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PROVISIONAL TRANSLATION

ZAKON O PARNICNOM POSTUPKU

CIVIL PROCEDURE CODE

Dio prvi OSNOVNE ODREDBE

PART ONE: BASIC PROVISIONS

I - OSNOVNA NACELA

I - BASIC PRINCIPLES

Clan 1.

Article 1

Ovim zakonom se određuju pravila postupka na osnovu kojih općinski sudovi, kantonalni sudovi i Vrhovni sud Federacije Bosne i Hercegovine (u daljem tekstu: Vrhovni sud Federacije) raspravljaju i odlučuju u građanskopravnim sporovima ako posebnim zakonom nije drugacije određeno.

This law shall define rules of procedure based on which the Municipal Courts, Cantonal Courts and the Supreme Court of the Federation of Bosnia and Herzegovina (hereinafter: the Federation Supreme Court) shall hear and decide on civil disputes unless otherwise stipulated by a separate law.

Clan 2.

Article 2

(1) U parničnom postupku sud odlučuje u granicama zahtjeva koji su stavljeni u postupku.
(2) Sud u postupku primjenjuje materijalno pravo po vlastitoj ocjeni i nije vezan za navode stranaka u pogledu materijalnog prava.

- 1) In civil proceedings the court shall decide within the limits of the claims which have been filed during the procedure.
- 2) The court shall be bound to apply the substantive law as it considers relevant in the proceedings before it and it shall not be bound by the parties' arguments presented on the substantive law.

Clan 3.

Article 3

(1) Stranke mogu slobodno raspolagati zahtjevima koje su stavile tokom postupka.
(2) Sud neće uvažiti raspolaganja stranaka koja su protivna prinudnim propisima.

- 1) Parties may freely dispose of their claims they filed during the proceedings.
- 2) The court shall not recognize dispositions by the parties which contravene mandatory regulations.

Clan 4.

Article 4

Sud odlučuje o tužbenom zahtjevu, u

Unless otherwise provided, the court shall decide on claims on the basis of an oral, direct and public hearing.

pravilu, na osnovu usmene, neposredne i javne rasprave.

Clan 5.

Svaka stranka ima pravo da se izjasni o prijedlozima i zahtjevima protivne stranke. Samo kad je to ovim zakonom određeno, sud je ovlašten odluciti o zahtjevu o kojem protivnoj stranci nije bila data mogućnost izjašnjanja.

Clan 6.

U parnicnom postupku u ravnopravnoj su upotrebi bosanski jezik, hrvatski jezik i srpski jezik, a službena pisma su latinica i cirilica.

Clan 7.

(1) Stranke su dužne iznijeti sve činjenice na kojima zasnivaju svoje zahtjeve i izvoditi dokaze kojima se utvrđuju te činjenice.

(2) Sud je ovlašten utvrditi i činjenice koje stranke nisu iznijele, ako iz rezultata rasprave i dokazivanja proizilazi da stranke idu za tim da raspolazu zahtjevima kojima ne mogu raspolagati (clan 3. stav 2.).

Clan 8.

Koje ce činjenice uzeti kao dokazane odlucuje sud na osnovu slobodne ocjene dokaza. Sud ce savjesno i brižljivo cijeniti svaki dokaz posebno i sve dokaze zajedno.

Clan 9.

Stranke su dužne pred sudom govoriti istinu i savjesno se koristiti pravima koja su im priznata ovim zakonom.

Clan 10.

Sud je dužan provesti postupak bez odugovlacenja i sa što manje troškova, te onemogućiti svaku zloupotrebu prava koja strankama pripadaju u postupku.

Article 5

Each party shall have right to present his/her arguments on the proposals and claims of the adverse party. The court shall be authorized to decide upon a claim with regard to which the adverse party has not been given a possibility to respond, only when so provided by this law.

Article 6

The languages of Serbian, Bosnian and Croatian peoples shall be official languages in the civil procedure, and Cyrillic and Latin alphabets shall be official alphabets.

Article 7

- 1) Parties shall be obliged to present all facts on which they base their claims and present evidence proving those facts.
- 2) The court is authorized to take into consideration facts that were not presented by the parties if the outcome of the hearing and presentation of evidence indicate that the parties intend to dispose of a non-dispositive claim. (Article 3, paragraph 2).

Article 8

The court shall decide which facts shall be considered as proved, on the basis of free evaluation of evidence. The court shall conscientiously and meticulously evaluate each individual piece of evidence and all evidence in their entirety.

Article 9

Parties shall be obliged to tell the truth before the court and conscientiously use the rights conferred on them under this law.

Article 10

The court shall be obliged to conduct the proceedings without any unnecessary delay, with the lowest possible costs, and prevent any abuse by the parties in the proceedings of rights to which they are entitled.

Article 11

As a rule, the first instance proceedings shall consist of two court sittings – one for the preparatory hearing and one for the main hearing.

Article 12

Clan 11.

Prvostepeni postupak ce se, u pravilu, sastojati od dva rocišta – jednog pripremnog rocišta i jednog rocišta za glavnu raspravu.

Clan 12.

(1) Kad odluka suda zavisi o rješavanju nekog prethodnog pitanja koje se odnosi na to da li postoji neko pravo ili pravni odnos, a o tom pitanju još nije donio odluku sud ili drugi nadležni organ (prethodno pitanje), sud može sam riješiti to pitanje, ako posebnim propisima nije drugacije određeno.

(2) Odluka suda o prethodnom pitanju ima pravni ucinak samo u parnici u kojoj je to pitanje riješeno.

(3) U parnicnom postupku sud je u pogledu postojanja krivicnog djela i krivicneodgovornosti ucinitelja vezan za pravomocnu presudu krivicnog suda kojom se optuženi oglašava krivim.

Clan 13.

(1) U prvostepenom postupku i postupku po prijedlogu za ponavljanje postupka, sudi sudija pojedinac.

(2) U drugostepenom postupku i postupku odlucivanja po reviziji, sudi vijece od trojice sudija.

Clan 14.

Ako za pojedine radnje nije zakonom određen oblik u kome se mogu poduzeti, stranke poduzimaju parnicne radnje pismeno izvan rocišta ili usmeno na rocištu.

II - NADLEŽNOST SUDA

1. Zajednicke odredbe

- 1) When the court's ruling depends on a preliminary ruling regarding the existence of a certain right or legal relation, and such a ruling has not yet been made by a court or another competent body ("Preliminary Issues"), the court itself may resolve the issue unless otherwise stipulated by special regulations.
- 2) The court's ruling on a Preliminary Issue shall have legal effect only in the civil proceedings in which that issue has been determined.
- 3) With respect to the existence of a criminal act and criminal liability of the perpetrator, the court shall be bound in the civil proceedings by a final judgment of the criminal court pronouncing the accused guilty.

Article 13

- 1) A single judge shall adjudicate in the first instance proceedings and proceedings upon the motion for reopening.
- 2) A three-judge panel shall adjudicate in the second instance proceedings and proceedings upon revision.

Article 14

Unless the law prescribes the form of submission by the parties in civil proceedings, submissions must be made in writing outside the hearing and orally at the hearing.

II – COURT JURISDICTION

1. Joint provisions

Article 15

- 1) Upon the receipt of a claim, the court shall assess if the matter falls within its jurisdiction.
- 2) When assessing its jurisdiction, the court shall take into consideration the statements in the complaint and the facts known to the court.
- 3) If the circumstances on which the jurisdiction of a court is based change during the proceedings, the court that was competent at the moment of filing the complaint shall remain competent, even if another court would be competent due to those changes.

Clan 15.

(1) Poslije prijema tužbe sud ocjenjuje da li je nadležan.

(2) Prilikom ocjenjivanja nadležnosti, sud će uzeti u obzir navode u tužbi i činjenice koje su sudu poznate.

(3) Ako se u toku postupka promijene okolnosti na kojima je zasnovana nadležnost suda, sud koji je bio nadležan u vrijeme podnošenja tužbe ostaje i dalje nadležan i ako bi zbog tih promjena bio nadležan drugi sud.

Clan 16.

(1) Sud u toku cijelog postupka, po službenoj dužnosti pazi da li rješavanje spora spada u sudsku nadležnost.

(2) Kad sud u toku postupka utvrdi da za rješavanje spora nije nadležan sud nego neki drugi organ vlasti, oglasit će se nenadležnim, ukinuti provedene radnje u postupku i odbaciti tužbu.

(3) Kad sud u toku postupka utvrdi da za rješavanje spora nije nadležan sud u Federaciji Bosne i Hercegovine (u daljem tekstu: Federacija), po službenoj dužnosti će se proglasiti nenadležnim, ukinut će provedene radnje u postupku i odbaciti tužbu.

Clan 17.

(1) Svaki sud tokom cijelog postupka, po službenoj dužnosti pazi na svoju stvarnu nadležnost.

(2) Ako je tuženi već dao odgovor na tužbu, viši sud prvog stepena se ne može ni u povodu prigovora, ni po službenoj dužnosti oglasiti stvarno nenadležnim za predmete iz nadležnosti nižeg suda prvog stepena.

Clan 18.

(1) Do donošenja odluke o glavnoj stvari sud će

Article 16

1) During the proceedings the court shall, *ex officio*, have due regard to whether the dispute falls within the jurisdiction of the court.

2) When, in the course of proceedings, the court finds that another body has jurisdiction for resolving the dispute, it shall declare that it is not competent, annul the actions conducted and reject the claim.

3) When in the course of proceedings, the court finds that a court in the Federation of Bosnia and Herzegovina (hereinafter: “the Federation”) does not have jurisdiction over the dispute, it shall *ex officio* declare that it is not competent, annul the actions conducted and reject the claim.

