

DECREE ON CRITERIA FOR ASSESSING THE VALUE OF THE SEIZED PROPERTY

I. BASIC PROVISIONS

Article 1.

(Subject)

(1) This decree regulates the criteria and procedures for the expert assessment of the value of confiscated property managed and disposed of by the Federal Seized Property Management Agency (hereinafter: the Agency).

(2) Confiscated property in the context of this regulation means temporarily confiscated property based on court's decision on the determination of temporary insurance measures and permanently confiscated property based on final judgments.

Article 2.

(Method of carrying out the assessment procedure)

(1) The assessment of the value of confiscated property is carried out after the Agency takes possession of the confiscated property.

(2) The assessment of the value of confiscated property is carried out by the Agency, and in the event that the Agency cannot perform the assessment, it will engage a court expert or other expert to assess the value of confiscated property (hereinafter: authorized expert).

II. GENERAL EVALUATION CRITERIA

Article 3.

(General criteria)

(1) The assessment of the value of the confiscated property carried out by the Agency is determined on the basis of:

a) comparable market prices (property of the same or similar type and characteristics) at the domestic market;

b) authentic documentation on the value of the property, if such documentation accompanies the property;

c) data from the court decision on confiscation of property, if the court decision contains information that the value of the property was determined by an authorized appraiser or an expert of the appropriate profession.

III. SPECIAL ASSESSMENT CRITERIA

Article 4.

(Real Estate Assessment)

(1) In addition to the criteria from Article 3 of this decree, the value of real estate is also determined based on the value determined by the Tax Administration of the Federation of Bosnia and Herzegovina.

(2) The Tax Administration of the Federation of Bosnia and Herzegovina shall, at the request of the Agency, submit all necessary data and information regarding the value of the real estate if it has such data and information at its disposal.

Article 5.

(Assessment of passenger' cars, vehicles and other movable property)

(1) In addition to the criteria from Article 3 of this decree, the value of passenger' cars, and vehicles is also assessed according to the passenger' cars and vehicles price catalog that is applied at the domestic market at the time of the assessment.

(2) The value of other movable assets is estimated by comparison with the market sales prices of similar movable assets.

(3) When assessing movable property, the following are particularly taken into account:

a) technical specification of property;

b) remaining useful, economic or effective life, including ongoing and periodic maintenance;

c) property condition, including the previous maintenance period;

d) any functional, physical and technological obsolescence or damage;

e) any potential loss due to the connection of movable assets with other assets (for example if the operation of one machine is linked to the operation of another machine or if the physical relocation of a plant from its existing location causes high costs);

f) issues related to environmental protection.

Article 6.

(Estimation of the value of legal entities, shares and other securities)

(1) The assessment of the value of legal entities is carried out by authorized appraisers.

(2) The assessment of the value of shares and other securities is carried out according to the regulations governing the securities market.

IV. COMMISSION FOR ASSESSING THE VALUE OF THE SEIZED PROPERTY

Article 7.

(Appointment of the Property Assessment Commission)

(1) For implementing the expert assessment of the value of confiscated property done by the Agency, the Director of the Agency appoints the Commission for the expert assessment of the value of confiscated property (hereinafter: the Commission) made of employees of the Agency.

(2) The Commission consists of a president and two members who have their deputies and is appointed for a period of one year.

(3) For certain types of assessment, if the circumstances of the complexity of the assessment require it, an expert from a certain field can be hired as a member of the Commission, who replaces one member of the Commission from paragraph (1) of this article, and who is designated by the Director of the Agency.

(4) The President and members of the Commission must not have direct or indirect interests in the subject of property valuation that could cause a conflict of interest.

(5) In the case referred to in paragraph (4) of this article, the member of the Commission is obliged to request his exemption from the Director of the Agency.

Article 8.

(Assessment Procedure)

In the process of assessing the confiscated property, the Commission inspects the record of the confiscated property and all available documentation that accompanies the property, examines the physical condition of the property and undertakes all other necessary actions in accordance with the provisions of this decree in order to determine the value of the property whose assessment is being made as efficiently as possible.

Article 9

(Assessment Minutes)

(1) Minutes shall be drawn up on the procedure for assessing the value of confiscated property.

(2) The report on the assessment of the value of confiscated property contains the following elements:

- a) composition of the Commission;
- b) date and place of making the minutes;
- c) object of assessment (indication of the type of property, quantity and condition);
- d) actions undertaken and data collected for assessment;
- e) the result of the assessment, respectively, the determined value of the property;
- f) attachments related to the collected data for assessment;
- g) photo documentation;
- h) notes;
- i) signature of Commission members.

(3) If the Commission concludes that it cannot determine the value of the seized property, in that case it prepares a report stating the reasons why the valuation could not be carried out with a proposal to the Director of the Agency that the assessment is carried out by an authorized appraiser.

Article 10.

(Engagement of authorized appraisers)

(1) The engagement of authorized appraisers for the purpose of providing the service of assessment of the confiscated property value is carried out in accordance with the provisions of the Law on Public Procurement.

(2) In exceptional cases, and if the urgency of the procedure, the special circumstances of the case and the complexity of the assessment subject require it, the Agency may decide to engage an authorized assessor even before the assessment procedure is carried out by the Commission.

Article 11.

(Data Recording)

(1) Data on the estimated value of the property shall be entered in the record books.

(2) The Agency may submit estimated value of temporarily confiscated property to the court that passed the decision on temporary confiscation of property, and to the competent prosecutor's office on whose proposal the property was temporarily confiscated.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 12.

(Expert assessment of existing property) For confiscated property, managed by the Agency, for which no appraisal has been carried out by the date of entry into force of this decree, an expert assessment will be carried out in accordance with this decree.

Article 13.

(Entry into force)

This regulation enters into force on the following day of its publication in the "Official Gazette of the Federation of Bosnia and Herzegovina".

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June 16, 2022

Sarajevo

Prime Minister

Fadil Novalić

I hereby certify that the above is true and correct translation of the original document written in local language.

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Jasmina Penava

Certified Court Interpreter for English Language.