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ENLARGED PARTIAL AGREEMENT ON SPORT (EPAS)

Report of the Consultative visit in Bosnia and Herzegovina
on the European Sports Charter,
as well as the implementation of the Recommendation Rec(2001)6
of the Committee of Ministers to member states
on the prevention of racism, xenophobia and racial intolerance in sport



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A. Auto-evaluation reports by the authorities of Bosnia and Herzegovina

BOSNIA AND HERZEGOVINA MINISTRY OF CIVIL AFFAIRS

Summary Report

Overview of sports organizations and state structures

Sarajevo, October 2010

1. INSTITUTIONAL STRUCTURE

1.1. The Council of Ministers of Bosnia and Herzegovina – The Ministry of Civil Affairs of Bosnia and Herzegovina

The BiH Sports Law regulates the sport in Bosnia and Herzegovina, the public interest and objectives of the competence of Bosnia and Herzegovina, Republic of Srpska and the Federation of BiH and the Brčko District of BiH and other levels of the administrative organization.

The Sports Department operates within the Ministry and was established on 1 January 2009. The responsibilities of the Sports Department are defined by Article 60 of the BiH Sports Law ("Official Gazette of BiH", No. 27/08 and 102/09):

- (a) organising and managing the drawing up of the Strategy,
- (b) preparing proposals for long-term and annual sports development programmes in Bosnia and Herzegovina,
- (c) proposing the sports sector budget,
- (d) preparing draft rules for classifying athletes and sports facilities,
- (e) drafting the rules governing the keeping of the register of legal and natural persons in the field of sport at the level of Bosnia and Herzegovina,
- (f) defining the content and form of sports IT systems in Bosnia and Herzegovina,
- (g) co-operating with sports alliances and other organisations and institutions,
- (h) defining the Strategy in sport at an international level,

- (i) performing administrative, professional and other activities in the field of sport under this Law.

The Ministry has a coordinating role in the sports field and collaborates with the other ministries responsible for sport at the Entity and cantonal level and the Brčko District of BiH.

The BiH Sports Council has been established at the state level and it is responsible for the development and quality of sport at the level of Bosnia and Herzegovina. The BiH Sports Council was established by the BiH Sports Law and acts as the highest advisory body to the Ministry of Civil Affairs of Bosnia and Herzegovina in the field of sport.

The BiH Sports Council has a total of 17 members appointed by the Council of Ministers of Bosnia and Herzegovina on the proposal of the Minister of Civil Affairs, as follows: president, two vice presidents and 14 members, elected among the prominent athletes and sports workers. The Council members are nominated by: the Ministry of Civil Affairs of Bosnia and Herzegovina – seven members; the Olympic Committee of Bosnia and Herzegovina – three members; the entities – three members each, in consultation with the Entity and cantonal ministries responsible for sport, and the Brčko District of Bosnia and Herzegovina – one member.

The Council has the responsibilities to:

- (a) provide opinions on the Strategy,
- (b) provide opinions on the Sport Development Programme,
- (c) provide opinions on annual sports plans and sports financial needs,
- (d) debate issues relevant to sport and propose and encourage the adoption of measures to promote sport,
- (e) propose priority projects, reports and studies for their financing in the system of public needs in sport,
- (f) propose guidelines for drawing up regulations governing the classification of athletes,
- (g) provide opinions and recommendations for the draft versions of regulations relating to sport,
- (h) perform other activities specified in this Law and other regulations.

1.2. Entity level

Article 1 of the Constitution of BiH (Annex 4 of the Dayton Peace Agreement) provides that Bosnia and Herzegovina consists of two entities, the Federation of Bosnia and Herzegovina and the Republic of Srpska.

The authorities responsible for sport at the Entity level, the Ministry of Culture and Sports of the Federation of BiH and the Ministry for Family, Youth and Sport of the Republic of Srpska. The Brčko District of BiH has a special department for economic development and sport within the Government of the Brčko District of BiH.

The Federation of BiH consists of 10 cantons. Each canton has a ministry responsible for sport:

1. Canton Sarajevo - Ministry of Culture and Sport
2. Zenica-Doboj Canton - Ministry of Education, Science, Culture and Sport
3. Tuzla Canton - Ministry of Education, Science, Culture and Sport
4. Una-Sana Canton - Ministry of Education, Science, Culture and Sport
5. Herzegovina-Neretva Canton - Ministry of Education, Science, Culture and Sport
6. Central Bosnia Canton - Ministry of Education, Science, Culture and Sport
7. Posavina Canton - Ministry of Education, Science, Culture and Sport
8. Bosnian Podrinje Canton - Ministry of Education, Science, Culture and Sport
9. West Herzegovina Canton - Ministry of Education, Science, Culture and Sport
10. Canton 10 - Ministry of Education, Science, Sports and Culture

Sport in the Federation of Bosnia and Herzegovina is organized in accordance with the responsibilities arising from the Constitution of the Federation of Bosnia and Herzegovina. The Ministry of Culture and Sport has a coordinating role that is defined by the Law on Federal Ministries and Other Bodies of the Federal Administration ("Official Gazette of the Federation of BiH", No. 19/03, 38/05, 02/06, 08/06 and 61/06).

1.3. Municipalities

The Federation of Bosnia and Herzegovina has 79 municipalities and the Republic of Srpska 63, while Sarajevo, Mostar, Banja Luka and Eastern Sarajevo have the status of a city. These 142 municipalities have an important role in supporting local sports clubs and building infrastructure.

2. NON-GOVERNMENTAL STRUCTURES

2.1. National level

The BiH Olympic Committee is a non-governmental organization at the state level that carries out activities in accordance with the Olympic Charter, the IOC Code of Ethics, the Olympic Movement Anti-Doping Code, the Joint Statement of Lausanne, the Law on Associations and Foundations of Bosnia and Herzegovina and the BiH Sports Law.

The BiH Olympic Committee brings together 24 sports federations: 19 summer Olympic sports, 5 winter Olympic sports and 2 non-Olympic sports.

2.2. Entity level

There are sports federations at the Entity level and they are responsible for the coordination of sports development with the municipalities for certain branches of sports (and cantons in the Federation of BiH) and sports clubs.

According to the information we have received by the Entity and cantonal ministries, 1221 sports club operate within the Federation of BiH and 750 sports clubs within the Republic of Srpska.

3. LEGISLATION

3.1. National level

Article 1 of the BiH Sports Law ("Official Gazette of BiH" No. 27/08 and 102/09) governs the sport in Bosnia and Herzegovina, the public interests and jurisdiction objectives of Bosnia and Herzegovina, Republic of Srpska, the Federation of BiH, Brčko District of BiH and other levels of the administrative organization. Article 8 of the BiH Sports Law provides for the identification of strategies for the sport development in Bosnia and Herzegovina, in order to achieve public interest and objectives in sport in Bosnia and Herzegovina.

The BiH Sports Development Strategy (2010-2014) was prepared by a working group within the Ministry for Civil Affairs and the BiH Parliamentary Assembly and it was adopted on 13 July, 2010. The Strategy is a document that provides strategic guidelines and action plan for the sports development in Bosnia and Herzegovina 2010 - 2014, with the aim of a prosperous development of sport, sports activities and sports infrastructure in BiH in line with the EU White Paper on Sport and other documents regulating the field of sport. An integral part of the Strategy is an Action Plan which sets targets, activities and stakeholders in key areas such as sports legislation, sports funding, top sports, etc.

Several regulations and decisions were made at the state level:

FIELD	NAME	YEAR	OFFICIAL GAZETTE OF BIH
REGISTER	<i>Regulations on Keeping the Register of Legal and Natural Persons in the Field of Sport at the Level of Bosnia and Herzegovina</i>	2008.	104/08

CLASSIFICATION	<i>Regulations on the Classification of Athletes at the Level of Bosnia and Herzegovina</i>	2008.	02/09
	<i>Decision on the Appointment of the Commission to Draft the Proposal of the Decision on Awarding the Deserving Athlete Title of BiH and the International Class Athlete</i>	2009.	44/09
	<i>Regulations Amending the Regulations on the Classification of Athletes at the Level of BiH</i>	2009.	96/09
	<i>Decision on Awarding the Deserving Athlete Title of Bosnia and Herzegovina and the International Class Athlete</i>	2010.	30/10
	<i>Decision on the Amount of the Remuneration for the Deserving Athlete of Bosnia and Herzegovina and the International Class Athlete</i>	2010.	43/10
STATE AWARD	<i>Decision on Establishing the State Sports Award of BiH</i>	2008.	02/09
	<i>More Detailed Criteria for Awarding the State Sports Award of BiH</i>	2009.	78/09
	<i>Decision on the Amount of the Cash Portion of the State Sports Award of BiH and the Award of Letters of Thanks in 2009</i>	2009.	03/10
	<i>Decision to Grant the State Sports Award of BiH</i>	2009.	07/10
CURRENT GRANT	<i>Decision on the Criteria for the Allocation of Current Grant Funds "Co-financing of Sports Events" in 2009</i>	2009.	31/09
	<i>Decision on the Allocation of Current Grant "Co-financing of Sports Events" in 2009</i>	2009.	57/09
	<i>Decision on the Method to Distribute the Remaining Funds from the Current Grant "Co-financing of Sports Events" in 2009 amounting to 100,000 KM</i>	2009.	98/09
	<i>Decision on the Distribution of the Remaining Funds from the Current Grant</i>	2009.	03/10
	<i>Decision on the Criteria for the Allocation of the Current Grant Funds "Co-financing of Sports Events" in 2010</i>	2010.	29/10
	<i>Decision on the Allocation of the Current Grant Funds "Co-financing of Sports Events" in 2010</i>	2010.	58/10

	<i>Decision on the Allocation of the Current Budget Reserve of the BiH Institutions Budget and the International Liabilities of BiH in 2010</i>	2010.	73/10
SPORTS COUNCIL	<i>Decision on the Appointment of the BiH Sports Council</i>	2009.	40/09
	<i>Decision on the Amount of Cash Remuneration for the Work in the BiH Sports Council</i>	2009.	89/09
	<i>Decision on the Amount of Cash Remuneration for the Work in the BiH Sports Council</i>	2010.	58/10

In accordance with Article 8 of the BiH Sports Law, the Sports Department of the Ministry of Civil Affairs has made a proposal for the development of sports programs in Bosnia and Herzegovina in 2011 and submitted it to the Entities, Brčko District of BiH and the BiH Sports Council for approval.

The Regulations on the Classification of Sports Facilities, whose adoption is provided by Article 57 of the BiH Sports Law, has not yet been agreed upon by the Entity ministries responsible for sport, as provided in the above article.

3.2. Entity level

a) The Federation of Bosnia and Herzegovina

Sports organizations - clubs and sport federations at the cantonal level are organized in accordance with the laws on associations of citizens which are passed by the cantons. In accordance with the statutory responsibilities, the nine cantons (Una-Sana, Posavina, Tuzla, Zenica-Doboj, Central Bosnia, West Herzegovina, Bosnian Podrinje, Herzegovina-Neretva and Sarajevo Canton) have passed laws on sport. Canton 10 addressed this issue by the Decision on the Method of Financing Sports and Physical Education in the Canton area. In accordance with the statutory provisions, some cantons have adopted the secondary legislation regulating certain issues in more detail.

Only three cantons (West Hercegovina, Herzegovina-Neretva and Sarajevo Canton) have adopted laws on the prevention of violence and misbehavior at sports events.

All passed laws refer to the principles and standards established under the European Sports Charter, the European Convention on Human Rights and Fundamental Freedoms and other international and European conventions relevant to sport.

In accordance with the provisions of the BiH Sports Law, the preparation of a Federation law, which will provide for the public interest in sport and define the relationship to this very significant activity, is in progress. Their duties and obligations under international conventions will be declared through public interest and the program that will ensure a high

degree of participation of the population in sports activities. One of the objectives of the Federation law is to regulate the issues of organizing sport at this level as a prerequisite for the association at the level of Bosnia and Herzegovina.

b) The Republic of Srpska

Sport in the Republic of Srpska is regulated by the Sports Law and a number of bylaws governing the issue of financing, organization and classification of athletes and sports organizations.

The provisions of the European Sports Charter are incorporated into the text of the Sports Law with the certain solutions specific to the method of organizing the sport in the Republic of Srpska. The recommendation on the prevention of racism, xenophobia and racial intolerance is incorporated in the text of the Law on the Prevention of Violence at Sports Events.