Article 17

1) During the proceedings, every court shall, *ex officio*, have due regard to its subject matter jurisdiction.

2) After the defendant has given his response to the complaint, a higher court of first instance may not, either upon party’s objection or *ex officio*, declare that it has no subject matter jurisdiction for a case falling within the jurisdiction of a lower court of first instance.

Article 18

1) If the court finds, before the ruling on the main subject matter has been rendered, that the proceedings should be conducted in accordance with the rules of non-contentious procedure, it shall issue a decision on the cessation of civil (contentious) proceedings. After the decision becomes final, the proceedings shall be continued before the competent court in accordance with the rules of non-contentious procedure.

2) Actions carried out and rulings rendered by the contentious civil court including on-the-spot investigation, expert evaluation, hearing witnesses and the like, shall not be considered null and void due to the fact that they were carried out in the contentious proceedings.

Article 19

1) The court may, upon the defendant’s objection, which must be filed no later than at the time of responding to the complaint, declare that it has no territorial jurisdiction.

rješenjem obustaviti parnicni postupak ako utvrdi da bi postupak trebalo provesti po pravilima vanparnicnog postupka. Nakon pravomocnosti rješenja postupak ce se nastaviti po pravilima vanparnicnog postupka pred nadležnim sudom.

(2) Radnje koje je proveo parnicni sud, kao što su uvidaj, vještacenje, saslušanje svjedoka i drugo, i odluke koje je donio taj sud, nisu bez važnosti zato što su poduzete u parnicnom postupku.

Clan 19

(1) Sud se može u povodu prigovora tuženog proglasiti mjesno nenadležnim ako je prigovor podnesen najkasnije u odgovoru na tužbu.

(2) Sud se može proglasiti po službenoj dužnosti mjesno nenadležnim samo kad postoji isključiva mjesna nadležnost nekog drugog suda, ali najkasnije do podnošenja odgovora na tužbu.

Clan 20.

(1) Nakon pravomocnosti rješenja kojim se oglasio nenadležnim, sud ce bez odlaganja, a najkasnije u roku od tri dana, ustupiti predmet nadležnom sudu.

(2) Sud kome je predmet ustupljen kao nadležnom nastavit ce postupak kao da je kod njega bio pokrenut.

(3) Parnicne radnje nenadležnog suda, kao što su uvidaj, vještacenje, saslušavanje svjedoka i drugo nisu bez važnosti zato što ih je poduzeo nenadležan sud.

2) The court acting *ex officio* may declare that it has no territorial jurisdiction, only when another court has the exclusive territorial jurisdiction, and not after the response to the complaint was submitted.

Article 20

1) After the court's decision declaring that the matter does not fall within its jurisdiction becomes final, the court shall promptly, and no later than within three (3) days, forward the case to the competent court.

2) The court, to which the case has been forwarded as the competent court, shall continue the proceedings as if they were initiated before that court.

3) Actions such as on-the-spot investigation, expert evaluation, hearing of witnesses and the like taken by a court which does not have jurisdiction over the matter shall not be considered null and void due to the fact that they were carried out by a court that was not competent.

Article 21

1) If a court to which the case has been forwarded as the competent court, considers that the jurisdiction lies with the court that forwarded the case or another court, it shall send within three (3) days the case to the court which is competent to resolve the conflict of jurisdiction, except if it finds that the case was forwarded by mistake when it should have been sent to another court. In such instance the court shall forward the case to another court and inform accordingly the court which has originally forwarded the case.

2) When the second instance court passed a ruling acting on an appeal against a first instance ruling declaring that the first instance court does not have territorial jurisdiction, the determination as to jurisdiction shall be binding for the court to which the case has been forwarded, if the second instance court which passed the ruling was competent for resolving the conflict of jurisdiction between those courts.

3) The ruling of the second instance court declaring that the first instance court does not have jurisdiction as to the subject matter shall be binding for any court to which the same case is subsequently forwarded, if the second instance court was competent for resolving the conflict of jurisdiction between those courts.

Article 22

1) The conflict of jurisdiction between municipal courts in the same canton shall be resolved by the cantonal court.

Clan 21.

(1) Ako sud kome je predmet ustupljen kao nadležnom smatra da je nadležan sud koji mu je predmet ustupio ili neki drugi sud, dostavit ce, u roku od tri dana, predmet sudu koji treba riješiti taj sukob nadležnosti, osim ako nade da mu je predmet ustupljen zbog ocite pogreške, a trebalo je da bude ustupljen kojem drugom sudu, u kom ce slucaju predmet ustupiti drugom sudu i o tome obavijestiti sud koji mu je predmet ustupio.

(2) Kad je u povodu žalbe protiv odluke prvostepenog suda kojom se taj sud oglasio mjesno nenadležnim odluku donio drugostepeni sud, za tu je odluku vezan u vezi s nadležnošću i sud kome je predmet ustupljen, ako je drugostepeni sud koji je odluku donio nadležan za rješavanje sukoba nadležnosti između tih sudova.

(3) Odluka drugostepenog suda o stvarnoj nenadležnosti prvostepenog suda vezuje svaki sud kome se kasnije isti predmet ustupi, ako je drugostepeni sud nadležan za rješavanje sukoba nadležnosti između tih sudova.

Clan 22.

(1) Sukob nadležnosti između općinskih sudova istog kantona rješava kantonalni sud.

(2) Sukob nadležnosti između općinskog suda i kantonalnog suda s područja istog kantona rješava Vrhovni sud Federacije.

(3) Sukob nadležnosti između općinskih sudova s područja dva ili više kantona rješava Vrhovni sud Federacije.

(4) Sukob nadležnosti između općinskog suda jednog kantona s kantonalnim sudom drugog kantona, kao i sukob nadležnosti kantonalnih sudova rješava Vrhovni sud Federacije.

(5) Sukob nadležnosti Vrhovnog suda Federacije i općinskog, odnosno kantonalnog suda, rješava Vrhovni sud Federacije, u općoj

- 2) The conflict of jurisdiction between municipal and cantonal courts in the same canton shall be resolved by the Federation Supreme Court.
- 3) The conflict of jurisdiction between municipal courts from two or more cantons shall be resolved by the Federation Supreme Court.
- 4) The conflict of jurisdiction between municipal court from one canton with a cantonal court of another canton, as well as the conflict of jurisdiction among cantonal courts shall be resolved by the Federation Supreme Court.
- 5) The conflict of jurisdiction between the Federation Supreme Court and a municipal or cantonal court shall be resolved at the plenary session of the Federation Supreme Court.

Article 23

- 1) Until the conflict of jurisdiction is resolved, the court to which the case has been forwarded shall undertake those procedural actions which may be affected by delay.
- 2) The decision on conflict of jurisdiction shall not be subject to appeal.

Article 24

Each court shall conduct procedural actions on its territory of jurisdiction, but if there is a danger of delay, the court shall conduct some actions on the territory of another court. The court on whose territory these actions are to be taken shall be informed accordingly.

2. Jurisdiction of Courts in Disputes with International Elements

Article 25

With respect to the jurisdiction of courts in the Federation in civil proceedings relating to foreign citizens who enjoy immunity in Bosnia and Herzegovina, and relating to foreign countries and international organizations that are parties to such proceedings, the provisions of international law shall apply.

Article 26

- 1) The court in the Federation shall be competent to adjudicate disputes with an international element when its jurisdiction is explicitly established by the law of Bosnia and Herzegovina, the law of the Federation or an international agreement.

sjednici.

Clan 23.

(1) Dok se ne riješi sukob nadležnosti, sud kome je predmet ustupljenduzan je poduzimati one radnje u postupku za koje postoji opasnost od odgode.

(2) Protiv rješjenja kojim se odlucuje o sukobu nadležnosti nije dopuštena žalba.

Clan 24.

Svaki sud obavlja radnje u postupku na svom podrucju, ali ako postoji opasnost od odgode, sud ce poduzeti izvršenje pojedinačnih radnji i na podrucju drugog suda. O tome ce se obavijestiti sud na cijem ce se podrucju poduzeti radnja.

2. Nadležnost sudova u sporovima s međunarodnim elementom

Clan 25.

U pogledu nadležnosti sudova u Federaciji u postupcima u kojima je stranka stranac koji uživa pravo imuniteta u Bosni i Hercegovini, strana država ili međunarodna organizacija, važe pravila međunarodnog prava.

Clan 26.

(1) Sud u Federaciji nadležan je za sudenje kad je njegova nadležnostu sporu s međunarodnim elementom izricito određena zakonom Bosne i Hercegovine ili Federacije ili međunarodnim ugovorom.

(2) Ako u zakonu ili međunarodnom ugovoru nema izricite odredbe o nadležnosti suda u Federaciji za određenu vrstu sporova, sud u Federaciji nadležan je za sudenje u toj vrsti sporova i kad njegova nadležnost proizilazi iz odredaba ovog zakona o mjesnoj nadležnosti.

- 2) If the law or international agreement contain no specific provision on the jurisdiction of the court in the Federation for a specific type of dispute, the court in the Federation shall be competent to adjudicate these types of dispute also when its jurisdiction arises from the provisions of this law related to territorial jurisdiction.

3. Subject Matter Jurisdiction

Article 27

In civil proceedings, courts shall adjudicate within the scope of their subject matter jurisdiction, as determined by this law or another applicable Federation law.

4. Territorial Jurisdiction

a) General Territorial Jurisdiction

Article 28

- 1) If the law does not determine exclusive territorial jurisdiction of some other court, the court which has general territorial jurisdiction for the defendant shall be competent for the case.
- 2) In the cases prescribed by this law, in addition to the court of general territorial jurisdiction, another specified court shall be competent to adjudicate.

