XI - STATE PORTAL

### Article 22

Public postal operators they have to organize \_ state portal , i.e. \_ \_ place where citizen mo ± e way mediator or immediately , via electronic media , to fulfill obligations according to dr ± avi and entities and tra ± i services of state and entity \_ \_ organs .

### Article 23

Bosnia and Herzegovina undertakes to \_ \_ way dr ± avnog portal to realize everything transactions from relations with citizens which the state portal mo ± e \_ technically to realize . Public postal operators they have obligation to introduce public portal within the deadline of four years of entry on strength this one of the law .

## XII - TRANSITIONAL AND FINAL PROVISIONS

### Article 24

(1) Existing public postal operators : Postal company \_ traffic RS AD Banja Luka, JPBH Pošta doo Sarajevo and HP Mostar doo continue to deliver universal and other services in accordance with the provisions this one of the law .

(2) Public postal operators du ± ni are to harmonize mine registration and organization with provisions this one of the law within six months from the day of his entry on strength , and according to regulations which one will to bring Advice ministers on proposal Agencies within three months \_ of entry on strength this one of the law .

(3) The others postal operators du ± ni are to harmonize own business with provisions this one of the law within six months from the day of his entry on strength .

(4) Until adoption new ones postal regulations necessary for application this one of the law , and find ± e during 12 months after his entry on force , postal will be applied regulations that are on power at the time entry on strength this one of the law .

### Article 25

(1) This one the law steps in strength on the eighth day from the day of publication in the Official Gazette to the BiH Herald ", and it will be published and in my office \_ newsletters Federation of BiH, Republika Srpska and Brčko District of BiH.

(2) All postal regulations , made on basis this one of the law , enter on strength on the eighth day from the day of publication in the Official Gazette to the BiH Herald ", and it will be published and in my office \_ newsletters Federation of BiH, Republika Srpska and Brčko District of BiH.

(3) By day entry on strength this one of the law cease to va ± e : provisions of the Postal and Telegraph Act and telephone services ( " Official \_ list SFRJ", no . 2/86 and 26/90), in part which relates \_ on postal traffic and performance postal service , and provisions Act on communication systems , radio traffic and PTT traffic ( " Official sheet SRBiH ", number 15/90), in part which relates \_ on postal traffic and performance postal service , and everyone others regulations which they regulate matter which is the subject this one of the law .

### **Working time :**

Monday - Friday

7:30 - 15:30

### **Get in touch us :**

#### **BANJA LUKA**

+387 51 962 988

+387 51 962 989

+387 51 962 155

#### **BILJINA**

+387 64 4600-912

+387 64 4600-915

#### **SARAJEVO**

+387 33 873 770

+387 33 873 771

+387 33 873 772

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