The following laws and bylaws are adopted in the Republic of Srpska:

- Sports Law (Official Gazette of the Republic of Srpska, No. 4 / 02, 66/03, 73/08 and 102/08),
- Law on the Prevention of Violence at Sports Events ("Official Gazette of the Republic of Srpska" No. 14/04),
- Regulations on the Registration of Sports Organizations and Other Organizations in the Field of Sport ("Official Gazette of the Republic of Srpska" No. 98/09)
- Regulations on the Conditions and Criteria for Funding Sports Development Stakeholders in the Republic of Srpska ("Official Gazette of the Republic of Srpska" No. 17/10),
- Regulations on the Sports Classification with the Nomenclature of Sports Branches and Branches of Sport in the Republic of Srpska ("Official Gazette of the Republic of Srpska" No. 74/09),
- Regulations on the Conditions and Criteria for the Scholarships of Promising Athletes ("Official Gazette of the Republic of Srpska" No. 15/07),
- Regulations on the Professional Development and Training of Professional Personnel in the Field of Sport with the Nomenclature of Occupations and Sports Titles ("Official Gazette of the Republic of Srpska" No. 59/07),
- Regulations on Public Ski Terrains ("Official Gazette of the Republic of Srpska" No. 77/02)
- Regulations on the Organization of School Sport in the Republic of Srpska ("Official Gazette of the Republic of Srpska, No. 108/07 and 99/09),
- Regulations on the Health Supervision and Health Care of Persons Engaged in Organized and Systematic Physical Exercises and Sports Activities ("Official Gazette of the Republic of Srpska" No. 28/02),

- Instructions for the Unique Drawing up of the Scheme of the Sports Federations of the Republic of Srpska ("Official Gazette of the Republic of Srpska", No. 112/06 and 64/07),
- Instructions for the Registration of Sports Organizations in the Ministry of Family, Youth and Sport.

4. SPORTS FUNDING

4.1. Current Grant

The Ministry of Civil Affairs annually allocates grant funds to the sports associations and federations. The Ministry grant amounted to 1.3 million KM in 2009 and 2010 and a total of 99 legal entities (sports/clubs) are covered by the 2009 grant, while 158 projects of the sports organizations have been supported by the current grant in 2010.

Table: Overview of the funds from the Federation of Bosnia and Herzegovina, Republic of Srpska, Brčko District of BiH and cantons allocated for sport in 2010.

LEVEL OF ADMINISTRATIVE ORGANIZATION	RESPONSIBLE INSTITUTION	PLANNED BUDGET FUNDS	TYPE
ENTITY LEVEL	Federal Ministry of Culture and Sport	1.281.999,00 KM	Transfer for sports important for the Federation of BiH
	Ministry for Family, Youth and Sport of RS	3.751.000,00 KM	Support for sports organizations, the RS Small Olympic Games project; RS national sports awards; Support for top and promising athletes in RS; Support for sports organizations of disabled persons in RS; Support for financing sports clubs in the Brcko District of BiH; Financing projects and programs in accordance with the Law on Games of Chance; Support for the construction, reconstruction and restoration of sports facilities.
BRČKO DISTRICT OF BIH	Department for Economic Development and Sport	/	/

CANTONAL LEVEL	Sarajevo Canton (Ministry of Culture and Sport)	/	/
	Tuzla Canton (Ministry of Education, Science, Culture and Sport)	/	/
	Zenica-Doboj Canton (Ministry of Education, Culture and Sport)	810.000,00 KM	Transfer for sport
	Herzegovina-Neretva Canton (Ministry of Education, Science, Culture and Sport)	150.000,00 KM	Transfer for sport
	Una-Sana Canton (Ministry of Education, Science, Culture and Sport)	650.000,00* KM	
	Bosnian Podrinje Canton (Ministry of Education, Science, Culture and Sport)	300.000,00 KM	Transfer for sport
	West Herzegovina Canton	100.000,00 KM	Support for league and tournament competitions (registration fees of clubs and support for club activities); School sport (Cantonal sports games and competitions at the level of the Federation of BiH and BiH, where the school sport is represented); Special programs; Sport for disabled persons; emergency funds
	Canton 10	150.000,00 KM	
	Posavina Canton	170.000,00 KM	Funds for sport and sports events
	Central Bosnia Canton	735.000,00 KM	Sports funds

4.2. Additional Funds

At its 129 session, held on 27 July 2010, the Council of Ministers made the Decision on the allocation of funds from the current Budget reserve of the BiH Institution Budget and international liabilities of BiH in 2010, by which the Ministry of Civil Affairs approves the allocation of funds in the amount of 300.000,00 KM as a special purpose program "funds for top performance athletes." Afterwards, the Council of Ministers at its 133 session, held on 14 September 2010, adopted the Decision on establishing the criteria and method for allocating funds from the Budget reserve for the top performance athletes in the field of sport in BiH in 2010. A public invitation text, which will be published in three daily newspapers in BiH and on the website of the Ministry of Civil Affairs, is been prepared now.

4.3. State Sports Award of Bosnia and Herzegovina

The decision to grant the BiH State Sports Award was made at the 110 session of the Council of Ministers held on 30 December 2010. Granting the State Award was organized on 24 February 2010 when plaques and cash awards were given to the winners of National Sports Award of BiH. In accordance with the Decision on the Amount of the Cash Portion of the State Sports Award of BiH and the Award of Letters of Thanks in 2009, the amount of remuneration was:

- a) First prize 10.000,00 KM,
- b) Second prize 6.000,00 KM,
- c) Third prize 4.000,00 KM.

The cash portion of the BiH State Sports Award is awarded on the basis of the provisions of the More Detailed Criteria for Awarding the State Sports Award of BiH ("Official Gazette of BiH" No. 78/09).

4.4. Remunerations for the Deserving Athletes of Bosnia and Herzegovina and the International Class Athletes

The decision on the amount of the remuneration for the deserving athlete of Bosnia and Herzegovina and the international class athlete was adopted by the Council of Ministers at its 120th session held on 29 April 2010, and it established the amount of funds to be allocated to the athletes who were classified in accordance with the Regulations on the Athlete Classification at the state level. The deserving athlete of Bosnia and Herzegovina in 2010 was provided with the monthly cash remuneration in the amount of 560.00 KM, while the international class athlete in 2010 was provided with the annual one-off cash remuneration in the total amount of 3.000,00 KM. The funds for this purpose were provided in the budget of the Ministry of Civil Affairs of Bosnia and Herzegovina in 2010 under the item of the current grant, "Co-financing of Sports Events."

Please note that the Ministry of Family, Youth and Sport awards the National Sports Awards of the Republic of Srpska in accordance with the Sports Law.

BOSNIA AND HERZEGOVINA
MINISTRY OF CIVIL AFFAIRS

Report on the Implementation of the European Sports Charter

Sarajevo, October 2010

Article 1 - The Charter objective

Article 4 of the BiH Sports Law ("Official Gazette of BiH" No. 27/08 and 102/09) provides that a sport in Bosnia and Herzegovina is based on the principles and standards of the European Sports Charter.

Article 3 - Sports Movement

The Ministry of Civil Affairs of Bosnia and Herzegovina has established a very close cooperation with NGOs in the field of sport, particularly the Olympic Committee and sports federations at the state level. The representatives of these organizations are involved in working groups (drafting the Strategy for Sports Development in Bosnia and Herzegovina and other secondary legislation) and represented in the BiH Sports Council (respected sports athletes and sports workers are appointed to the Council by the Ministry of Civil Affairs of BiH, the Entities and BiH Olympic Committee), but are also in other ways involved in sports activities in Bosnia and Herzegovina. The Ministry relies on their expertise and regularly consults with the BiH Sports Council, and thus implements this Article of the European Sports Charter and establishes the mechanisms for the sports development and coordination. The activities of the sports federations and BiH Olympic Committee are each year co-financed through a grant awarded by the Ministry.

The Entity ministries cooperate closely with sports organizations (Entity sports associations and clubs) and financially support their projects and activities.

The Ministry of Justice is an important factor in the sports movement because of its important role in the registration of sports associations. At the state level a sports association is established in accordance with the Sports Law in Bosnia and Herzegovina ("Official Gazette BiH" No. 27/08 and 102/09) and the Law on Associations and Foundations of BiH ("Official Gazette of BiH" No. 32 / 01, 42/03 and 63/08), based on the decision of the Entity sports federations on voluntary merging. In the event of a dispute between the Entity sports federations, the Council of Ministers decides. If there is no sports federation for a sport at the Entity level due to underdevelopment of the sport, the registration of sports association at the state level is carried out only with the consent obtained by the Ministry of Civil Affairs, until the requirements of Article 22 of the Sports Law are met.

Article 24 of the BiH Sports Law provides that the Olympic Committee of Bosnia and Herzegovina is a non-governmental sports association that carries out activities in accordance with the provisions of the Olympic Charter, the IOC Code of Ethics, the Olympic Movement Anti-Doping Code, the Joint Statement of Lausanne, the Law on Associations and Foundations of BiH and the BiH Sports Law itself. Program of activities of the BiH Olympic Committee is subject to Article 27 of the BiH Sports Law.

Article 4 - Facilities and activities

Article 55 of the Sports Law provides that sports facilities should be accessible to disabled people. It also provides that they should meet the regulations of international sports associations and standards established by the relevant laws and regulations.

Disabled persons can face particular problems when they want to join some sports facilities considering that many of them are not renewed and adapted to the needs of this group of people. However, new sports facilities are built and the special requirements of disabled persons are taken into account during the construction. A large number of non-governmental organizations have launched a positive action by organizing sports programs for children with special needs (e.g. children suffering from Down's syndrome). Such projects are financially supported by municipalities and cantons.

Many buildings were damaged during the war and their reconstruction after the Dayton Peace Agreement is often very slow. Municipalities, cantons and the Entities allocate funds for the construction of new facilities, but more funding and support are needed to strengthen the development of sport and sports infrastructure. At this time the Ministry of Civil Affairs has no quantitative information on sports facilities in the country and addressing this issue has begun by drafting rules on the classification of sports facilities in Bosnia and Herzegovina. Article 56 of the BiH Sports Law provides that, at the level of BiH and its Entities, in accordance with the international standards, registers on the classification of sports facilities are kept in conformity with the special rules on the classification of sports facilities established by the Minister of Civil Affairs of BiH on the proposal of the Entity ministries responsible for sport. The Entity ministries responsible for sport undertook the obligation of submitting the draft regulations to the Ministry of Civil Affairs of BiH, but it has not yet been agreed.

There is no apparent discrimination based on gender, race, colour, language, religion, political or other opinion, national or social origin, in terms of availability of sports activities. We can say that everyone has free access to sports activities if such interest exists.

Article 5 - Building foundations

Physical education is a compulsory subject in all primary and secondary schools in Bosnia and Herzegovina. One academic year lasts 35 weeks and each week two lessons are intended for physical education (1 lesson lasts 45 minutes). In the Republic of Srpska school classes are conducted from second to fourth grade of primary schools in the volume of three lessons a week. All students are involved and there is no division on the basis of gender or other type of affiliation.

One of the reasons for such divisions is the lack of consensus on the material to be taught, especially with history. The Minister of Civil Affairs Mr. Sredoje Novic is the head of the Conference of Ministers of Education in Bosnia and Herzegovina, which was established in 2008 as a permanent and highest advisory body in the field of education. The tasks of the Conference were, inter alia, to analyze, assess status, progress and needs of the entire educational system in Bosnia and Herzegovina, propose strategic priorities for education reform to the authorities, provides advice and recommendations to the competent authorities for the harmonization of policies and strategic plans for the education development. Sport is an integrating factor and as such should be used for bringing children together regardless of their ethnicity or any other affiliation.

The education ministries at the Entity and cantonal level are responsible for the curricula of physical education at schools.

In addition to compulsory physical education classes, students have the opportunity to join the sports sections within their school and practice different sports. Students use the possibility of extra-curricular activities in sports and later participate in competitions that are organized between schools in the same area (municipal, cantonal, Entity).

The Small Olympic Games of primary and secondary schools are organized each school year in the Republic of Srpska including competitions in seven sports (football, volleyball, basketball, handball, athletics, gymnastics and skiing).

A series of events which include students from elementary and high schools is organized in the Sarajevo Canton like Spring Cross (racing in nature) in which more than 2 000 students participate, General Program Secondary School (Gymnasium) Competition where representatives from nine secondary schools participate and compete in four sporting disciplines.