Article 29

- 1) The court on whose territory the defendant has permanent residence shall have the general territorial jurisdiction for the case, unless stipulated otherwise by a separate law.
- 2) If the defendant does not have a permanent place of residence, the court on whose territory the defendant has a temporary place of residence shall have general territorial jurisdiction.
- 3) If the defendant, in addition to a permanent place of residence, has a temporary place of residence, and the circumstances lead to the assumption that s/he will reside there for at least a year from the date the complaint has been filed, the court which has the territorial jurisdiction over the defendant's temporary place of residence shall have the general territorial jurisdiction as well.

Article 30

3. Stvarna nadležnost

Clan 27.

U parničnom postupku sudovi sude u granicama svoje stvarne nadležnosti određene ovim ili drugim zakonom Federacije, odnosno zakonom kantona.

4. Mjesna nadležnost

a) Opća mjesna nadležnost

Clan 28.

(1) Ako zakonom nije određena isključiva mjesna nadležnost nekog drugog suda, za sudenje je nadležan sud koji je opće mjesno nadležan za tuženog.

(2) U slučajevima predviđenim u ovom zakonu za sudenje je osim suda opće mjesne nadležnosti nadležan i drugi određeni sud.

Clan 29.

(1) Za sudenje je opće mjesno nadležan sud na cijem području tuženi ima prebivalište, ako posebnim zakonom nije drugačije određeno.

(2) Ako tuženi nema prebivalište, opće mjesno je nadležan sud na cijem području tuženi ima boravište.

(3) Ako tuženi pored prebivališta ima i boravište u nekom drugom mjestu, a prema okolnostima može se pretpostaviti da će tu boraviti najmanje godinu dana od dana podnošenja tužbe, opće mjesno je nadležan i sud boravišta tuženog.

Clan 30.

(1) Za sudenje u sporovima protiv Federacije, kantona, grada i općine, opće mjesno je nadležan sud na cijem se području nalazi

1) In civil proceedings relating to the Federation, canton, city or municipality, the court on whose territory their legislative body or council is seated shall have the general territorial jurisdiction over the proceedings.

2) In civil proceedings relating to legal persons, the court on whose territory they have their seats, shall have the general territorial jurisdiction over the proceedings.

Article 31

In civil proceedings against citizens of the Federation and Bosnia and Herzegovina who live abroad permanently, the court on whose territory they had their last residence in the Federation shall have the general territorial jurisdiction.

b) Elective Territorial Jurisdiction

Jurisdiction in Disputes for Damages

Article 32

1) In civil disputes concerning non-contractual liability for damages, in addition to the court that has the general territorial jurisdiction, the court on whose territory the damage has been incurred or the court on whose territory the consequences of the damage are felt, shall be competent to adjudicate.

2) If the civil disputes concern damages for death or severe bodily injury, the court on whose territory the plaintiff resides or has a temporary residence shall be competent to adjudicate in addition to the court referred to in paragraph 1 of this Article.

3) Paragraphs 1 and 2 of this Article shall also apply in disputes against insurance companies for compensation of damages to third parties, on the basis of regulations on direct liability of insurance companies, and paragraph 1 of this Article shall also apply in disputes against regress debtors concerning claims for refund of settlement of claims.

Jurisdiction in Disputes for the Protection of Rights Based on Manufacturer's Warranty

Article 33

In disputes against a manufacturer who issued a written warranty for the protection of rights based on that warranty, in addition to the court of

sjedište njihovog zakonodavnog tijela, odnosno vijeca.

(2) Za sudenje u sporovima protiv ostalih pravnih osoba, opće mjesno je nadležan sud na cijem se području nalazi njihovo sjedište.

Clan 31.

Za sudenje u sporovima protiv državljanina Federacije i Bosne i Hercegovine koji stalno živi u inostranstvu, opće mjesno je nadležan sud njegovog posljednjeg prebivališta u Federaciji.

b) Izberiva mjesna nadležnost

Nadležnost u sporovima za naknadu štete

Clan 32.

(1) Za sudenje u sporovima o vanugovornoj odgovornosti za štetu, osim suda opće mjesne nadležnosti, nadležan je i sud na cijem je području štetna radnja pocinjena ili sud na cijem je području štetna posljedica nastupila.

(2) Ako je šteta nastala zbog smrti ili teške tjelesne ozljede, nadležan je, pored suda iz stava 1. ovog clana, i sud na cijem području tužilac ima prebivalište, odnosno boravište.

(3) Odredbe st. 1. i 2. ovog clana primijenjivat će se i u sporovima protiv društva za osiguranje radi naknade štete trećim osobama na osnovu propisa o neposrednoj odgovornosti društava za osiguranje, a odredba stava 1. ovog clana i u sporovima o regresnim zahtjevima po osnovi naknade štete protiv regresnih dužnika.

Nadležnost u sporovima radi zaštite prava na osnovu jemstva proizvođača

general territorial jurisdiction for the defendant, the court which has the general territorial jurisdiction for the seller who delivered the written warranty to the buyer shall also be competent in the matter.

Jurisdiction in Disputes involving Maintenance

Article 34

If in family law proceedings the plaintiff requests maintenance, in addition to the court of general territorial jurisdiction, the court on whose territory the plaintiff resides permanently or temporary is also competent.

Jurisdiction in Marital Disputes

Article 35

For adjudication to determine the existence or non-existence of a marriage, marriage annulment or divorce (“Marital Disputes”), in addition to the court with general territorial jurisdiction, the court on whose territory the spouses had their last joint place of residence is also competent.

Jurisdiction in Determining or Contesting Parenthood

Article 36

In disputes that determine or contest parenthood a complaint on behalf of a child may be filed either at the court with general territorial jurisdiction or at the court where s/he resides, or lives.

Jurisdiction Based on the Place where Branch Office of Legal Person is Located

Article 37

In disputes against a legal person possessing a branch office in a place different from its seat, if the dispute arose from legal relations with that branch office, the court where the branch office is located shall also be competent to adjudicate, in addition to the court of general territorial jurisdiction.

Clan 33.

Za sudenje u sporovima za zaštitu prava na osnovu pismenog jemstva protiv proizvođača koji je jemstvo dao, nadležan je, osim suda opće mjesne nadležnosti za tuženog, i sud opće mjesne nadležnosti za prodavca koji je pri prodaji stvari urucio kupcu pismeno jemstvo proizvođača.

Nadležnost u sporovima za zakonsko izdržavanje

Clan 34.

Za sudenje u sporovima za zakonsko izdržavanje, ako je tužilac osoba koja traži izdržavanje, nadležan je pored suda opće mjesne nadležnosti i sud na cijem području tužilac ima prebivalište, odnosno boravište.

Nadležnost u bracnim sporovima

Clan 35.

Za sudenje u sporovima radi utvrđivanja postojanja ili nepostojanja braka, poništaja braka ili razvoda braka (bracni sporovi), nadležan je, pored suda opće mjesne nadležnosti i sud na cijem su području bracni drugovi imali posljednje zajedničko prebivalište.

Nadležnost u sporovima o utvrđivanju ili osporavanju ocinstva ili materinstva

Clan 36.

U sporovima radi utvrđivanja ili osporavanja ocinstva ili materinstva, ako je tužilac dijete, nadležan je pored suda opće mjesne nadležnosti i sud na cijem području tužilac ima prebivalište, odnosno boravište.

Nadležnost po mjestu u kome se nalazi poslovna jedinica pravne osobe

Jurisdiction in Inheritance Disputes

Article 38

Until the decision in probate proceedings has become final and binding, the court on whose territory the probate proceedings are conducted, in addition to the court that has the general territorial jurisdiction, shall be competent to adjudicate inheritance disputes and disputes involving claims of creditors against the deceased.

Jurisdiction According to the Location of Payment

Article 39

For proceedings in disputes concerning the holder of the bill or cheque against the signatory, in addition to the court of the general territorial jurisdiction, the court on whose territory the payment has taken place, as determined by the substantive law, is considered competent.

Jurisdiction in Labor Disputes

Article 40

In a labor dispute where the plaintiff is or was an employee, in addition to the court that has the general territorial jurisdiction for the defendant, the court on whose territory the service is being done or has been done, or the court on whose territory the service should be done, as well as the court on whose territory the employee has been employed, shall also be competent to adjudicate.

Jurisdiction in Disputes on Trespassing of Movables

Article 41

In addition to the court of general territorial jurisdiction, the court on whose territory the trespassing occurred shall also be competent to adjudicate disputes on the trespassing of movables.

c) Exclusive Territorial Jurisdiction

Jurisdiction in Real Estate Disputes

Article 42

Clan 37.

Za sudenje u sporovima protiv pravne osobe koja ima poslovnu jedinicu izvan sjedišta, ako spor proizilazi iz pravnog odnosa te jedinice, pored suda opće mjesne nadležnosti nadležan je i sud na cijem se području ta poslovna jedinica nalazi.

Nadležnost u sporovima iz nasljednopravnih odnosa

Clan 38.

Dok ostavinski postupak nije pravomocno završen, za sudenje u sporovima iz nasljednopravnih odnosa, te sporovima o potraživanjima vjerovnika prema ostaviocu, pored suda opće mjesne nadležnosti mjesno je nadležan i sud na cijem se području nalazi sud koji provodi ostavinski postupak.

Nadležnost po mjestu placanja

Clan 39.

Za sudenje u sporovima imatelja mjenice ili ceka protiv potpisnika nadležan je, pored suda opće mjesne nadležnosti, i sud mjesta placanja.

Nadležnost u sporovima iz radnih odnosa

Clan 40.