The condition of sports facilities in schools varies. Many schools have been restored or built anew after the war, however there are still buildings in smaller urban areas that are inadequate and where physical education cannot be practiced in a satisfactory manner.

In areas where schools have sports halls, in the hours after school the latter are often rented to sports organizations, recreational sports groups or students engaged in sporting activities in these hours. Thus the full capacity of the sports halls is exploited during the day (as well as in the evening hours).

Article 6 - Developing participation

Promotion of sports for relaxation and recreation, health promotion or fitness is generally left to the municipal and cantonal administrative level. The Sports Law provides that the affirmation of sport and its values as a part of culture and total material and spiritual values of society is public interest. Article 30 of the Law provides that the associations/clubs of sports recreation are joined in the Federation of Sports Recreation of Bosnia and Herzegovina in accordance with Article 22 of the Law.

Article 7 - Improving results

The BiH Olympic Committee, in cooperation with sports federations, provides support in areas such as detection of talents and counseling, provision of appropriate facilities, treatment development and support to sports medicine and sports science. The Olympic Committee regularly organizes basic training and educational workshops for the sports participants (coaches, managers, nurses, sports professionals, etc). However, this area is the competence of sports associations.

Article 8 - Support for excellent and professional sport

Athletes who demonstrate exceptional sporting qualities are included in the classification that governs the Regulations on the Athletes Classification at the level of Bosnia and Herzegovina ("Official Gazette of BiH" No. 02/09) and thus acquire the right to a monthly remuneration for the sports achievements. The first classification was made in 2010 and covers 27 athletes, of which 17 deserving athletes and 10 athletes of the international class. Another type of support to professional athletes is the annual State Sports Award which was established this year. The State Sport Award has been awarded for the first time in 2009.

In the Republic of Srpska, the Ministry for Family, Youth and Sport grants sports awards in accordance with the Sports Law of the Republic of Srpska, and in certain cantons the athletes with excellent results are already entitled to cash compensation.

BOSNIA AND HERZEGOVINA
MINISTRY OF CIVIL AFFAIRS

**A report on compliance with the obligations arising from
the Recommendation of the Committee of Ministers to Member States on the prevention
of racism, xenophobia and racial intolerance in sport**

Sarajevo, October 2010

The framework for the prevention of racism, xenophobia and racial intolerance in Bosnia and Herzegovina is provided by the Anti-Discrimination Law in Bosnia and Herzegovina ("Official Gazette" No. 59/09), BiH Law on Gender Equality ("Official Gazette" No. 16/03), Law on Prevention of Violence at Sporting Events ("Official Gazette of the Republic of Srpska" No. 14/04), and criminal laws that provide for criminal liability at the Entity and state level as well as the offence laws at the Entity and cantonal levels.

The Anti-Discrimination Law was adopted on 23 July 2009 and provides for the forms of discrimination, the institutions responsible for protection from discrimination as well as measures to prevent the discrimination. Article 6 of this Law provides for the area of application and specifies that the provisions of the Law are applied in the field of sport. The central institution responsible for preventing discrimination is the Office of the Ombudsman for Human Rights in Bosnia and Herzegovina. The competent institutions in Bosnia and Herzegovina are responsible for collecting all information about cases in which discrimination is made and that information must be submitted to the Ministry for Human Rights and Refugees of Bosnia and Herzegovina. This Ministry monitors the implementation of the Law.

The Law on Gender Equality in Bosnia and Herzegovina was adopted on 21 May 2003. It promotes and protects gender equality and guarantees equal opportunities for all citizens, both in public and private spheres of society, and prohibits direct and indirect discrimination based on sex. The chapter VII "Sport and Culture" provides that everyone has the equal rights and opportunities for participation and access to sports and cultural life, regardless of gender. The competent authorities are required to take all measures to prevent discrimination, so that everyone has the access to every branch of sport and sports activities.

The Parliamentary Assembly of Bosnia and Herzegovina rejected the proposal of the Law on the Prevention of Riots in the Sports Fields in Bosnia and Herzegovina in 2009.

Article 58 of the BiH Sports Law ("Official Gazette" No. 27/08 and 102/09), which was adopted in 2008, provided for the following: "In order to prevent and combat violence and misconduct of spectators at sporting events, Bosnia and Herzegovina and the Entities shall be required to take the necessary measures in accordance with the European Convention on Spectator Violence and Misbehaviour at Sports Events, especially football games."

The Law also provides that the method and measures to prevent violence and inappropriate behavior at sports events will be regulated by a special law.

The Republic of Srpska adopted the Law on Prevention of Violence at Sports Events in which the fines in the amount ranging from 600 to 1,500 KM or imprisonment for a period of 30-60 days are specified for those who provoke hatred, intolerance, shout slogans and paroles of obscene and offensive content, and carry or emphasize offensive banners and other symbols at sports events.

The Law on Prevention of Violence and Misbehavior at Sports Events is adopted in the Sarajevo Canton in 2007. This Law prohibits emphasizing features, banners and shouting slogans of offensive content. Fines are provided in the amount ranging from 1,000 to 10,000 KM, and there is a possibility of imposing a ban on attendance for misbehaviour participants at sports events.

As for the professional national sports associations it is important to emphasize that the Football Association of Bosnia and Herzegovina operates in accordance with the UEFA Safety and Security Regulations at Football Matches.

The provisions of the Regulations are mandatory for all clubs at the federal level of competition, the organizers of international matches within the UEFA and FIFA competitions and the international friendly matches in Bosnia and Herzegovina.

Also, the Football Association of Bosnia and Herzegovina complies with the Disciplinary Regulations of FIFA, in which a special chapter is dedicated to the measures taken in case of abusive and racist behavior of players and experts at the football field during the match.

The Joint Commission of the Parliamentary Assembly of Bosnia and Herzegovina for Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics also addresses racism and other forms of intolerance.

As already noted, the Institution of the Ombudsman for Human Rights in Bosnia and Herzegovina has a special role in this subject area. The department for the elimination of all forms of discrimination operates within this institution. The Ministry of Justice of BiH, Ministry of Human Rights of BiH, Ministry of Security of BiH, and Entity Ministries of Justice, State Investigation and Protection Agency of Bosnia and Herzegovina, Ministry of Civil Affairs, and Entity and cantonal ministries of internal affairs are, if necessary, included in the prevention of racism, xenophobia and racial intolerance in sport.

The Ministry of Civil Affairs, specifically the Sports Department which has been operational since early 2009, has so far received no reports of discrimination in sport, or racism, xenophobia and racial intolerance in sport. However, it is evident that certain problems in Bosnia and Herzegovina exist. *(In support of this, the last case of hooliganism was registered before the start of a Premier League match Široki Brijeg - Sarajevo, in early October when, due to the hooliganism, violence and nationalism, one supporter lost his life, and another 15 supporters and 16 policemen were injured during the riots. In September 2010 there was a clash between the supporters of the football club "Borac" and security guards during the*

game Sarajevo-Borac. A few Borac supporters and one security guard were injured in this incident.)

Bearing in mind the importance of preventing this type of misconduct, the Society of Psychologists in the Federation of BiH organized a conference on preventing violence at sports events in September 2010 under the auspices of the Ministry of Security. The aim of the conference was to define concrete measures that would contribute to reducing and controlling riots at sports events, and was attended by the experts in the field of psychology, sociology, law and sports, as well as the representatives of all levels of government, police, sports associations, clubs, fans and media.

B. Report of the evaluation team

Introduction

At the request of the authorities of Bosnia and Herzegovina, the consultative visit covered the present organisation of sport in the light of the European Sports Charter, as well as the implementation of the Recommendation Rec(2001)6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and racial intolerance in sport.

The visit was carefully organised and warmly hosted by representatives of the Council of Ministers of Bosnia and Herzegovina. The evaluation team was well looked after, and provided with information and documentation.

The evaluation team was able to get an insight into all relevant aspects of sport policy of Bosnia and Herzegovina and had direct talks with key persons involved in sport at different levels (entities). The team had the opportunity to meet high-ranking officials from public authorities and the sports movement, qualified experts and practitioners involved in sport. The discussions were conducted in a spirit of openness and transparency. Those involved in the organisation of Sport in Bosnia and Herzegovina have shown open-mindedness for new ideas.

The sport scheme of Bosnia and Herzegovina is ruled under the principles of autonomy of sport and decentralisation of competences of the public authorities. The task of the Council of Ministers at state level is to define the Law on Sport, but several competences are shared with or delegated to entities at district, cantonal or municipal levels. However the Sport Department of the Ministry of Civil Affairs of Bosnia and Herzegovina, as well as the National Olympic Committee represent key bodies of public authorities and the sports movement.

Over the last three years, the Sport policy of Bosnia and Herzegovina has taken off. The origin of this process is certainly the Lausanne Declaration in which the governmental and sports authorities of Bosnia and Herzegovina resolved to organise sport at the level of the entire state. One of the major achievements is the adoption of the law on Sport, passed in February 2008, setting a framework for the organisation of sport in Bosnia and Herzegovina, the Establishment of a Sport Department in the Ministry of Civil Affairs and the organisation of the sports movement (to date 30 national federations) at the federal level.

European Sports Charter

Article 1 Aim of the Charter

Governments, with a view to the promotion of sport as an important factor in human development, shall take the steps necessary to apply the provisions of this Charter in accordance with the principles set out in the Code of Sports Ethics in order:

- i. to enable every individual to participate in sport and notably:*
 - a. to ensure that all young people should have the opportunity to receive physical education instruction and the opportunity to acquire basic sports skills,*
 - b. to ensure that everyone should have the opportunity to take part in sport and physical recreation in a safe and healthy environment, and, in co-operation with the appropriate sports organisations,*

- c. *to ensure that everyone with the interest and ability should have the opportunity to improve their standard of performance in sport and reach levels of personal achievement and/or publicly recognised levels of excellence,*
- ii. *to protect and develop the moral and ethical bases of sport and the human dignity and safety of those involved in sport, by safeguarding sport, sportsmen and women from exploitation for political, commercial and financial gain and from practices that are abusive or debasing including the abuse of drugs and the sexual harassment and abuse, particularly of children, young people and women.*

The Public authorities of Bosnian and Herzegovina demonstrated their commitment to take steps towards implementing the European Sports Charter. The European Sports Charter is mentioned as international background of the Law on Sport. It was reported that the entities and cantons which have already adopted sports laws, are also referring to the European Sports Charter. The situation is difficult to assess, as the organisation and the development of sport policies varies a lot between the entities. However, as far as the evaluation team was able to consider the situation, not all provisions of the Charter have yet been transposed into the law and there is no clear sharing of competences between the different levels of authorities (even if it were to specify what the competences of the state level are).

The evaluation team understands that the sport strategy 2010-2013, developed by the Ministry of Civil Affairs in close partnership with the Olympic Committee, further clarifies how competences are shared and how the different levels in states structures and sport structures are working together. It was reported that the strategy focuses on top sport while at the same time setting out goals for the development of facilities, sport laws and funding mechanisms.

Recommendation

- Clarify, within a standard (e.g. strategic policy paper) the aims and objectives of the Sports policies of Bosnian and Herzegovina. The further development of the Sport law may constitute a good opportunity to clarify these aims. This standard should mention the competences and responsibilities of authorities at state level, but should also mention all aims and objectives of sports policies implemented at lower levels, to provide guidance in line with the European Sports Charter to the authorities at other levels.
- Disseminate the text of the European Sports Charter to the sports movement, the different entities and other authorities sharing competences in the field of sport.

Article 2 Definition and Scope of the Charter

1. For the purpose of this Charter:

- a. *"Sport" means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.*
- b. *This Charter complements the ethical principles and policy guidelines set out in:*
 - i. *the European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches,*
 - ii. *the Anti-Doping Convention.*

The definition of sport in article 2 of the Law on Sport is compatible with the definition of the Charter. Bosnia and Herzegovina has ratified both sports conventions. Even though the purpose

of the visit was not spectator violence, the team understood that spectator violence is an exigent issue and that there might be gaps in the implementation of this convention.

Recommendation

→ Prepare an auto-evaluation report on the European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches, with a view to invite a monitoring visit of the Standing Committee T-RV.

Article 3 The Sports Movement

- 1. The role of the public authorities is primarily complementary to the action of the sports movement. Therefore, close co-operation with non-governmental sports organisations is essential in order to ensure the fulfilment of the aims of this Charter, including where necessary the establishment of machinery for the development and co-ordination of sport.*
- 2. The development of the voluntary ethos and movement in sport shall be encouraged, particularly through support for the work of voluntary sports organisations.*
- 3. Voluntary sports organisations have the right to establish autonomous decision-making processes within the law. Both governments and sports organisations shall recognise the need for a mutual respect of their decisions.*
- 4. The implementation of some of the provisions of this Charter may be entrusted to governmental or non-governmental sports authorities or sports organisations.*
- 5. Sports organisations should be encouraged to establish mutually beneficial arrangements with each other and with potential partners, such as the commercial sector, the media, etc, while ensuring that exploitation of sport or sportspeople is avoided.*

Co-operation has been established between the sports movement and public authorities. The Sport Council, which has an advisory role at state level, is a tool for this co-operation. The co-operation that took place with the National Olympic Committee in the preparation of the Sport strategy is another concrete example of the dialogue and partnership between public authorities and sports movement.

The development of the sports movement is recent, but there are now about 30 federations organised at state level. The NOC involves some non olympic organisations as associated members. All national federations hold top level competitions at state level. Most sport organisations are also organised at entity level, whereas some sports organisations are more fragmented in the Federation of BiH.

According to the provided information and the discussions with sports movement representatives, the evaluation team considers the Sports movement in Bosnia and Herzegovina as autonomous. Some federations have ongoing negotiations with their International Federations to ensure their compliance with international regulations. This is the case for the Football Federation whose current presidency structure and duration of the term of office of the President may not be in compliance with the UEFA requirements.

Recommendation

- Support the establishment of an umbrella organisation that would represent the whole sport movement; either in helping the NOC to become this umbrella organisation representing the entire sports movement, or in inviting the national federations to build a sport confederation at state level.
- Involve actively the Sport Council as a platform of exchange and co-ordination between the Sports movement (in particular NOC or Sports Confederation) and the public authorities;
- Involve a representative of the sports movement in the national delegation to the EPAS Governing Board and to Ministerial meetings.

Article 4 Facilities and Activities

- 1. No discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, shall be permitted in the access to sports facilities or to sports activities.*
- 2. Measures shall be taken to ensure that all citizens have opportunities to take part in sport and, where necessary, additional measures shall be taken aimed at enabling both young gifted people, as well as disadvantaged or disabled individuals or groups to be able to exercise such opportunities effectively.*
- 3. Since the scale of participation in sport is dependent in part on the extent, the variety and the accessibility of facilities, their overall planning shall be accepted as a matter for public authorities. The range of facilities to be provided shall take account of public, private, commercial and other facilities which are available. Those responsible shall take account of national, regional and local requirements, and incorporate measures designed to ensure good management and their safe and full use.*
- 4. Appropriate steps should be taken by the owners of sports facilities to enable disadvantaged persons including those with physical or mental disabilities to have access to such facilities.*

Bosnia and Herzegovina used to have a dense network of sport facilities. However, many of these facilities were destroyed by the war and lack of financial means prevents public authorities and sport organisations from maintaining these facilities. Indeed, leaders and practitioners from the sports movement consider the material situation of the sport facilities to be the biggest problem in Bosnia and Herzegovina. While some top clubs managed to set up facilities of good quality (e.g. Широки Бриек), the state of sport facilities accessible for young people or sport for all practitioners is rather bad. In most cases sports facilities are owned by Municipalities or schools, but two football clubs have their own stadiums. Entities, cantons and municipalities are investing a lot in sport facilities, but there may be important differences in the development of infrastructures between the different parts of the country.

EPAS will draw the attention of the International federations which are members of its Consultative Committee and which are supporting infrastructure projects to the situation and the needs of Bosnia and Herzegovina. Sports organisations also participate in different international projects designated to improve and modernise sports facilities (e.g. UEFA programmes). It was reported that unfortunately EU funding programmes are not available for sports.

There is a large offer of activities for disabled people in Bosnia and Herzegovina. This group has a fairly good access to sport facilities, but suffers from the general situation of facilities.

Recommendation

- Public authorities are invited to consider existing structured development projects or the establishment of public-private partnerships (PPP) to improve the facilities (EPAS may consider the organisation of a seminar on PPP good practices related to the development of sport facilities).
- Public authorities at all levels are invited to prepare proposals for a long-term and annual sports facility development programme in Bosnia and Herzegovina, and, if possible to allocate resources to this programme.

Article 5 Building the Foundation

Appropriate steps shall be taken to develop physical fitness and the acquisition of basic sports skills and to encourage the practice of sport by young people, notably:

- i. by ensuring that programmes of and, facilities for sport, recreation and physical education are made available to all pupils and that appropriate time is set aside for this;*
- ii. by ensuring the training of qualified teachers in this area at all schools;*
- iii. by ensuring that appropriate opportunities exist for continuing the practice of sport after compulsory education;*
- iv. by encouraging the development of appropriate links between schools or other educational establishments, school sports clubs and local sports clubs;*
- v. by facilitating and developing the use of sports facilities by schools and by the local community;*
- vi. by encouraging a climate of opinion in which parents, teachers, coaches and leaders stimulate young people to take regular physical exercise;*
- vii. by providing education in sports ethics for pupils from primary school onwards.*

The Sports Department of Bosnia and Herzegovina does not ensure development and implementation of a national sports policy in the fields of preschool education, general basic education and general secondary education and professionally oriented education (sports schools). In the agenda of the consultative visit did not include visits to schools to see physical education lessons in progress.

There is compulsory organisation of physical activities foreseen, which determines physical education classes 3 times a week in primary schools and 2 times a week in secondary schools. Teachers of physical education are trained at several universities and high-schools specialised in pedagogical education. There were some indications from representatives of the Ministry of Interior (Republic Srpska) on not having well enough qualified physical education teachers. During the visit experts highlighted that education and training of the PE teachers should provide them with the necessary expertise to give clear and precise messages to pupils to raise awareness on physical activities.

The co-operation between municipalities, sports clubs and schools was mentioned several times during the visit, especially in developing the use of sports facilities by schools. Sports stakeholders complained on sports facilities and equipment in schools, mentioning that in some cases children do not have changing rooms in stadiums. Despite insufficient level of sports facilities, schools are able to practice and promote sports. It was underlined that trainers of sports organisations play important role in the promotion of physical activity. Their educational

background should provide them with all necessary expertise to help people find right ways for training.

Recommendation

- Sports Department is invited to foster co-operation with accordant ministry responsible for education in order to co-ordinate the sports educational system.
- Public authorities are invited to set up qualification system for PE teachers to see if teachers correspond to requirements recognised by the State.
- Access to coach training courses shall be ensured to increase their qualification.

Article 6 Developing Participation

1. The practice of sport, whether it be for the purpose of leisure and recreation, of health promotion, or of improving performance, shall be promoted for all parts of the population through the provision of appropriate facilities and programmes of all kinds and of qualified instructors, leaders or "animateurs".

2. Encouraging the provision of opportunities to participate in sport at work places shall be regarded as an integral part of a balanced sports policy.

There are a lot of sports clubs acting in schools, facilities involving many pupils. Lately co-operation between schools and sports organisations has been positively developed. Although school sports facilities are from time to time being rented out to third parties (sports clubs), this may decrease the possibilities for pupils to take extra physical activities. Nevertheless, it should be mentioned that sports organisations have a special role in the promotion of the grassroots sports activities.

Unified sports competition system has also been set. Pseudo Olympiads, cantonal sports games and competitions at the federation and state level are being organised involving pupils from schools and youth to take part in different sports competitions. During the visit no evidence was provided that the workplace is the primary site in adult daily life where physically active lifestyle is supported. National fiscal policy may limit such initiatives.

Recommendation

- Sports Department is invited to engage in inter-ministerial partnerships, especially between ministries responsible for health and sport, aimed at strengthening co-operation with public health institutions to support programmes for active and healthy lifestyle.
- Sports Department is invited to take care of promotion and co-ordinate more information about the different types of sports and activities which are available in local areas.

Article 7 Improving Performance

The practice of sport at higher levels shall be supported and encouraged in appropriate and specific ways, in co-operation with the relevant sports organisations. The support will cover such areas as talent identification and counselling; the provision of suitable facilities; developing care and support with sports medicine and sports science; encouraging scientific coaching and coach education and other leadership functions; helping clubs to provide appropriate structures and competitive outlets.

Article 8 Supporting Top level and Professional Sport

1. *Methods of providing appropriate direct or indirect support for sportsmen and women who reveal exceptional sporting qualities shall be devised in co-operation with sports organisations, in order to give them opportunities to develop fully their sporting and human capacities, in the full respect of their individual personality and physical and moral integrity. Such support will include aspects related to the identification of talent, to balanced education while in training institutes, and to a smooth integration into society through development of career prospects during and after sporting excellence.*
2. *The organisation and management of professionally organised sport shall be promoted through appropriate competent bodies. Practitioners engaging professionally in sport should be provided with appropriate social status and protection and with ethical safeguards against all forms of exploitation.*

Measures in line with the steps described in articles 5 to 9 of the European Sports Charter are taken by municipalities, cantons, districts, entities and the state, as well as at the different levels of the sports movement. However, as there is no clear concept for the sharing of responsibilities and competencies, there is a risk of dissipation of the efforts. Officials at state level mentioned that the Ministry of Civil Affairs should focus on top level sport. Representatives of the entities and sports movement supported this approach.

However, as a reporting authority towards international institutions, the Ministry of Civil Affairs should follow-up the support of the development of sport at grassroots level, even if it is not itself in charge of it.

Recommendation

- In the framework of the clarification of the competences and responsibilities mentioned under art. 1, it may be specified that the State level will focus, inter alia, on improving performance and supporting top level and professional sport. On the other hand, it may be made more clear that some tasks (e.g. building of the foundations and developing participation), should be dealt with at other levels, in partnership with the sports movement.

Article 9 Human Resources

1. *The development of training courses by appropriate bodies, leading to diplomas and qualifications to cover all aspects of sports promotion shall be encouraged. Such courses should be appropriate to the needs of participants in different kinds and levels of sport and recreation and designed for both those working voluntarily or professionally (leaders, coaches, managers, officials, doctors, architects, engineers, etc).*
2. *Those involved in the leadership or supervision of sports activities should have appropriate qualifications paying particular attention to the protection of the safety and health of the people in their charge.*

The evaluation team took note of the fact that some Sport organisations have training schemes for their trainers or staff. It also took note of the sport institutes of the Universities of Sarajevo and Banja Luka being involved in the training of professionals.

The football association has a training centre for coaches with different levels of qualifications. It invests 6% of its revenue in youth sport; it also benefits from subsidies from FIFA and UEFA

for the training of youth coaches. The Tennis federation also reported to invest in the training of coaches. However, in most sports, training schemes are not yet well organised and structured.

Recommendation

- The information system set up by the Ministry of Civil Affairs may follow the existing training schemes and qualification systems in the federations and in the entities. This knowledge would allow considering measures in the development of future strategies, to improve the coverage of the training systems and the teaching of skills.
- The sports movement may be encouraged to co-ordinate and to exchange best practices in the training of leaders and coaches.

Article 10 Sport and Sustainable Development

Ensuring and improving people's physical, social and mental well-being from one generation to the next requires that sporting activities including those in urban, open country and water areas be adjusted to the planet's limited resources and be carried out in accordance with the principles of sustainable development and balanced management of the environment. These include:

- *taking account of nature and environmental values in the physical planning and building of sport facilities;*
- *supporting and stimulating sports organisations in their efforts to conserve nature and the environment;*
- *increasing people's knowledge and awareness of the relations between sport and sustainable development and their understanding of nature.*

For the time being, the issue of sport and sustainable development is not a high priority on the agenda, as the organisation of sport and the development of facilities are more urgent matters. However, even though it may seem premature to set up an ambitious policy on sport and sustainable development, it would be wise to take into account this dimension while developing sport in Bosnia and Herzegovina.

Recommendation

- Seek co-operation with authorities in charge of sustainable development, as well as with other countries to identify key issues and set up guidelines on Sport and Sustainable Development, that would raise awareness among the public and private actors involved, while developing sport in Bosnia and Herzegovina.

Article 11 Information and Research

Suitable structures and means for the collection and dissemination of pertinent information on sport at local, national and international levels shall be developed. Scientific research into all aspects of sport shall be promoted. Arrangements shall be made for diffusing and exchanging such information and the results of such research at the most appropriate level, locally, regionally, nationally or internationally.

The Ministry of Civil Affairs has started to set up an information system on the sport organisation and activities at different levels. The aim is to gather data that will help to steer policies and to share information with the sports movement and sports practitioners.