Ako je u sporu iz radnog odnosa tužilac zaposlenik, za sudenje je nadležan, pored suda koji je opće mjesno nadležan za tuženog, i sud na cijem se području rad obavlja ili se obavljao,

Nadležnost u sporovima zbog smetanja posjeda na pokretnim stvarima

- 1) The court on whose territory the real property is located shall have the exclusive jurisdiction for adjudicating disputes involving ownership rights and other substantive rights in or over real estate, disputes involving trespass to real estate and disputes involving rent or lease of real estate, as well as disputes arising from contracts on the use of apartment or business premises.
- 2) Where real estate is located on the territory of several courts each court on whose territory such real estate is located shall be competent.

Jurisdiction in Disputes Involving Aircraft and Sea Vessels

Article 43

When the jurisdiction for adjudicating disputes concerning ownership rights and other substantive rights in or over aircraft or sea vessels, or disputes concerning the lease of an aircraft or sea vessel lies with a court in the Federation, the court on whose territory the aircraft or vessel is registered shall have exclusive territorial jurisdiction.

Article 44

When the jurisdiction for adjudicating disputes involving trespass to ships or aircraft under Article 43 of this Law lies with a court in the Federation, the court on whose territory the trespass occurred shall also have the territorial jurisdiction in addition to the court on whose territory the aircraft or vessel is registered.

Jurisdiction over Disputes in Enforcement and Bankruptcy Procedure

Article 45

In disputes that emerge during and as a result of judicial or administrative enforcement proceedings, or during and as a result of bankruptcy proceedings, the court on whose territory the enforcement or bankruptcy proceedings are being conducted shall have exclusive territorial jurisdiction.

d) Subsidiary Jurisdiction

Jurisdiction over Co-litigants

Article 46

If a complaint is raised against several individuals as material co-litigants (Article 362 paragraph 1, sub-paragraph 1) and the same court does not

Clan 41.

Za sporove zbog smetanja posjeda na pokretnim stvarima nadležan je, pored suda opće mjesne nadležnosti, i sud na cijem se području dogodilo smetanje.

c) Isključiva mjesna nadležnost

Nadležnost u sporovima o nekretninama

Clan 42.

(1) Za sudenje u sporovima o pravu vlasništva i o drugim stvarnim pravima nanekretninama, u sporovima zbog smetanja posjeda na nekretnini, te u sporovima iz zakupnih ili najamnih odnosa na nekretnini, ili iz ugovora o korištenju stana ili poslovnih prostorija, isključivo je nadležan sud na cijem se području nalazi nekretnina.

(2) Ako nekretnina leži na području više sudova, nadležan je svaki od tih sudova.

Nadležnost u sporovima o zrakoplovu i brodu

Clan 43.

Kad je za sudenje u sporovima o pravu vlasništva i o drugim stvarnim pravima na zrakoplovima, odnosno brodovima, kao i sporovima iz zakupnih odnosa na zrakoplovu i brodu, nadležni sud u Federaciji, isključivo je mjesno nadležan sud na cijem se području vodi registar u koji je zrakoplov, odnosno brod upisan.

Clan 44.

Kad je za sudenje u sporovima zbog smetanja posjeda na brodovima, odnosno zrakoplovima iz clana 43. ovog zakona nadležan sud u Federaciji, mjesno je nadležan, pored suda na cijem se području vodi registar u koji je brod, odnosno zrakoplov upisan, i sud na cijem se području dogodilo smetanje.

have the territorial jurisdiction for all of them, the court which has territorial jurisdiction over any one of the defendants shall be competent to adjudicate.

Jurisdiction over Persons over whom the court in the Federation does not have the General Territorial Jurisdiction

Article 47

- 1) A complaint involving property claims against an individual who the court in the Federation does not have general territorial jurisdiction over, may be filed with any court in the Federation on whose territory the object claimed in the complaint or any property of that individual is located.
- 2) If the jurisdiction of the court in the Federation is based on the fact that the defendant's obligation arose during his/her stay in the Federation, the territorial jurisdiction shall lie with the court competent for the territory where the obligation arose.
- 3) In disputes relating to individuals for which a court in the Federation does not have general territorial jurisdiction, where the dispute concerns obligations which are to be performed in the Federation, the complaint may be filed with the court on whose territory the obligation is to be performed.

Jurisdiction Based on the Location of the Agency of a Foreign Person in the Federation

Article 48

In disputes against a natural or legal person seated abroad, concerning the obligations that arose or need to be performed in the Federation, the complaint may be filed with the court in the Federation where its permanent agency for Bosnia and Herzegovina or the Federation or the seat of the body authorized to act on its behalf are located.

e) Determining Territorial Jurisdiction by a Higher Court

Article 49

If the competent court cannot engage in proceedings due to the exemption of judges, it shall notify the higher court accordingly, and the higher court shall allocate jurisdiction for the dispute to another court from its territory having subject matter jurisdiction and this latter court shall proceed in the matter.

Nadležnost za sporove u izvršnom i stecajnom postupku

Clan 45.

Za sudenje u sporovima koji nastaju u toku i u povodu sudskog ili administrativnog izvršnog postupka, odnosno u toku i u povodu stecajnog postupka, mjesno je isključivo nadležan sud na cijem se području nalazi sud koji provodi izvršni ili stecajni postupak, odnosno sud na cijem se području provodi administrativno izvršenje.

d) Supsidijarna nadležnost

Nadležnost za suparnicare

Clan 46.

Ako je jednom tužbom tuženo više osoba u svojstvu materijalnih suparnicara (clan 362. stav 1. tacka 1.), a za njih ne postoji mjesna nadležnost istog suda, nadležan je sud koji je mjesno nadležan za jednog od tuženih.

Nadležnost za osobe za koje ne postoji opca mjesna nadležnost u Federaciji

Clan 47.

(1) Tužba o imovinsko-pravnim zahtjevima protiv osobe za koju ne postoji opca mjesna nadležnost u Federaciji, može se podnijeti svakom sudu u Federaciji na cijem se području nalazi kakva imovina te osobe ili predmet koji se tužbom traži.

(2) Ako nadležnost suda u Federaciji postoji zato što je obaveza nastala za vrijeme boravka tuženog u Federaciji, mjesno je nadležan sud na cijem se području obaveza nastala.

(3) U sporovima protiv osoba za koje u Federaciji ne postoji opca mjesna nadležnost, za obaveze koje treba ispuniti u Federaciji, tužba se može podnijeti sudu na cijem području tu obavezu treba ispuniti.

Article 50

- 1) Upon proposal of a party or a competent municipal court, the cantonal court may decide that another municipal court from its territory, competent as to the subject matter, shall adjudicate a particular case, if it is obvious that this would facilitate the procedure or if there are other justified reasons.
- 2) Upon proposal of a party or a competent court, the Federation Supreme Court may decide that a court from another canton, competent as to the subject matter, shall adjudicate over a particular case, if it is obvious to the court that this would facilitate the procedure or if there are other justified reasons.

Article 51

If a court in the Federation is competent to adjudicate the case, but it is not possible to determine the territorial jurisdiction according to the provisions of this Law, the Federation Supreme Court shall, upon a party's motion, determine which court with subject matter jurisdiction shall have the territorial jurisdiction.

f) Agreement on Territorial Jurisdiction

Article 52

- 1) If the law does not prescribe the exclusive jurisdiction of a court, the parties may agree that their case be tried at first instance by a court that does not have the territorial jurisdiction, provided that the court in question has the subject matter jurisdiction.
- 2) If the law prescribes that two or more courts in the Federation have territorial jurisdiction in a particular case, the parties may agree that their case be tried at first instance by one of these courts or another court with subject matter jurisdiction.
- 3) The agreement on jurisdiction is valid only if it is concluded in writing and signed by all the parties to the dispute and concerns a particular dispute or several disputes which all arise from a specific legal relation.
- 4) The plaintiff shall submit the written agreement on jurisdiction with the complaint.
- 5) If the complaint has not been filed with the court determined by the agreement on territorial jurisdiction, the defendant may request referral of case to that particular court.

**Nadležnost po mjestu gdje se nalazi
zastupništvo strane osobe u Federaciji**

Clan 48.

U sporovima protiv pravne osobe koja ima sjedište u inostranstvu, u pogledu obaveza koje su zasnovane u Federaciji ili im se u njoj ima udovoljiti, tužba se može podnijeti sudu u Federaciji na čije m se području nalazi njeno stalno zastupništvo za Bosnu i Hercegovinu, odnosno Federaciju ili sjedište organa kome je povjereno da obavlja njene poslove.

e) Određivanje mjesne nadležnosti od višeg suda

Clan 49.

Ako nadležni sud zbog izuzeca sudija ne može postupati, obavijestit će o tome neposredno viši sud, koji će odrediti da u tom predmetu postupa drugi stvarno nadležan sud sa njegovog područja.

Clan 50.

(1) Kantonalni sud može, na prijedlog stranke ili nadležnog općinskog suda, odrediti da u pojedinom predmetu postupa drugi stvarno nadležan općinski sud s njegovog područja, ako je ocito da će se tako lakše provesti postupak ili ako za to postoje drugi opravdani razlozi.

(2) Vrhovni sud Federacije može, na prijedlog stranke ili nadležnog suda, odrediti da u pojedinom predmetu postupa stvarno nadležan sud u drugom kantonu ako je ocito da će se tako lakše provesti postupak ili ako za to postoje drugi opravdani razlozi.

Clan 51.

Ako je za suđenje nadležan sud u Federaciji, ali se prema odredbama ovog zakona ne može utvrditi koji je sud mjesno nadležan, Vrhovni

- 6) The defendant has to submit the request referred to in the previous paragraph along with the jurisdiction agreement before presenting arguments on the main subject matter.