The evaluation team expressed its understanding of and support for the high degree of priority given to the information system. To assist the authorities, the National Olympic Committee may also get involved (possibly with a service contract) in the collection of information on the sports movement. Research on sport in Bosnia and Herzegovina is conducted by the Sport institutes of the Universities of Banja Luka and Sarajevo.

The EPAS may assist the authorities of Bosnia and Herzegovina in designing the information system, in establishing the contact between the Division in charge of it and institutions in charge of similar duties in other countries (e.g. the Spanish High Council for Sport or the Köln Sport Institute, Ministry of Education and Sport of Slovenia).

Recommendation

- Develop and establish the processes and tools to collect data, manage it and make it available to the authorities, organisations and people concerned. Where appropriate, hire support from the sports movement in the collection of data.
- Co-ordinate the scientific research and the collection of indicators by the Sport institutes within the entities, to collect comparable data on activities taking place or measures taken at entity and local level.

Article 12 Finance

Appropriate support and resources from public funds (i.e. at central, regional and local levels) shall be made available for the fulfilment of the aims and purposes of this Charter. Mixed public and private financial support for sport should be encouraged, including the generation by the sports sector itself of resources necessary for its further development.

Efforts are made at all levels to support the development of Sport in Bosnia and Herzegovina. From the sports movement's perspective, the level of the support and resources from public funds is not appropriate; it calls for a much higher level of financial support. Officials in charge of public authorities have to take into account that the State budget has to manage scarce resources and no level of public authorities has strong competence to address all aspects of sport policies. The evaluation team considered that the high expectations that sports organisations at all levels expressed regarding support from the central state are not in line with the economic system and situation, nor with the decentralised organisation of the state. Moreover the direct funding of the structural needs and daily business of sports organisations may make the sport movement much more vulnerable to interference of politics and may even endanger the autonomy of the sports movement.

The sport movement has to develop a new funding model that is not exclusively dependant on state support, but can cover its financial needs with a mix of sources such as membership fees, sponsoring, contracts, and grants from public authorities at different levels). However, the access to alternate sources of funding is not that easy: the economic crisis does not allow many companies to provide sponsoring and partnerships. Moreover, sport organisations complained that the existing regulations (e.g. custom or taxes regulations) may have a deterrent effect, as

they make it complicated and expensive to receive support. In order to allow sports organisations to access external resources, public authorities already included the principle of tax exemptions in art. 67 and 68 of the Law on Sport, but this could be further implemented, to facilitate the private funding of sports organisations.

In the longer term, a development of State support (at different levels) to sport is desirable: this includes not only the possible growth of the public subsidies to sport, but also some structural, organisational measures that would make these grants more effective.

A clearer sharing of responsibilities and competences between the different levels of public authorities will allow every level of authority to be more focused. Adequate mechanisms may be considered to improve the certainty of public funding (pluri-annual grants, service contracts, etc), as well as quicker payment; at the same time, both public authorities and the sports movement have to get involved in a good governance process (see Recommendation Rec(2005)8 of the Committee of Ministers to member states on the principles of good governance in sport). Transparency of the processes, clarity of the criteria, prevention of conflicts of competences should apply to the allocation of grants. On the other hand, the accountability and a serious reporting on the use of the grants (guaranteed by an adequate controlling) is needed.

Recommendation

- Through an enhanced clarification of the competences and responsibilities, make the granting system at all levels more focused and effective. Make the subventions more reliable (clear criteria, quicker payments, better certainty, multi-annual schemes), well governed and guarantee the adequate allocation of public funds with an effective controlling.
- Consider the improvement of framework conditions that would facilitate the access of sport to alternate sources of funding (taxations exemptions) and encourage sports organisations to seek private income.

Article 13 Domestic and International Co-operation

1. Appropriate structures for the proper co-ordination of the development and promotion of sport, both between the various public administrations and agencies concerned by sports questions, and between the public and voluntary sectors, shall be developed when they do not already exist at central, regional and local levels in order to achieve the aims of this Charter. Such co-ordination will take account of other areas of policy making and planning such as education, health, social service, town and country planning, environment, the arts and other leisure services, and ensure that sport is an integral part of socio-cultural development.

2. Co-operation at European and international level is also necessary for the fulfilment of the aims of this Charter.

Domestic and international co-ordination has been tremendously improved with the establishment of a sport department in the Ministry of Civil Affairs, which serves as a focal point for the sports movement as well as for public authorities. The Ministry of Civil Affairs has a recognised coordination role. However, the domestic co-ordination is not yet optimal, as there

are still issues with the constitutional sharing of responsibilities (e.g. Law on spectator violence refused at state level, Law on sport refused at Federal level in the Federation of Bosnia and Herzegovina due to lack of a clear constitutional basis for decision). Horizontal co-ordination with other ministries is established with justice ministry.

Officials from Bosnia and Herzegovina do regularly participate in EPAS meetings and events. The regular participation in international meetings may allow expressing needs that could be addressed in the framework of the EPAS, or conventional Committees. The authorities in Bosnia and Herzegovina may better benefit from international co-operation in expressing their expectations and making requests; they may also use bilateral partnership to get advice and support.

Recommendation

- The Ministry of Civil Affairs should play its role of co-ordination, using the Sports Council or ad hoc meetings. The implementation of the recommendation of the consultative visit should be considered in co-ordination with other bodies.
- Participate actively in the meetings and events of the T-RV and T-DO Committees and EPAS Governing Board.
- Develop bilateral partnership at state level with other countries.

Comments on the implementation of the Recommendation Rec(2001)6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and intolerance in sport.

Several mentioned the tragic incident of October 2009, when Vedran Puljić (Horde Zla supporter) was shot in the head after arriving in the southern town of Široki Brijeg. The event caused a shock in the whole country, but fans, football leaders and authorities in charge of safety consider the situation is still worrying. The evaluation team collected several statements that football matches are not considered as a family friendly activity. It took note that some supporters did not show up for the meeting, as they feared to be identified (by other supporters) and aggressed. Such elements demonstrate that some games are surrounded by a climate of violence and that this issue should be addressed urgently. The evaluation team was not able to further hold discussions on the issue of spectator violence, but took note that there is a need to address the issue and urge the authorities of Bosnia and Herzegovina to invite another evaluation team for a visit regarding the Spectator violence convention (see recommendation under art. 2 of the European Sports Charter).

While considering further the situation regarding racism, xenophobia and intolerance in sport, the evaluation team was confronted with contradictory elements of information. If one considers only the official evidence of manifestation of intolerance, very few cases took place: a discriminatory banner was removed in Banja Luka and sanctioned by the club. No violation of the Anti-discrimination law was reported and no cases were brought to the Ombudsman on human rights. However, these facts do not mean that intolerance does not exist in sport events. On the contrary, fans, officials from clubs and NGO representatives mentioned that manifestation of intolerance based on ethnicity is unfortunately quite common in sporting events, but that most people got used to it and ignore these manifestations. This situation would mean that the general mobilisation of public authorities and civil society to fight manifestation of intolerance in sport, described in the Recommendation (2001)6, has not yet taken place in Bosnia and Herzegovina.

The evaluation team understands that there is an important issue, although it would be wrong to judge that every violent incident was related to ethnic tensions. Historical rivalries between some clubs, local derbies, and insufficient preparation of the events, poor facilities and gaps in crowd management constitute further risk factors. Without denying the ethnical dimension of some problems, there is also a risk to turn every incident into nationalism or ethnic conflict, a result of manipulation.

The evaluation team had talks with different experts who mentioned links between “politicians” and some groups of fans, who may be exploited to express discriminatory messages. Examples of such misuse of sport events and fan groups were mentioned to take place in Mostar, where there are tensions between the communities, but also in other parts of the country. The evaluation team understands that there is a broad consensus in sport to kick such persons out of sport. Some clubs managed to renew their leadership and to prohibit such connections with private political interest; however, the process has not taken place in all clubs and the sports movement, in its own interest, should address the issue in its internal regulations.

The evaluation team took note of a number of promising practices that are in line with the recommendation 2001 6. Clubs reported that they are promoting ethnic pluralism in their team,

management and public. Many clubs work with their fan groups to fight against racism and all clubs of the league have to state that they are devoted to eradicate nationalisms and xenophobia.

There is no consensus on the need to establish a law on spectator violence at state level: as the entities claim their competence on such issues, the Parliament at state level refused to adopt the law. In parallel, the evaluation team noted that several representatives from NGO, sports movement and fan clubs consider that it would help to adopt a better integrated approach. This dilemma should be further considered in the framework of a visit on Spectator violence. In any case the development of a strategy against sector violence together with the entities, should be considered.

Recommendation

- Consider setting up measures to fight against nationalism and intolerance in sport
- Make sure that there are clear applicable legal provisions in all parts of the county to prosecute discriminations and all related forms of racial and ethnic intolerance in sport, and that these provisions are implemented (better identification of offenders, reporting and prosecution by judicial authority).
- Appoint well known sport people as national ambassadors for sport, tolerance and fair play, to disseminate give positive role models and disseminate messages of tolerance to the public.
- Promote the adoption of ethical rules among the sports movement that would clearly exclude the use of sports organisations, events and groups of sport supporters for the dissemination of political messages.
- Raise the threshold of tolerance of discriminatory messages; report incidents and make sure they are sanctioned both by the public authorities and sport organisations.
- Consider inviting the Council of Europe to organise a seminar in Bosnia and Herzegovina on the preventative measures to fight against racism, xenophobia and intolerance in sport.

C. Comments from Bosnia and Herzegovina

The Ministry of Civil Affairs thanked the EPAS evaluation team for its draft report on Bosnia and Herzegovina's compliance with the European Sports Charter, as well as the Recommendation Rec(2001)6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and racial intolerance in sport.

Following thorough examination of this report and consultation with its entities, it wished to express the following comments:

- a) The evaluation team specified in Article 1, Aim of the Charter, that there is no clear authority and that the first Recommendation provides that a new Sports Law should define new goals, competencies and responsibilities of the government at the state level, which is opposed by the competent sports authorities of the Republic of Srpska because in their opinion the existing Sports Law in BiH provides sufficient powers for the government at the state level, and the adoption of the new law can not more clearly define the objectives than the existing ones.
- b) Article 3, Sports Movement, states that support should be given to the establishment of an umbrella organisation related to the sports movement, which would also include non-Olympic sports, or to the establishment of a sports association at the state level, which is also opposed by the competent sports authorities of the Republic of Srpska, because in their opinion the establishment of any umbrella organisation related to the sports movement would violate the provisions of the BiH Sports Law, which only provides for the existence of the Olympic and Paralympic Committee of Bosnia and Herzegovina and not specifying other bodies that would lead to increased competencies not provided for in the Constitution and an increase in the sports administration that is already too big.