**PART TWO:
THE COURSE OF CIVIL PROCEEDINGS**

A. PROCEEDINGS BEFORE THE FIRST INSTANCE COURT

III - COMPLAINT

1. Complaint and its Contents

Article 53

- 1) Civil proceedings shall be initiated by a complaint.
- 2) The complaint must contain:
 1. the grounds on which the plaintiff asserts the jurisdiction of the court;
 2. a specified claim (including legal remedy sought by the plaintiff) regarding the main matter and subsidiary claims (“Statement of Claim”);
 3. the facts on which the plaintiff bases the Statement of Claim;
 4. the evidence corroborating those facts;
 5. the value of the dispute;
 6. the legal basis for the claim; and
 7. other data that must be contained in each written pleading, as is prescribed in Article 334. of this Law.

1. The court is not bound by the legal basis stated by the plaintiff.
2. The court shall proceed upon the complaint even if the plaintiff failed to state the legal basis for the claim.

2. Complaint Filed for Determination

Article 54

- 1) The plaintiff may request in the complaint that the court make a determination only as to the existence or nonexistence of a right or legal relation or the authenticity or falsity of a document.
- 2) Such complaint may be filed when the special regulations so prescribe or when the plaintiff has the legal interest that the court

sud Federacije ce, na prijedlog stranke, odrediti koji ce stvarno nadležan sud biti mjesno nadležan.

f) Sporazum o mjesnoj nadležnosti

Clan 52.

(1) Ako zakonom nije određena isključiva nadležnost nekog suda, stranke se mogu sporazumjeti da im u prvom stepenu sudi sud koji nije mjesno nadležan, uz uslov da je taj sud stvarno nadležan.

(2) Ako je zakonom određeno da su za sudenje u određenom sporu mjesno nadležna dva ili više sudova u Federaciji, stranke se mogu sporazumjeti da im u prvom stepenu sudi jedan od tih sudova ili neki drugi stvarno nadležni sud.

(3) Sporazum iz stava 2. ovog clana važi samo ako je pismeno sastavljen, ako su ga potpisale sve stranke i ako se tice određenog spora ili više sporova koji svi proistjecu iz određenog pravnog odnosa.

(4) Ispravu o sporazumu tužilac mora priložiti uz tužbu.

(5) Ako tužba nije podnesena sudu na koji upućuje sporazum o mjesnoj nadležnosti tuženi može zahtijevati da se predmet ustupi tom sudu.

(6) Zahtjev iz stava 5. ovog clana tuženi može podnijeti najkasnije u odgovoru na tužbu, uz prilaganje isprave o sporazumu.

Dio drugi

TOK POSTUPKA

A. POSTUPAK PRED PRVOSTEPENIM SUDOM

establishes the existence or nonexistence of a right or legal relation or authenticity or falsity of a document before the maturity of the claim arising from that relation.

- 3) If the ruling on a dispute depends on the existence or nonexistence of a legal relationship which became disputable in the course of the litigation, the plaintiff may, in addition to the existing claim, request the court to determine whether such a relation exists or not, if the court conducting the litigation is competent to decide on such a claim.
- 4) Claims under paragraph 3 of this Article shall not be considered as an amendment of the initial complaint.

3. Stating Several Claims in One Complaint

Article 55

- 1) The plaintiff may state several claims in one complaint against the same defendant when all claims arise from the same factual and legal basis.
- 2) The claims which do not arise from the same factual and legal basis may be stated in one complaint against the same defendant only when the same court has subject matter jurisdiction for each of those claims and when the same type of procedure is prescribed for all claims, and the court decides that stating these claims in one complaint will improve the efficiency of the proceedings.
- 3) If the court, in the circumstances referred to in paragraph 2 of this Article, finds that stating several claims in one complaint does not contribute to the efficiency of the proceedings, it shall render the decision on the separation of the proceedings at the preparatory hearing at the latest.
- 4) The plaintiff may file alternative and interrelated Statements of Claims in the same complaint and request the court to accept the remaining claim if one of the two claims filed is struck out by the court.
- 5) Claims may, in accordance with paragraph 4 of this Article, be united in one complaint only if the court has subject matter jurisdiction for each of those claims and if the same type of procedure is prescribed for all claims.

III – T U Ž B A

1. Tužba i njen sadržaj

Clan 53.

- (1) Parnični postupak se pokrece tužbom.
- (2) Tužba mora sadržavati:

- 1) osnovu za nadležnost suda,
- 2) određen zahtjev u pogledu glavne stvari i sporednih potraživanja (tužbeni zahtjev),
- 3) činjenice na kojima tužilac zasniva tužbeni zahtjev,
- 4) dokaze kojima se utvrđuju te činjenice,
- 5) naznaku vrijednosti spora,
- 6) pravni osnov tužbenog zahtjeva i
- 7) druge podatke koje u skladu s odredbama člana 334. ovog zakona mora imati svaki podnesak

- (3) Sud nije vezan za pravni osnov tužbenog zahtjeva.
- (4) Sud će postupiti po tužbi i kad tužilac nije naveo pravni osnov tužbenog zahtjeva.

2. Tužba za utvrđenje

Clan 54.

(1) Tužilac može u tužbi tražiti da sud samo utvrdi postojanje, odnosno nepostojanje nekog prava ili pravnog odnosa, ili istinitost, odnosno neistinitost neke isprave.

(2) Takva se tužba može podici kad je to posebnim propisima predviđeno ili, kad tužilac ima pravni interes da sud utvrdi postojanje, odnosno nepostojanje nekog prava ili pravnog odnosa ili istinitost, odnosno neistinitost neke isprave prije dospjelosti zahtjeva za cinidbu iz istog odnosa.

4. Amendment of Complaint

Article 56

- 1) Amendment of the complaint is a modification of the identity of the claim, augmentation of the existing claim or statement of another claim along with the existing one.
- 2) The complaint shall not be considered amended if the plaintiff amended the legal basis for the claim, if s/he reduced the claim, or if s/he modified, amended or rectified certain facts relating to the claim.

Article 57

- 1) At any time before the conclusion of the preparatory hearing, or before the beginning of the main hearing if the preparatory hearing was not held, the plaintiff may amend the complaint.
- 2) After the preparatory hearing, and until the conclusion of the main hearing at the latest, the court may allow the amendment of the complaint only if it concludes that the purpose of the amendment is not to delay the proceedings and if the defendant consents to the amendment.
- 3) It shall be considered that the defendant consented to the amendment of the complaint if s/he presents arguments on the main subject matter under the amended complaint, without having contested the amendment.
- 4) The court may, in the case referred to in paragraph 2 of this Article, allow the amendment of a complaint, even when the defendant objects, provided that all the following conditions are met:

1. the plaintiff, without his/her fault, could not have amended the complaint earlier;
2. the defendant will be in a position to answer the amended complaint without postponement of the main hearing.
- 5) No interlocutory appeal shall be allowed against the decision allowing or refusing the amendment of the complaint.

Article 58

- 1) The plaintiff may also, within the time limit referred to in Article 57 of this Law, amend his/her complaint by suing another person instead of the original defendant.
- 2) The consent of the person who is to join the lawsuit instead of the original defendant shall be required for the amendment of the complaint pursuant to paragraph 1 of this Article. If the original

(3) Ako odluka o sporu zavisi o tome postoji li ili ne postoji neki pravni odnos koji je tokom parnice postao sporan, tužilac može pored postojećeg zahtjeva istaknuti i tužbeni zahtjev da sud utvrdi da takav odnos postoji, odnosno da ne postoji, ako je sud pred kojim parnica teče nadležan za takav zahtjev.

(4) Isticanje zahtjeva prema odredbi stava 3. ovog člana neće se smatrati preinakom tužbe.

3. Isticanje više tužbenih zahtjeva u jednoj tužbi

Član 55.

(1) U jednoj tužbi tužilac može istaknuti više zahtjeva protiv istog tuženog kad su svi zahtjevi povezani istom činjenicom i pravnom osnovom.

(2) Ako zahtjevi nisu povezani istom činjenicom i pravnom osnovom, oni se mogu istaknuti u jednoj tužbi protiv istog tuženog samo kad je isti sud stvarno nadležan za svaki od tih zahtjeva i kad je za sve zahtjeve određena ista vrsta postupka, a sud ocijeni da isticanje takvih tužbenih zahtjeva u jednoj tužbi doprinosi ekonomičnosti postupka.

(3) Ako sud, u slučaju iz stava 2. ovog člana, ocijeni da isticanje više tužbenih zahtjeva u jednoj tužbi ne doprinosi ekonomičnosti postupka, najkasnije na pripremnom ročištu donijet će rješenje o razdvajanju postupka.

(4) Tužilac može u jednoj tužbi istaknuti dva ili više tužbenih zahtjeva koji su u međusobnoj vezi i tražiti da sud usvoji slijedeći od tih zahtjeva ako nade da onaj koji je u tužbi istaknut ispred njega nije osnovan.

(5) Zahtjevi se mogu, prema stavu 4. ovog člana, istaknuti u jednoj tužbi samo ako je sud stvarno nadležan za svaki od istaknutih zahtjeva i ako je za sve zahtjeve određena ista vrsta postupka.

4. Preinaka tužbe

defendant has already presented arguments on the main subject matter, his/her consent shall also be required.

- 3) The person joining the lawsuit instead of the original defendant must accept the lawsuit in the state existing at the moment s/he enters the lawsuit.