Appendices :

update: 26 Jan 2011

EPAS DELEGATION VISIT TO BOSNIA AND HERZEGOVINA
FINAL PROGRAMME
25 – 26 JANUARY 2011

25 January 2011, Tuesday

Time	Meeting	Guests	Venue - Room
10.30 – 11.30	Meeting with the authors of the report	Mr Suvad Džafić (Assistant Minister for Sport) Department of Sport staff (Mr Ilijaz Omerović , Mr Velibor Vasović , Mr Velibor Lazarević & Ms Amila Karačić)	Government Building (Trg BiH 3) – Room 704 (VII floor)
11.30 – 12.00	Meeting with officials from the Ministry of Civil Affairs of Bosnia and Herzegovina	Mr Sredoje Nović , Minister Mr Suvad Džafić , Assistant Minister of Sport in Bosnia and Herzegovina	Parliament Building (Trg BiH 1) – Minister's Cabinet – IV floor
12.00 – 13.00	Meeting with officials from the National Olympic Committee	Presidency members: Mr Izet Rađo , President Mr Siniša Kisić , Deputy President Mr Murat Ramadanović , President of the Wrestling Federation of B&H	National Olympic Committee – Olympic Hall „Juan Antonio Samaranch“, Alipašina bb
13.00 – 14.00	Lunch		Parliament Building – Restaurant (tbc)
14.30 – 15.30	Meeting with ministers from entity level	Mr Mustafa Demir, Assistant Minister of sport in the Federation of B&H Mr Dario Sandić , Assistant Minister of sport in Republika Srpska	Parliament Building (Trg BiH 1) – Meeting room 2, I floor
16.00 – 17.00	Meeting with NGO representatives (sport movements)	Doc. Dr. Jasna Bajraktarević – Psychologist (Expert – Racism and violence in sport) Mr Damir Dedović – Manager of Sport Association of Mostar Mr Mirza Muzurović – Manager in the Handball Federation of B&H Mr Zlatko Šoše – Director of the Tennis Federation of B&H Mr Nedžad Vuk – Advisor in the Sport Association of Mostar Mr Draženko Haračić – Acting Secretary General of the Volleyball Federation of B&H	Parliament Building (Trg BiH 1) – Meeting room 2, I floor

26 January 2011, Wednesday

Time	Meeting	Guests	Venue - Room
9.00 – 10.00	Meeting with police officers in charge of security in stadiums	Representatives from: Mrs Andreja Elzner, head of Department for General Security, Ministry of Security of Bosnia and Herzegovina Mr Ensad Korman, Head of the Unit for protection of individuals and object, Chief inspector, Ministry of Interior (Federation of B&H) Mr Dalibor Ivanić , Ministry of Interior (Republika Srpska) Mr Muhamed Budimlić , Minister, Ministry of Interior (Canton Sarajevo) Ministry of Interior (West Herzegovina Canton)	Government Building (Trg BiH 3) – Ground floor – Meeting room
11.00 – 12.00	Meeting with officials from the National Football Federation	Mr Denijal Pirić , Technical Director Mr Salem Prolić , Chairman of the Committee for Competition and Referees	National Football Federation (Ferhadija 30)
12.30 – 13.30	Meeting with fan groups	Football Fan groups: Mr Leo Hrvić , NK Velež (Mostar)	Parliament Building (Trg BiH 1) – Meeting room 420, IV floor
13.30 – 14.30	Lunch		Parliament Building – Restaurant (tbc)
14.30 – 15.30	Meeting with club leaders, trainers, athletes	Mr Dragan Kulina, President of FK Slavija (East Sarajevo) Mr Josip Bevanda, Secretary General of NK Široki Brijeg (Široki Brijeg) Mr Avdo Kaladžić , Head of the Youth school of NK Velež (Mostar)	Parliament Building (Trg BiH 1) – Meeting room 420, IV floor

THE LAW ON SPORT IN BOSNIA AND HERZEGOVINA

Pursuant to Article IV 4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the 20th session of the House of Representatives, held on 16 January 2008, and at the 12th session of the House of Peoples, held on 25 February 2008, passed

PART ONE – GENERAL PROVISIONS

Article 1

(Subject of the Law)

This Law governs sport in Bosnia and Herzegovina, the public interest, objectives and authority of Bosnia and Herzegovina, Republika Srpska and the Federation of Bosnia and Herzegovina (hereinafter: the entities), and the Brčko District of Bosnia and Herzegovina and other levels of administrative organisation; the basic principles of sports organisation; the rights and obligations of athletes; domestic and international sports competitions at other levels of administrative organisation in Bosnia and Herzegovina; sports events, the construction, maintenance and use of sports facilities; international cooperation; the organisation and functioning of sports institutions; the sports activities of disabled persons; awards and prizes for athletes and sports organisations; health care for athletes; the prevention and curbing of all forms of spectator violence and misbehaviour; the use of illegal performance-enhancing drugs in sport; professional work; scientific and research work and IT in sport; the financing of sports activities, and supervision and penal provisions.

Article 2

(Definition of sport)

Sport within the meaning of this Law shall include:

- a) sports activities and games organised with the aim of achieving sports results in accordance with set rules (sports competitions and sports events),
- b) sports activities and games organised for the purpose of promoting health or recreation (sports recreation, sport for all),

- c) sports activities organised for disabled persons,
- d) organised school and university sport.

Article 3

(Public interest)

Sport in Bosnia and Herzegovina shall be an activity of public interest.

Article 4

(International basis)

Sport in Bosnia and Herzegovina shall be based on the principles and standards established in the European Sport Charter, the European Convention on the Protection of Human Rights and Fundamental Freedoms, the UN Convention on the Rights of the Child, the International Convention Against Doping in Sport, The European Convention on Spectator Violence and Misbehaviour at Sports Events, the Olympic Charter, the Paralympic Charter, the rules of international sports associations, The European Code of Sports Ethics, the Declaration on Sport, Tolerance and Fair Play, and the Lausanne Statement concerning the organisation of sport in Bosnia and Herzegovina.

Article 5

(Decentralisation)

- (1) Sport in Bosnia and Herzegovina shall be organised in a decentralised manner with the specific rights and powers of Bosnia and Herzegovina, the entities, the Brčko District of Bosnia and Herzegovina and other levels of administrative organisation.
- (2) Sports-related issues not governed by this Law shall be governed by the constitutions of the entities and other levels of administrative organisation and their respective laws on sport.

CHAPTER I- BASIC PRINCIPLES IN SPORT

Article 6

(Basic principles of sports organisation)

The basic principles on which sport is organised in Bosnia and Herzegovina shall be as follows:

- a) the rights and freedoms of athletes,
- b) the promotion of the Olympic spirit,
- c) the right of all citizens to engage in sport under the same conditions regardless of their ethnicity, religion, politics, race, social status or gender,
- d) the safeguarding of the public interest of the state in this area and the obligation of state authorities to create general and specific conditions for sports activities and the advancement

and improvement of sport and to provide material and social encouragement to the achievement of the highest sports results through laws, material support and development programmes.

- e) the organisation of an effective system of professional training and advanced training for sports professionals,
- f) the provision of health care for athletes and the prevention of abuse of illegal performance-enhancing drugs,
- g) professionalism in work and the promotion of scientific research, the application of modern work methods, information science and publishing activities,
- h) the rule that all disputes between athletes, sports organisations and bodies should be settled solely through and within appropriate sports bodies and sports arbitration bodies,
- i) the autonomy of sports organisations with regard to the regulation of their internal relations and association.

CHAPTER II- PUBLIC INTEREST AND GOALS OF BOSNIA AND HERZEGOVINA IN SPORT

Article 7

(Public interest and goals)

The public interest and goals of Bosnia and Herzegovina in sport are as follows:

- a) developing the awareness of citizens, especially the young, of sport and its values,
- b) contributing to the education and development of children and young people,
- c) encouraging and promoting sport and its values as part of culture and the overall material and spiritual values of society,
- d) preserving health as the basis for any human activity, work productivity, creativity and humane living,
- e) encouraging systemic and organised sports practice in free time,
- f) presenting top sports achievements at all levels,
- g) systemically creating conditions for the achievement of the highest sports results,
- h) organising competition systems in accordance with the rules of international sports federations.

Article 8

(Formulating a Sport Development Strategy and a Development Programme)

- (1) In order for the public interest and goals in sport to be achieved in Bosnia and Herzegovina, a Strategy for the Development of Sport in Bosnia and Herzegovina shall be formulated (hereinafter: the Strategy).
- (2) The Strategy shall be adopted for a period of at least four years (the Olympic cycle).
- (3) Sport development programmes shall be adopted on the basis of the Strategy.

Article 9

(Content of the Strategy)

The Strategy shall determine:

- a) the key starting points and directions of development,
- b) the content and scope of sports activities financed and co-financed from the budget of Bosnia and Herzegovina,
- c) development tasks and professional tasks in sport,
- d) indicative criteria for evaluating and financing sports programmes,
- e) the agencies responsible for development and the measures to supervise the development process.

Article 10

(Validity of the Development Strategy and Programme)

The Strategy and Programme for the Development of Sport in Bosnia and Herzegovina shall be adopted by the Parliamentary Assembly of Bosnia and Herzegovina at the proposal of the Council of Ministers of Bosnia and Herzegovina, with the previously obtained consent of the entities and the Brčko District of Bosnia and Herzegovina.

Article 11

(Strategies and programmes of development at lower levels of government)

Under the Strategy, this Law and other legal regulations, the entities and other levels of administrative organisation shall adopt their own strategies and programmes of sport development.

Article 12

(Powers of the Sports Council of Bosnia and Herzegovina)

(1) The Sports Council of Bosnia and Herzegovina (hereinafter: the Council) is the highest advisory body of the Ministry of Civil Affairs of Bosnia and Herzegovina responsible for the development and quality of sport in Bosnia and Herzegovina.

(2) The Council has the powers to:

- a) provide opinions on the Strategy,
- b) provide opinions on the Sport Development Programme,
- c) provide opinions on annual sports plans and sports financial needs,
- d) debate issues relevant to sport and propose and encourage the adoption of measures to promote sport,
- e) propose priority projects, reports and studies for their financing in the system of public needs in sport,

- f) propose guidelines for drawing up regulations governing the classification of athletes,
- g) provide opinions and recommendations for the draft versions of regulations relating to sport,
- h) perform other activities specified in this Law and other regulations.

Article 13

(Appointment and composition of the Council)

- (1) The Council shall have a total of 17 members, appointed by the Council of Ministers of Bosnia and Herzegovina, at the proposal of the Minister of Civilian Affairs of Bosnia and Herzegovina, including:: a president, two vice presidents and 14 members, elected from among prominent athletes and sports personalities.
- (2) Council members shall be nominated by: the Ministry of Civil Affairs of Bosnia and Herzegovina – seven members; the Olympic Committee of Bosnia and Herzegovina – three members; the entities – three members each, in consultation with the entity and cantonal ministries responsible for sport; and the Brčko District of Bosnia and Herzegovina – one member.
- (3) The Council shall be appointed for a period of four years (the Olympic cycle).
- (4) The Council shall be accountable for its work to the Council of Ministers of Bosnia and Herzegovina, to which it shall submit a report on its work at least twice a year.
- (5) The Council shall submit a report on its work to the Parliamentary Assembly of Bosnia and Herzegovina once a year.
- (6) The Ministry of Civil Affairs of Bosnia and Herzegovina shall carry out administrative affairs for the Council.
- (7) The Council shall adopt rules of procedure, which shall be approved by the Minister of Civil Affairs of Bosnia and Herzegovina.

PART TWO – ORGANISATION OF SPORT

Article 14

(Persons and organisations engaged in sports activities)

Persons and organisations engaged in sports activities in Bosnia and Herzegovina shall be legal and natural persons registered for performing sports activities under this Law, the Law on Associations and Foundations of Bosnia and Herzegovina, the entities' laws on associations and foundations, the entities' laws on sport, the laws on companies in the entities and at other levels of administrative organisation in Bosnia and Herzegovina.

Article 15

(Entry in the register)

- (1) Legal and natural persons shall be entered in special registers under this Law, the laws of the entities and other levels of administrative organisation in Bosnia and Herzegovina.

(2) The Rules Governing the Keeping of the Register of Legal and Natural Persons in the Field of Sport at the level of Bosnia and Herzegovina shall be adopted by the Minister of Civil Affairs of Bosnia and Herzegovina.

CHAPTER I – LEGAL PERSONS (SPORTS ASSOCIATIONS)

Article 16

(Legal persons)

Within the meaning of this Law, legal persons shall include:

- a) sports clubs (amateur and professional),
- b) sports societies,,
- c) sports alliances for particular sports,
- d) sports clubs for disabled persons,
- e) sports alliances for disabled persons,
- f) the Olympic Committee of Bosnia and Herzegovina,
- g) the Paralympic Committee of Bosnia and Herzegovina,
- h) sports institutions.

Article 17

(Sports club)

- (1) A sports club is the basic form of sport organisation.
- (2) A club may perform a sports activity on an amateur or professional basis.

Article 18

(Amateur sports club)

An amateur sports club is a voluntary, non-governmental, non-profit organisation organised as an association of citizens for the performance of a sports activity under the Law on Associations and Foundations of Bosnia and Herzegovina, the entities' laws on associations and foundations, this Law, the entities' laws on sport and regulations governing sports at relevant levels of administrative organisation.

Article 19

(Method of establishing an amateur sports club)

- (1) An amateur sports club shall be established by a memorandum of association.
- (2) An amateur sports club may be established by domestic legal and natural persons.
- (3) An amateur sports club referred to in paragraph (1) of this Article may be established by at least three natural persons or a legal person.

Article 20

(Professional sports club)

(1) A professional sports club shall be established as a corporation or company for the purpose of performing a sports activity.

(2) A professional sports club shall be established and registered as a company with the competent court under the Framework Law on the Registration of Companies in Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina* No. 42/04) and corresponding laws of the entities governing the establishment of companies, this Law and the laws on sports in the entities and at other levels of administrative organisation, as well as under the memoranda of association of sports alliances.