5. Complaint Withdrawal

Article 59

- 1) At any time before the complaint is served on the defendant, the plaintiff may withdraw it without the consent of the defendant. The complaint may also be withdrawn after it is served on the defendant and before the conclusion of the main trial, if the defendant consents. If the defendant does not reply within eight (8) days from the date of the receipt of the notification of withdrawal, it shall be considered that s/he has consented to withdrawing.
- 2) A withdrawn complaint shall be considered as not having been filed and may be filed again.

6. Existence of Litigation

Article 60

- 1) Litigation shall start to run from the date the complaint is served upon the defendant.
- 2) With respect to the claim put forward by a party in the course of proceedings, the litigation shall start from the moment of notification of the adverse party of the claim.
- 3) During the course of litigation, a new litigation may not be initiated among the same parties regarding the same claim. If such litigation should be initiated, the court shall reject the complaint.
- 4) Parties to the dispute shall be obliged to inform the courts if such proceedings are in course before a court in Bosnia and Herzegovina.
- 5) During the proceedings, the court shall, *ex officio*, have due regard to whether another litigation between the same parties regarding the same claim is in course before a court in Bosnia and Herzegovina.

Clan 56.

(1) Preinaka tužbe jeste promjena istovjetnosti zahtjeva, povecanje postojećeg ili isticanje drugog zahtjeva uz postojeci.

(2) Tužba nije preinacena ako je tužilac promijenio pravnu osnovu tužbenog zahtjeva, ako je smanjio tužbeni zahtjev ili ako je promijenio, dopunio ili ispravio pojedine navode.

Clan 57.

(1) Tužilac može preinaciti tužbu najkasnije do zaključenja pripremnog ročišta ili do početka glavne rasprave, ako pripremno ročište nije održano.

(2) Nakon održavanja pripremnog ročišta, a najkasnije do zaključenja glavne rasprave, sud može dopustiti preinaku tužbe samo ako ocijeni da preinaka nije usmjerena na odugovlačenje postupka i ako tuženi pristaje na preinaku.

(3) Smatrat će se da postoji pristanak tuženog na preinaku tužbe ako se on upusti u raspravljanje o glavnoj stvari po preinacenoj tužbi, a nije se prije toga protivio preinaci.

(4) Sud će, u slučaju iz stava 2. ovog clana, dopustiti preinaku tužbe i kad se tuženi protivio preinaci, ako su ispunjeni svi slijedeći uvjeti:

1) tužilac bez svoje krivnje nije mogao tužbu preinaciti ranije;

2) tuženi je u mogućnosti da raspravlja po preinacenoj tužbi bez odlaganja glavne rasprave.

(5) Protiv rješenja kojim se usvaja ili odbija preinaka tužbe nije dopuštena posebna žalba.

Clan 58.

(1) Tužilac može, u roku iz clana 57. ovog zakona, svoju tužbu preinaciti i tako da umjesto prvobitnog tuženog tuži drugu osobu.

Article 61

1) If one of the parties conveys the object or the right which is the subject of the litigation to a third party, this shall not prevent the continuation of the litigation between the same parties.

2) The person to whom the object is conveyed or the right has been assigned, may enter the proceedings instead of the plaintiff or defendant only if the parties participating in the litigation consent to it.

IV - PREPARATION OF THE MAIN HEARING

1. General Provisions

Article 62

1) The court shall start the preparations for the main hearing immediately upon the receipt of the complaint.

2) The preparations for the main hearing shall include initial examination of the complaint, the service of the complaint on the defendant for response, holding preparatory hearing and setting the main hearing.

Article 63

During the preparation of the main hearing, the parties may submit pleadings in which they state the facts supporting their claim and disclose evidence corroborating these facts.

Article 64

1) During the preparations for the main hearing, the court shall issue directions to the parties on the management of the proceedings in accordance with the provisions of this Law.

2) No interlocutory appeal shall be allowed against a decision referred to in paragraph 1 of this Article.

Article 65

In the course of the preparations for the main hearing, a court may render a judgment on the basis of an admission, express waiver or default as well as taking the settlement of the parties on the record.

(2) Za preinaku tužbe prema stavu 1. ovog člana potreban je pristanak osobe koja treba da stupa u parnicu umjesto prvobitnog tuženog. Ako se prvobitni tuženi već upustio u raspravljanje o glavnoj stvari, potreban je i njegov pristanak.

(3) Osoba koja stupa u parnicu umjesto prvobitnog tuženog mora primiti parnicu u onom stanju u kojem se ona nalazi u trenutku kad u nju stupa.

5. Povlačenje tužbe

Član 59.

(1) Tužilac može povući tužbu bez pristanka tuženog prije nego što je tužba dostavljena tuženom. Tužba se može povući i nakon dostave tuženom, sve do zaključenja glavne rasprave, ako tuženi na to pristane. Ako se tuženi u roku od osam dana od dana obavijesti o povlačenju tužbe ne izjasni o tome, smatrat će se da je pristao na povlačenje.

(2) Povučena tužba smatra se kao da nije ni bila podnesena i može se ponovo podnijeti.

6. Postojanje parnice

Član 60.

(1) Parnica počinje teći dostavom tužbe tuženom.

(2) U pogledu zahtjeva koji je stranka postavila tokom postupka, parnica počinje teći odtrenutka kad je o tom zahtjevu obaviještena protivna stranka.

(3) Dok parnica teče, ne može se u pogledu istog zahtjeva pokrenuti nova parnica među istim strankama, a ako takva parnica bude pokrenuta, sud će tužbu odbaciti.

2. Initial Examination and Service of the Complaint

Article 66

If the court finds that a complaint is incomprehensible; or that it does not contain the necessary elements prescribed by Article 53 of this law (“Incomplete Complaint”); or that there are defects concerning the capacity of the plaintiff or the defendant to be a party in the proceedings; or defects concerning the legal representation of the party or the authorization of the representative to institute litigation the court shall take any of the actions prescribed in the provisions of Articles 295 and 336 of this Law in order to remedy the defect.

Article 67

- 1) After the preliminary examination of the complaint, the court shall render a decision rejecting the complaint if it finds that:
 1. the adjudication of the case does not fall within the competence of the court; or
 2. where time limitations are prescribed by the law for filing such complaint and the complaint was not filed within the prescribed time limits; or
 3. litigation concerning the same claim is ongoing; or
 4. a final judgment has already been rendered on the subject matter; or
 5. a judicial settlement has been reached on the subject matter of the dispute; or
 6. the plaintiff has expressly waived his/her claim before the court; or
 7. there is no legal interest of the plaintiff for filing the complaint for determination; or
 8. the plaintiff failed to remedy the defects referred to in Article 66 of this law within the required time limits set by the court.
- 2) The court shall render a decision declaring that it is not competent and forward the case to a different court, if it finds that:
 1. it does not have territorial jurisdiction to adjudicate the case; or
 2. it does not have subject matter jurisdiction to adjudicate the case

Article 68

(4) Ako među istim strankama već teče druga parnica o istom zahtjevu pred sudom u Bosni i Hercegovini, stranke su o tome dužne obavijestiti sud.

(5) Sud će tokom cijelog postupka po službenoj dužnosti paziti teče li već druga parnica o istom zahtjevu među istim strankama pred sudom u Bosni i Hercegovini.

Clan 61.

(1) Ako koja od stranaka otuđi stvar ili pravo o kojem teče parnica, to ne sprječava da se parnica među istim strankama dovrši.

(2) Osoba koja je pribavila stvar ili pravo o kojem teče parnica može stupiti u parnicu umjesto tužioca, odnosno tuženog, samo ako na to pristanu obje stranke.

IV – PRIPREMANJE GLAVNE

RASPRAVE

1. Opće odredbe

Clan 62.

(1) Sud odmah nakon prijema tužbe počinje pripreme za glavnu raspravu.

(2) Te pripreme obuhvataju prethodno ispitivanje tužbe, dostavu tužbe na obavezni odgovor, održavanje pripremnog ročišta i zakazivanje glavne rasprave.

Clan 63.

U toku pripremanja glavne rasprave stranke mogu upućivati podneske u kojima će navesti činjenice na kojima zasnivaju svoje zahtjeve, te predložiti dokaze kojima se utvrđuju te činjenice.

Clan 64.

(1) Sud u toku pripremanja glavne rasprave

If the court finds that there is insufficient information for reaching a decision on an issue raised in the course of the preliminary examination of the complaint, it shall decide on that issue as soon as sufficient information is available.

Article 69

The complaint with attachments shall be served on the defendant within thirty (30) days after the day of receipt of a correct and complete complaint by the court.

1. Response to the Complaint

a) Response to the Complaint and its Contents

Article 70

- 1) After receipt of the complaint with attachments, the defendant shall be obliged to give a written response to the complaint within thirty (30) days.
- 2) When serving the defendant with the complaint, the court shall inform the defendant about his/her obligation referred to in paragraph 1 of this Article, the required contents of the response and the consequences of not responding to the complaint within the set time limit.

Article 71

- 1) In the response to the complaint, the defendant shall state possible procedural objections and a statement of whether the claim put forth in the complaint is accepted or contested and, as is prescribed in Article 334, all other information that every written pleading must contain.
- 2) If the claim is contested, the response shall also contain the reasons for contesting the claim and the legal basis for the defendant's position, the facts on which his/her position is based and evidence corroborating those facts.

Article 72

In the cases where this law prescribes that a party may make a motion or undertake some other procedural action at any time before the defendant presents arguments on the main subject matter, such motion may be made until the court receives the response to the complaint.

donosi odluke o upravljanju postupkom u skladu s odredbama ovog zakona.

(2) Protiv rješenja iz stava 1. ovog člana nije dopuštena posebna žalba.

Član 65.

Sud može u toku pripremanja glavne rasprave donijeti presudu na osnovu priznanja, presudu na osnovu odricanja i presudu zbog propuštanja, te primiti na zapisnik nagodbu stranaka.