Article 21

(Sports society)

(1) Sports clubs may join to form sports societies in order to set and achieve joint goals, safeguard joint interests and act in concert in the field of sport.

(2) Sports clubs which have joined to form a sports society shall regulate their mutual relations and rights by a memorandum of association and other documents adopted by the sports society.

(3) A sports society shall be the holder of the right to the joint name and joint symbols unless otherwise specified in the memorandum of association and other documents.

(4) Unless otherwise specified in this Law, the provisions of this Law referring to sports associations shall apply accordingly to the establishment of sports societies, their entry in the register, the performance of sports activities, the settlement of disputes, responsibility and other issues concerning the work of sports societies.

Article 22

(Sports alliance)

(1) Sports clubs in certain sports may join to form sports alliances in order to safeguard joint interests and achieve joint goals.

(2) Sports alliances shall be organised at the levels of Bosnia and Herzegovina and the entities and, depending on the development of sport, also at other levels of administrative organisation in Bosnia and Herzegovina. Only one sports alliance may be established for a single sport at the level of Bosnia and Herzegovina.

(3) A sports alliance at the level of Bosnia and Herzegovina shall be established under this Law and the Law on Associations and Foundations of Bosnia and Herzegovina on the basis of decisions by entity sports alliances on voluntary association, while decisions on disputes between entity sports alliances shall be rendered by the Council of Ministers of Bosnia and Herzegovina.

(4) The head office of sports alliances at the level of Bosnia and Herzegovina shall be determined on the basis of the development of a particular sport, tradition, number of participants and quality.

(5) If, as a result of the underdevelopment of a sport, there is no organised sports alliance at the level of an entity, the association shall be registered at the level of Bosnia and Herzegovina for that sport with the consent of the Ministry of Civil Affairs of Bosnia and Herzegovina pending the fulfilment of the requirements referred to in paragraph (3) of this Article.

Article 23

(Powers of sports alliances in Bosnia and Herzegovina)

Sports alliances in Bosnia and Herzegovina shall be responsible for:

- a) organising and implementing competition systems,
- b) representing and acting on behalf of a sport in international sports organisations,
- c) preparing national teams for participation in official international competitions,
- d) drawing up development programmes in accordance with the Strategy,
- e) co-operation with competent sports authorities and other authorities in Bosnia and Herzegovina.

Article 24

(Olympic Committee of Bosnia and Herzegovina)

The Olympic Committee of Bosnia and Herzegovina is a non-governmental sports association that performs activities in accordance with the provisions of the Olympic Charter, the Ethical Code of the International Olympic Committee, the Joint Declaration from Lausanne, the Law on Associations and Foundations of Bosnia and Herzegovina and this Law.

Article 25

(Founders of the Olympic Committee of Bosnia and Herzegovina)

The Olympic Committee of Bosnia and Herzegovina shall be founded by the sports alliances of Olympic sports of Bosnia and Herzegovina, top athletes, professionals and people working in the field of sports in accordance with the provisions of the Olympic Charter.

Article 26

(Acts of the Olympic Committee of Bosnia and Herzegovina)

The objectives and scope of work, membership, composition, organs and bodies of the Olympic Committee of Bosnia and Herzegovina shall be determined by a memorandum of association, articles of association and other acts of the Olympic Committee, with the equal representation of the constituent peoples..

Article 27

(Programme of activities of the Olympic Committee of Bosnia and Herzegovina)

In accordance with the Statute and regulations of the International Olympic Committee, Bosnia and Herzegovina shall adopt its programme of activities, which shall encompass:

- a) the dissemination and promotion of the principles of the Olympic movement and ethical norms in sport,
- b) caring for and protecting the symbols and signs of the International Olympic Committee in Bosnia and Herzegovina,
- c) representing Bosnia and Herzegovina's sport in the International Olympic Committee and relevant international sports associations,
- d) organising and managing activities relating to the participation of athletes from Bosnia and Herzegovina in Olympic Games and other official international competitions,
- e) the participation of teams and individuals in other international competitions under the auspices of the IOC,
- f) encouraging, monitoring and promoting sport in Bosnia and Herzegovina,
- g) participating in the implementation of sport development policy in Bosnia and Herzegovina,
- h) proposing sports programmes of public interest,
- i) participating in the formulation of the Strategy,
- j) harmonising the activities of the sports alliances of Bosnia and Herzegovina relating to the implementation of the Strategy, and
- k) other issues important for the development and promotion of Olympic sports in Bosnia and Herzegovina.

Article 28

(Sports club and sports alliance of disabled persons)

- (1) Sports clubs of disabled persons shall be established for the purpose of organising the sports and recreational activities and sports competitions of disabled persons.
- (2) Sports clubs referred to in paragraph (1) of this Article may join to form sports alliances at the levels of Bosnia and Herzegovina and the entities and at other levels of administrative organisation in Bosnia and Herzegovina.
- (3) Sports alliances of disabled persons shall coordinate the activity of the clubs, organise competitions and regulate all other issues relating to the sports activity of disabled persons.
- (4) Sports alliances of disabled persons shall be registered as associations of citizens

Article 29

(Paralympic Committee of Bosnia and Herzegovina)

- (1) Sports alliances of disabled persons referred to in Article 28 of this Law shall join to form the Paralympic Committee of Bosnia and Herzegovina.
- (2) The Paralympic Committee of Bosnia and Herzegovina shall determine the method of using and protecting the symbols and signs of the International Paralympic Committee (IPC) and other issues relating to the sports activity of disabled persons.
- (3) The Paralympic Committee of Bosnia and Herzegovina represents the sports activity of disabled persons in the International Paralympic Committee and the European Paralympic Committee and relevant sports organisations and associations.
- (4) The scope, membership, composition, organs and bodies of the Paralympic Committee of Bosnia and Herzegovina shall be determined by a memorandum of association, articles of association and other acts of the Paralympic Committee of Bosnia and Herzegovina.

Article 30

(Sports recreation associations)

- (1) Sports recreation associations shall be established in order to meet the needs of citizens for maintaining and improving their health and mental and physical abilities and to organise their physical exercises and sports activities in their free time.
- (2) Sports recreation associations/clubs shall join to form the Sports Recreation Alliance of Bosnia and Herzegovina pursuant to Article 22 of this Law.

CHAPTER II - RIGHTS AND OBLIGATIONS OF LEGAL PERSONS

Article 31

(Freedom and autonomy)

Sports associations which are legal persons shall be established and organised freely and be autonomous in exercising their rights and obligations under this Law, the entities' laws on sport, the Law on Associations and Foundations of Bosnia and Herzegovina and the entities' laws on associations and foundations.

Article 32

(Acquiring the status of a legal person)

Sports associations may acquire the status of a legal person by being entered in a register maintained by the competent authority under the Law on Associations and Foundations of

Bosnia and Herzegovina at the level of Bosnia and Herzegovina or the entities or other levels of administrative organisation in Bosnia and Herzegovina at the head office of the organisations.

Article 33

(Assembly of an association)

Legal persons which within the meaning of this Law have been registered as sports associations must also have an assembly as the highest body of the association, in addition to the memorandum of association and the articles of association.

Article 34

(Performance of economic activity)

Legal persons may perform economic activities only if the main purpose of such activities is the achievement of the goals defined in the articles of association.

Article 35

(Employment in sports organisations)

(1) Legal persons may employ athletes, professionals and technical and administrative staff.

(2) Employment in sports organisations as legal persons registered at the level of Bosnia and Herzegovina shall be governed by a labour contract under the Law on Work in the Institutions of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina* Nos. 26/04, 7/05 and 48/05).

(3) Employees shall have all the rights and obligations as employees defined in the Law referred to in paragraph (2) of this Article, the collective agreement and this Law.

(4) Employment with sports associations as legal persons at the level of entities and other levels of administrative organisation shall be regulated by a labour contract in accordance with relevant regulations at the level concerned.

CHAPTER III - NATURAL PERSONS IN THE FIELD OF SPORT

Article 36

(Natural persons)

Natural persons in the field of sport shall include: athletes, professionals and sports professionals.

Article 37

(Athlete)

(1) Within the meaning of this Law, an athlete shall be a person preparing for participation in and participating in organised sports competitions.

(2) An athlete has all the civil rights defined by the Constitution and laws of Bosnia and Herzegovina, the constitutions and laws of the entities, the laws and other regulations at other levels of administrative organisation and the provisions of this Law and the entities' laws on sport.

Article 38

(Types of athletes)

(1) An athlete may engage in sports activities independently or within sports associations.

(2) An athlete may engage in sports activities on an amateur or professional basis.

**PART THREE - RIGHTS AND OBLIGATIONS OF ATHLETES,
PROFESSIONAL WORK, HEALTH CARE AND ANTI-DOPING**

CHAPTER I - RIGHTS AND OBLIGATIONS OF ATHLETES

Article 39

(Rights of athletes)

(1) Athletes shall abide by the general and special rules laid down in this Law, the entities' laws on sport, the rules of their organisations and the rules of international sports associations.

(2) With the exception of Article 37 of this Law, athletes shall have the right to:

- a) be protected against any form of mental and physical violence, threats to their freedom, their personal and athletic integrity, their health and their athletic dignity,
- b) use sports facilities and equipment, professional and health care services in accordance with relevant regulations,
- c) participate in national teams on the basis of their freely expressed will.

Article 40

(Obligations of athletes)

Athletes shall:

- a) observe the norms and rules of sports behaviour,
- b) regularly train and participate in competitions,
- c) observe sports rules and respect sports officials and spectators,

- d) safeguard the reputation of their sports collectives and the communities they represent,
- e) cooperate with health services and special bodies which test athletes for use of illegal performance-enhancing drugs.

Article 41

(Status of a top athlete)

- (1) An athlete shall acquire the status of a top athlete in Bosnia and Herzegovina if he or she achieves the highest sports results in accordance with international standards.
- (2) More precise criteria for acquiring the status of a top athlete shall be defined in the rules governing the classification of athletes, which shall be adopted by the Council of Ministers of Bosnia and Herzegovina at the proposal of the Minister of Civilian Affairs of Bosnia and Herzegovina.

Article 42

(Athletes who are foreign nationals)

- (1) Foreign nationals may also participate in sports competitions in Bosnia and Herzegovina.
- (2) The rights and obligations of athletes who are foreign nationals shall be governed by agreements with sports associations in accordance with international sports rules.
- (3) Athletes and sports professionals who are foreign nationals must have a work permit issued by the competent state authority and must be registered with the entity ministry responsible for sport and the competent body of the Brčko District of Bosnia and Herzegovina.

Article 43

(Sports Trade Union)

Athletes and sports professionals may found sports trade unions in accordance with the law and regulations of the Alliance of Trade Unions of Bosnia and Herzegovina, the alliance of unions of the entities and the Brčko District of Bosnia and Herzegovina.

CHAPTER II – PROFESSIONAL WORK IN THE FIELD OF SPORT

Article 44

(Qualifications for professional work)

- (1) Professional work in the field of sport may only be performed by professionals trained for working in sport.
- (2) Such professionals must meet the following requirements:

- a) they must have university or two-year post-secondary qualifications in sport and physical education, or
 - b) they must have university or two-year post-secondary qualifications in other areas and a licence for work in the field of sport, or
 - c) they must have the status of a top athlete with a diploma entitling them to work in the field of sport.
- (3) Institutions of higher education shall train staff for work in sport and physical education and issue diplomas for work in sport.
- (4) Professional training and advanced training in sport shall be provided by institutions of higher educations and institutions registered for providing professional training and advanced training.

Article 45

(Types of professional work)

Within the meaning of this Law, professional work in sport shall include:

- a) planning and implementing sports activities for children and the young,
- b) planning and implementing sports training,
- c) planning training for athletes and training athletes,
- d) training citizens in sports skills
- e) planning and implementing sports recreation for citizens,
- f) diagnosing and checking mental, physical and motor abilities of participants,
- g) planning and implementing corrective gymnastics,
- h) enforcing sports rules,
- i) providing IT support in sport,
- j) providing management and marketing in sport,
- k) performing scientific and research activities.

Article 46

(Licensed professionals)

Judges, umpires, delegates and sports professionals are professional holding licences issued by a sports alliance and entitling them to perform specific sports-related activities.

CHAPTER III- HEALTH CARE IN SPORTS AND ANTI-DOPING CONTROL

Article 47

(Mandatory health care)

- (1) Health care is mandatory for all participants in sport.

(2) Only a person whose general and specific health ability has been established by an authorised physician specialising in sports medicine may participate in sports competitions.

Article 48

(Requirements for performing check-ups)

The requirements for performing check-ups of athletes and the method of keeping athletes' records and medical documentation shall be laid down by the minister of health in the entity concerned, taking into consideration the opinion of the ministry responsible for health in the entity, in accordance with the regulations of international sports federations.

Article 49

(Prohibition of doping)

Athletes and all participants in sport are prohibited from taking, giving to others and encouraging the use of illegal performance-enhancing drugs in accordance with the rules of the World Anti-Doping Agency (WADA).

PART FOUR – SPORTS COMPETITIONS AND EVENTS, SPORTS FACILITIES AND THE CURBING OF MISBEHAVIOUR AT SPORTS EVENTS

Article 50

(Purpose of sports competitions)

Sports competitions and events (meetings, shows, games) shall be organised for the purpose of promoting and popularising sport and facilitating the achievement of the highest sports results.

Article 51

(System, requirements and organisation of competitions)

(1) The sports alliances of Bosnia and Herzegovina shall determine the system, requirements and organisation of sports competitions at the level of Bosnia and Herzegovina in accordance with the provisions of this Law and the rules of international sports associations.

(2) The sports alliances in the entities shall determine the system, requirements and organisation of sports competitions at the level of entities.

Article 52

(Conformity with the European Convention)

The organisation of sports competitions and events must conform with the recommendations of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in

particular at Football Matches, and with relevant laws and other regulations in Bosnia and Herzegovina.

Article 53

(International sports competitions)

International sports competitions and events may be held in Bosnia and Herzegovina, including:

- a) Olympic and Paralympic games,
- b) world and European championships,
- c) world university games,
- d) Mediterranean games,
- e) world cups and final European and world league tournaments,
- f) European winter and summer youth Olympic festivals,
- g) Balkans-wide and other regional championships,
- h) elimination and qualifying international sports tournaments,
- i) traditional international sports events from the calendars of international sports associations.

Article 54

(Consent to international competitions)

International sports competitions and sports events may be organised in Bosnia and Herzegovina if the organiser obtains the consent of the Ministry of Civil Affairs of Bosnia and Herzegovina and the competent entity authority and if the organiser ensures the conditions specified in the rules of international sports organisations.

Article 55

(Sports facility)

- (1) Within the meaning of this Law, a sports facility shall be taken to mean a multi-purpose open or closed space intended for the performance of sports activities.
- (2) In addition to the space intended for the performance of sports activities, a sports facility must have the necessary ancillary facilities and equipment and be accessible to disabled persons.
- (3) Sports facilities must conform with the regulations of international sports associations and with the standards laid down in relevant laws and other regulations.

Article 56**(Classification of sports facilities)**

Records of the classification of sports facilities shall be maintained at the level of Bosnia and Herzegovina and the entities in accordance with international standards and special rules governing the classification of sports facilities, which shall be adopted by the Minister of Civilian Affairs of Bosnia and Herzegovina at the proposal of the entities' ministries responsible for sport.

Article 57**(Sports facilities of interest to Bosnia and Herzegovina)**

- (1) The financing of the construction of sports facilities of interest to Bosnia and Herzegovina, their maintenance, record keeping and use shall be governed by a special agreement between the institutions of Bosnia and Herzegovina, the entities, the Brčko District of Bosnia and Herzegovina and the owners of the facilities.
- (2) The requirements for defining sports facilities of interest to Bosnia and Herzegovina shall be laid down in special regulations adopted by the Minister of Civilian Affairs of Bosnia and Herzegovina, after coordination with the ministers responsible for sport in the entities.

Article 58**(Curbing spectator violence and misbehaviour at sports events)**

- (1) In order to prevent and curb spectator violence and misbehaviour at sports events, Bosnia and Herzegovina and the entities shall take the necessary measures in keeping with the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches.
- (2) The method and measures for preventing and curbing spectator violence and misbehaviour at sports events shall be laid down by a special law.

**PART FIVE – BODIES RESPONSIBLE FOR SPORT AT THE LEVEL
OF BOSNIA AND HERZEGOVINA****Article 59****(Ministry of Civil Affairs of Bosnia and Herzegovina)**

The body responsible for sport at the level of Bosnia and Herzegovina shall be the Ministry of Civil Affairs of Bosnia and Herzegovina, which shall form a special sports sector.

Article 60

(Powers of the Sports Sector)

The powers of the sports sector referred to in Article 59 of this Law shall be as follows:

- a) organising and managing the drawing up of the Strategy,
- b) preparing proposals for long-term and annual sports development programmes in Bosnia and Herzegovina,
- c) proposing the sports sector budget,
- d) preparing draft rules for classifying athletes and sports facilities,
- (e) drafting the rules governing the keeping of the register of legal and natural persons in the field of sport at the level of Bosnia and Herzegovina,
- f) defining the content and form of sports IT systems in Bosnia and Herzegovina,
- g) co-operating with sports alliances and other organisations and institutions,
- h) defining the Strategy in sport at an international level,
- i) performing administrative, professional and other activities in the field of sport under this Law.

Article 61

(Anti-Doping Agency)

- (1) An Anti-Doping Agency shall be established under this Law.
- (2) The Anti-Doping Agency shall be established as an autonomous administrative organisation for monitoring and implementing international sports anti-doping conventions in Bosnia and Herzegovina.
- (3) The work of the Anti-Doping Agency shall be managed by its director.
- (4) The director of the Anti-Doping Agency shall be appointed by the Council of Ministers of Bosnia and Herzegovina at the proposal of the chairman of the Council of Ministers of Bosnia and Herzegovina.
- (5) The director of the Anti-Doping Agency shall have two assistant directors.

Article 62

(Powers of the Agency)

The Anti-Doping Agency shall perform the following tasks:

- a) continuously monitoring and coordinating anti-doping activities in sport,
- b) proposing and implementing anti-doping measures in sport,
- c) being responsible for the implementation of conventions, the WADA Code and the rules of the International Olympic Committee, the International Paralympic Committee and international sports alliances,
- d) managing the preparations and procedures for passing laws governing these issues.

Article 63**(Internal organisation of the Agency)**

- (1) The internal organisation of the Anti-Doping Agency shall be defined in the rules governing its internal organisation and functioning.
- (2) The rules governing the internal organisation and functioning of the Anti-Doping Agency shall be adopted by the director with the consent of the Council of Ministers of Bosnia and Herzegovina.

Article 64**(IT in sport)**

- (1) A unified information system in sport shall be established in order to continuously monitor and record the situation in sport and professional, scientific and publishing activities.
- (2) The content and form of the information system shall be determined by the sports sector of the Ministry of Civil Affairs of Bosnia and Herzegovina in accordance with the standards of the European sports information network.
- (3) The information systems of the entities and at other levels of administrative organisation and the information system of Bosnia and Herzegovina shall constitute a unified system.
- (4) All legal and natural persons registered for the performance of sports activities shall keep records in accordance with the unified sports information system.

PART SIX – FINANCING OF SPORT**Article 65****(Financing funds)**

The funds for financing sports activities shall be raised from:

- a) membership dues,
- b) the budgets of the institutions of Bosnia and Herzegovina, the entities and other levels of administrative organisation,
- c) donations from and sponsorship by legal and natural persons,
- d) revenue from interest and rent,
- e) games of chance,
- f) earnings from activities defined in the articles of association of sports organisations,
- g) other sources of income.

Article 66

(Financing the public interest of Bosnia and Herzegovina)

The public interest in sport in Bosnia and Herzegovina shall be ensured through co-financing from the budgets of the institutions of Bosnia and Herzegovina on the basis of the Strategy and long-term and annual sports development programmes in Bosnia and Herzegovina.

Article 67

(Exemptions for sports organisations)

The Law specifies special exemptions for athletes and sports organisations, in particular with regard to the construction and maintenance of sports facilities, the organisation of major sports competitions and sports events, the purchase of sports equipment and regular check-ups for athletes.

Article 68

(Exemptions for investors in the development of sport)

Under the laws of Bosnia and Herzegovina governing tax policy, legal and natural persons who make investments in the development of sport shall have such investments deducted as costs and exempted from tax.

Article 69

(State sports award)

A state sports award shall be established for a special contribution to the development of sport and the promotion of Bosnia and Herzegovina. The Council of Ministers of Bosnia and Herzegovina, at the proposal of the Ministry of Civil Affairs of Bosnia and Herzegovina, shall issue a decision on establishing a state sports award and criteria for giving the award.

PART SEVEN – SUPERVISING THE ENFORCEMENT OF THE LAW

Article 70

(1) The Ministry of Civil Affairs of Bosnia and Herzegovina shall supervise the enforcement of this Law and the regulations adopted on the basis of this Law at the level of Bosnia and Herzegovina.

(2) Administrative and professional supervision in the entities and at other levels of administrative organisation shall be provided by the entities' ministries responsible for sport on the basis of special laws and implementing regulations.

PART EIGHT- PENAL PROVISIONS

Article 71

(1) A fine ranging from 5,000.00 KM to 10,000.00 KM shall be imposed on a legal person for the offence of:

a) performing a sports activity without being registered pursuant to Article 14 of this Law and without being entered in a business register referred to in Article 15 of this Law,

b) entrusting the performance of professional sports activities to persons who do not meet the requirements referred to in Articles 44, 45 and 46 of this Law,

(2) allowing a person whose general and specific health ability has not been established to participate in a sports competition,

d) organising a sports competition or sports event in Bosnia and Herzegovina without meeting the requirements referred to in Article 52 of this Law,

e) organising an international sports competition or sports event without the consent of the body referred to in Article 54 of this Law,

f) not employing an athlete, professional or a technical or administrative worker pursuant to Article 35 of this Law,

g) failing to submit requested information or documentation regarding action taken as part of administrative proceedings or the performance of administrative supervision to an administrative organ within a specified time.

(2) A fine ranging from 1,000.00 KM to 5,000.00 KM shall be imposed on a natural person for:

a) failing to observe the provisions of Article 40 of this Law,

b) engaging in professional sports work without meeting the requirements referred to in Articles 44, 45 and 46 of this Law,

c) not having a work permit referred to in Article 42 of this Law.

(3) In the event of a repeated offence, the maximum fine referred to in paragraphs (1) and (2) of this Article shall be imposed on the perpetrator.

PART NINE – TRANSITIONAL AND FINAL PROVISIONS

Article 72

(Institute for Physical Culture of Bosnia and Herzegovina)

(1) The Law on Physical Culture of Bosnia and Herzegovina (*Official Gazette of the Socialist Republic of Bosnia and Herzegovina* No. 24/91) shall be superseded and the Institute of Physical Culture of Bosnia and Herzegovina shall cease to exist as of the effective date of this Law, and the property of the Institute shall become the property of Bosnia and Herzegovina.

(2) A special commission of the Ministry of Civil Affairs of Bosnia and Herzegovina shall determine the liabilities and closing statement of the Institute and its inventory and liabilities to employees.

Article 73

(Continuity of sports organisations)

The Olympic Committee of Bosnia and Herzegovina and sports alliances at the level of Bosnia and Herzegovina which functioned before the passage of this Law shall continue to function, provided that they must reorganise themselves and harmonise their normative deeds with the provisions of this Law within six months of the effective date of this Law.

Article 74

(Obligation to issue implementing regulations)

The implementing regulations for enforcing this Law shall be adopted within one year of the effective date of this Law.

Article 75

(Obligation to pass harmonised laws)

The competent authorities in the entities and at other levels of administrative organisation in Bosnia and Herzegovina shall adopt their own sport-related laws and regulations or harmonise them with this Law within one year of the effective date of this Law.

Article 76

(Establishing bodies responsible for sport at the level of Bosnia and Herzegovina)

The Council of Ministers of Bosnia and Herzegovina shall form a special sports sector within the Ministry of Civil Affairs of Bosnia and Herzegovina and an Anti-Doping Agency and shall initiate activities towards the appointment of their directors within 60 days of the effective date of this Law.

Article 77

(Entry into force)

This Law shall enter into force on the eighth day after its publication in the *Official Gazette of Bosnia and Herzegovina*.

PSBiH No. 168/08
25 February 2008
Sarajevo

Speaker
of the House of Representatives
of the Parliamentary Assembly of Bosnia and Herzegovina
Dr **Milorad Živković**

Speaker
of the House of Peoples
of the Parliamentary Assembly of Bosnia and Herzegovina
Sulejman Tihić