2. Prethodno ispitivanje i dostava tužbe

Član 66.

Kad utvrdi da je tužba nerazumljiva ili da ne sadrži elemente propisane odredbom člana 53. ovog zakona (nepotpuna tužba), ili da postoje nedostaci koji se ticu sposobnosti tužioca ili tuženog da budu stranke u parnici, ili nedostaci u pogledu zakonskog zastupanja stranke, ili nedostaci koji se odnose na ovlaštenje zastupnika da pokrene parnicu kad je takvo ovlaštenje potrebno, sud će radi otklanjanja tih nedostataka poduzeti potrebne radnje predviđene odredbama čl. 295. i 336. ovog zakona.

Član 67.

(1) Nakon prethodnog ispitivanja tužbe sud donosi rješenje kojim se tužba odbacuje ako utvrdi:

- 1) da rješavanje o tužbenom zahtjevu ne spada u sudsku nadležnost;
- 2) da je tužba podnesena neblagovremeno, ako je posebnim propisima određen rok zapodnošenje tužbe;
- 3) da o istom zahtjevu već teče parnica;
- 4) da je stvar pravomoćno presuđena;

Article 73

When the court finds that the response to the complaint is incomprehensible or incomplete, it shall proceed in accordance with Article 336 of this Law in order to remedy these defects.

b) Counter-claim and Response

Article 74

- 1) In the response to the complaint, and at the preparatory hearing at the latest, the defendant may file a counter-claim if the counter-claim is related to the Statement of Claim, if the Statement of Claim and the counter-claim may be compensated, or if the counter-claim is filed in order to determine some right or legal relation on whose existence or nonexistence the ruling on the claim depends entirely or partially.
- 2) After the preparatory hearing, the defendant may file a counter-claim only with the consent of the plaintiff and only if the court determines that the filing of the counter-claim is not designed to delay the proceedings.
- 3) A counter-claim cannot be filed if a higher court has the subject matter jurisdiction over the counter-claim.
- 4) All provisions relating to the complaint and the response to the complaint shall apply accordingly to the counter-claim and the response to the counter-claim, unless otherwise provided by this law.

4. Preparatory Hearing

a) General Provisions

Article 75

- 1) The court shall schedule the preparatory hearing upon the receipt of the response to the complaint and the response to the counter claim, if applicable.
- 2) If the defendant failed to deliver a response to the complaint, and the plaintiff in the complaint did not ask for a default judgement to be rendered in these circumstances, the court shall convene a

- 5) da je o predmetu spora sklopljena sudska nagodba;
- 6) da se tužilac pred sudom odrekao tužbenog zahtjeva;
- 7) da ne postoji pravni interes tužioca za podnošenje tužbe za utvrđenje; ili
- 8) da tužilac u roku koji je sud odredio nije otklonio nedostatke iz člana 66. ovog zakona.

(2) Sud donosi rješenje kojim se sud oglašava nenadležnim i predmet ustupa drugom sudu, ako utvrdi:

- 1) da nije mjesno nadležan da rješava o tužbenom zahtjevu; ili
- 2) da nije stvarno nadležan da rješava o tužbenom zahtjevu.

Clan 68.

Ako smatra da nema dovoljno činjenica za donošenje odluke o pitanju koje se postavilo u toku prethodnog ispitivanja tužbe, sud će o tom pitanju odluku donijeti naknadno, cim bude raspolagao sa dovoljno činjenic a.

Clan 69.

Tužba sa priložima se dostavlja tuženom na odgovor u roku od 30 dana od dana prijema ispravne i potpune tužbe u sudu.

3. Odgovor na tužbu

a) Odgovor na tužbu i njegov sadržaj

Clan 70.

- (1) Nakon prijema tužbe sa priložima, tuženi je dužan najkasnije u roku od 30 dana dostaviti sudu pismeni odgovor na tužbu.
- (2) Prilikom dostavljanja tužbe tuženom, sud će poučiti tuženog o obavezi iz stava 1. ovog člana, o tome šta treba da sadrži odgovor na tužbu i obavijestiti ga o posljedicama

preparatory hearing after the expiry of the time limit to file a response to the complaint.

- 3) The court shall, as a rule, consult the parties prior to setting the date for the preparatory hearing.
- 4) As a rule, the preparatory hearing shall be held within thirty (30) days upon the receipt of the written response to the complaint from the defendant or expiry of the time limit for filing the response, or where an admissible counter-claim has been filed, within thirty (30) days from the receipt of the written answer to the counter-claim from the plaintiff.

Article 76

Except in cases where upon the examination by the court of the complaint and response to complaint it determines that there are no disputable facts between the parties or, when due to the simplicity of the case, the court determines that the preparatory hearing is unnecessary, the holding of a preparatory hearing is mandatory.

Article 77

In the summons for the preparatory hearing, the court shall inform the parties of consequences should they fail to appear at the preparatory hearing and that they are obliged to present all facts on which the claims are based and disclose all the evidence that they want to present in the course of proceedings and to bring to the preparatory hearing all the documents and items that they want to use as evidence.

Article 78

- 1) The preparatory hearing shall start with a short presentation of the complaint by the plaintiff to be followed by the response to the complaint by the defendant.
- 2) When required, the court shall demand from the parties clarification regarding their statements and motions.

Article 79

- 1) Issues related to any obstacles to further course of the proceedings shall be heard after the presentation of the complaint and the response to the complaint. Evidence related to these issues can be presented at the preparatory hearing when necessary.
- 2) The court shall, upon the objection of a party or *ex officio*, proceed in accordance with Article 67 of this Law, unless otherwise prescribed by the provisions of this Law.

nedostavljanja odgovora na tužbu u određenom roku.

Clan 71.

(1) U odgovoru na tužbu, tuženi će istaci moguće procesne prigovore i izjasniti se da li priznaje ili osporava postavljeni tužbeni zahtjev, te navesti i druge podatke koje u skladu s odredbama člana 334. ovog zakona mora imati svaki podnesak.

(2) Ako tuženi osporava tužbeni zahtjev, odgovor na tužbu mora sadržati i razloge iz kojih se tužbeni zahtjev osporava, činjenice na kojima tuženi zasniva svoje navode, dokaze kojima se utvrđuju te činjenice, te pravni osnov za navode tuženog.

Clan 72.

Kad je u ovom zakonu predviđeno da stranka može staviti određen prigovor ili prijedlog ili poduzeti kakvu drugu parničnu radnju dok se tuženi ne upusti u raspravljanje o glavnoj stvari, takav prigovor odnosno prijedlog može se staviti dok sud ne primi odgovor na tužbu.

Clan 73.

Kad utvrdi da je odgovor na tužbu nerazumljiv ili nepotpun, sud će radi otklanjanja tih nedostataka postupiti u skladu s odredbom člana 336. ovog zakona.

b) Protivtužba i odgovor na protivtužbu

Clan 74.

(1) Tuženi može u odgovoru na tužbu, a najkasnije na pripremnom roc ištu, podnijeti protivtužbu, ako je zahtjev protivtužbe u vezi s tužbenim zahtjevom, ili ako se ti zahtjevi mogu prebiti, ili ako se protivtužbom traži utvrđenje nekog prava ili pravnog odnosa o cijem postojanju ili nepostojanju zavisi u cijelosti ili djelimično odluka o tužbenom zahtjevu.

- 3) If the court does not accept a party's objection regarding the existence of an obstacle for the further course of the proceedings, the ruling on the objection shall be issued at the same time as the ruling on the main subject matter.
- 4) No interlocutory appeal shall be allowed against the ruling referred to in paragraph 3 of this Article.

Article 80

In the further course of the preparatory hearing, the party's motions and pleadings are heard.

Article 81

- 1) Based on the deliberations at the preparatory hearing, the court shall decide and give directions on the issues to be discussed and the evidence to be presented at the main hearing.
- 2) The court shall reject motions, which it does not hold necessary for rendering the final ruling, and state the reasons for the rejection in a decision.
- 3) No interlocutory appeal shall be allowed against a decision referred to in paragraph 2 of this Article.
- 4) In the further course of the proceedings, the court shall not be bound by its previous decisions referred to in this Article.

Article 82

- 1) If the court, on the motion of a party, orders the hearing of an expert, a time limit for the submission of the expert's findings and opinion shall always be set.
- 2) When setting this time limit, the court shall take into consideration that the expert's written findings and opinion must be delivered to the parties no later than eight (8) days before the main hearing.

Article 83

- 1) If there are several ongoing lawsuits before the same court, involving the same parties or involving one person as the adverse party of different plaintiffs or different defendants, the court may, with the parties' consent, merge all the lawsuits for the joint deliberation if that would contribute to a speedier deliberation or

(2) Nakon održavanja pripremnog ročišta, protivtužba se može podnijeti samo ako tuženi na to pristane i ako sud ocijeni da podnošenje protivtužbe nije usmjereno na odugovlačenje postupka.

(3) Protivtužba se ne može podnijeti ako je zahtjev iz protivtužbe stvarno nadležan viši sud.

(4) Odredbe ovog zakona o tužbi i odgovoru na tužbu na odgovarajući način se primjenjuju i na protivtužbu i odgovor na protivtužbu, ako ovim zakonom nije drugačije određeno.

4. Priprema ročišta

a) Opće odredbe

Član 75.

(1) Nakon prijema odgovora na tužbu, odnosno odgovora na protivtužbu, sud će zakazati priprema ročište.

(2) Ako tuženi nije dostavio odgovor na tužbu, a tužilac u tužbi nije tražio donošenje presude zbog propuštanja, sud će zakazati priprema ročište nakon proteka roka za podnošenje odgovora na tužbu.

(3) Datum održavanja pripremnog ročišta sud će, u pravilu, odrediti uz prethodnu konsultaciju sa strankama.

(4) Priprema ročište održat će se, u pravilu, najkasnije u roku od 30 dana od dana prijema u sudu pismenog odgovora na tužbu, odnosno od dana proteka roka za podnošenje odgovora na tužbu, ili, ako je tuženi podnio protivtužbu, u roku od 30 dana od dana prijema odgovora na protivtužbu.

Član 76.

Održavanje pripremnog ročišta je obavezno,

to a decrease of the costs of the proceedings. All merged cases shall be decided by a single judgment.

- 2) With the consent of the parties the court may determine that certain claims from the same complaint shall be deliberated separately, and upon the completion of separate deliberation the court shall render separate rulings on those claims.
- 3) Decisions referred to in paragraphs 1 and 2 of this Article may, as a rule, be passed at the preparatory hearing at the latest, or by the beginning of the main hearing if the preparatory hearing was not held.
- 4) No interlocutory appeal shall be allowed against these decisions.

Article 84

- 1) The complaint shall be considered withdrawn if the plaintiff, who has been duly summoned, fails to appear at the preparatory hearing, unless the defendant requests the hearing to be held.
- 2) If a duly summoned defendant fails to appear at the preparatory hearing, it shall be held in his/her absence.

Article 85

At the preparatory hearing the authorizations of the court with respect to the management of the proceedings shall be the same as at the main hearing.

b) Mediation and Judicial Settlement

Article 86

- 1) At the preparatory hearing at the latest, the court may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law.
- 2) The parties may jointly put forward such proposal until the conclusion of the main hearing.

Article 87

At any time during the proceedings the parties may settle their dispute (“Judicial Settlement”).

osim u slučajevima u kojima sud, nakon ispitivanja tužbe i odgovora na tužbu, utvrdi da među strankama nema spornih činjenica ili da zbog jednostavnosti spora održavanje pripremnog ročišta nije potrebno.

Clan 77.

U pozivu za pripremono ročište sud će obavijestiti stranke o posljedicama izostanka s pripremnog ročišta, kao i o tome da su dužne najkasnije na pripremnom ročištu iznijeti sve činjenice na kojima zasnivaju svoje zahtjeve i predložiti sve dokaze koje žele izvesti u toku postupka, te na pripremono ročište donijeti sve isprave i predmete koje žele upotrijebiti kao dokaz.

Clan 78.

(1) Pripremono ročište počinje tako što tužilac ukratko izlaže tužbu, a zatim tuženi ukratko izlaže odgovor na tužbu.

(2) Kad je potrebno, sud će zatražiti od stranaka razjašnjenje u vezi s njihovim navodima ili prijedlozima.

Clan 79.

(1) Nakon izlaganja tužbe i odgovora na tužbu, raspravljat će se o pitanjima koja se odnose na smetnje za daljni tok postupka. O tim se pitanjima mogu na pripremnom ročištu izvoditi dokazi kad je to potrebno.

(2) Sud će, po prigovoru stranke ili po službenoj dužnosti, postupiti u skladu sa odredbama člana 67. ovog zakona, ako odredbama ovog zakona nije drugačije određeno.

(3) Ako sud ne usvoji prigovor da postoji koja od smetnji za vođenje postupka, odluku o prigovoru donijet će zajedno s odlukom o glavnoj stvari.

(4) Protiv odluke iz stava 3. ovog člana nije

Article 88

- 1) At the preparatory hearing, but also at any time during the proceedings, the court shall try to get the parties to settle the case in a way that does not compromise its impartiality.
- 2) When the court finds it justified in order to contribute to the settlement of the case, the court may, taking into consideration the wishes of the parties, the nature of the case, the relationship between parties and other circumstances, also make a proposal to the parties as to how to settle the case.

Article 89

- 1) A Judicial Settlement may pertain to the whole claim or to a part thereof.
- 2) A Judicial Settlement cannot be concluded with regards to the claims of which the parties cannot dispose. (Article 3, paragraph 2)
- 3) When the court renders a decision not allowing a settlement between the parties, the proceedings shall be stopped until the decision becomes final.

Article 90

- 1) A Judicial Settlement shall be entered on the record.
- 2) A Judicial Settlement is reached when both parties have signed the record.
- 3) A Judicial Settlement shall include an agreement as to the costs. If the parties cannot agree on the costs, they may leave this to be decided by the court
- 4) The court shall issue certified copies of the record of the Judicial Settlement to the parties.

Article 91

A Judicial Settlement shall be enforceable.

Article 92

- 1) A Judicial Settlement may only be contested by a complaint in a new lawsuit.

dopuštena posebna žalba.

Clan 80.

U daljem toku pripremnog ročišta, raspravljat će se o prijedlozima stranaka i činjenicnim navodima kojima stranke obrazlažu svoje prijedloge.

Clan 81.

(1) Sud će prema rezultatima raspravljanja na pripremnom ročištu odluciti o čemu će se raspravljati i koji će se dokazi izvesti na glavnoj raspravi.

(2) Prijedloge koje ne smatra bitnim za donošenje odluke sud će odbiti i u rješenju naznačiti razlog odbijanja.

(3) Protiv rješenja iz stava 2. ovog člana nije dopuštena posebna žalba.

(4) Sud nije u daljnjem toku parnice vezan za svoja prijašnja rješenja iz ovog člana.

Clan 82.

(1) Ako sud, na prijedlog stranke, odredi izvođenje dokaza vještacenjem, uvijek će odrediti rok u kojem vještak treba pripremiti i dostaviti svoj nalaz i mišljenje.

(2) Pri određivanju ovog roka sud će voditi računa o tome da pismeni nalaz i mišljenje mora dostaviti strankama najkasnije osam dana prije održavanja ročišta za glavnu raspravu.

Clan 83.

(1) Ako pred istim sudom teče više parnica između istih osoba ili u kojim je ista osoba protivnik raznih tužilaca ili raznih tuženih, sud može, uz saglasnost stranaka, rješenjem spojiti sve te parnice radi zajedničkog raspravljanja, ako bi se time ubrzalo raspravljanje ili smanjili troškovi. Za sve spojene parnice sud će donijeti zajedničku presudu.

2) Judicial settlement may be contested if it had been reached under delusion, duress or deceit.

3) The complaint referred to in paragraph 1 of this Article may be filed within three (3) months from the day of learning about the reasons which may justify contestation but no later than five years from the day of reaching the Judicial Settlement.

Article 93

During the proceedings the court shall have due regard, *ex officio*, as to whether the lawsuit concerns disputed matter on which previously a judicial settlement had been reached and if it finds out that the lawsuit concerns the matter on which a Judicial Settlement was previously reached, it shall reject the complaint.

c) Scheduling the main hearing

Article 94

1) At the preparatory hearing, the court shall render a decision determining the following:

1. the date and time of the main hearing,

2. issues to be discussed at the main hearing,

3. the evidence to be presented by each of the parties at the main hearing ,

4. the persons to be summoned to the main hearing.

2) The main hearing shall, as a rule, be held within thirty (30) days after the preparatory hearing at the latest.

3) The court may also order the main hearing to be held immediately after the preparatory hearing.

4) If it is estimated that the hearing will last more than one day, the main hearing shall be scheduled for the number of consecutive days necessary to finalize the hearing in continuation.

Article 95

A party present at the preparatory hearing shall be informed about the content of the decision referred to in Article 94, paragraph 1, so that the

(2) Sud može, uz saglasnost stranaka, odrediti da se odvojeno raspravlja o pojedinim zahtjevima iz iste tužbe, te će nakon završetka odvojenog raspravljanja donijeti posebne odluke o tim zahtjevima.

(3) Rješenja iz st. 1. i 2. ovog člana mogu se, u pravilu, donijeti najkasnije napripremnom ročištu ili do početka glavne rasprave, ako pripremno ročište nije održano.

(4) Protiv rješenja iz st. 1 i 2. ovog člana nije dopuštena posebna žalba.

Clan 84.

(1) Ako na pripremno ročište ne dode tužilac, a bio je uredno obaviješten, smatrat će se da je tužba povučena, osim ako tuženi ne zahtijeva da se ročište održi.

(2) Ako na pripremno ročište ne dode uredno obaviješten tuženi, ročište će se održati bez njegovog prisustva.

Clan 85.

Na pripremnom ročištu sud ima u pogledu upravljanja postupkom sva ovlaštenja koja ima i na glavnoj raspravi.

b) Medijacija i sudska nagodba

Clan 86.

(1) Najkasnije na pripremnom ročištu, sud može, ukoliko ocijeni da je to svrsishodno s obzirom na prirodu spora i druge okolnosti, predložiti strankama da spor riješe u postupku medijacije, kako je predviđeno posebnim zakonom.

(2) Takav prijedlog mogu staviti i stranke sporazumno do zaključenja glavne rasprave.

Clan 87.

Stranke mogu zaključiti nagodbu o

decision and the summons for the main hearing shall not be served on that party. The court shall also inform the party of the consequences of his/her failure to appear at the main hearing.

Article 96

- 1) The parties that were not present at the preparatory hearing, as well as the witnesses and the court experts who the court decided to summon, shall be summoned to the main hearing.
- 2) In the summons for the main hearing, the court shall inform the invited parties about the consequences of their failure to appear at the main hearing.
- 3) The certified copy of the decision referred to in Article 94, paragraph 1 shall be delivered to the party who was absent from the preparatory hearing, together with the summons for the main hearing.

V – MAIN HEARING

1. The Course of the Main Hearing

Article 97

- 1) The judge shall open the main hearing and announce the subject of the hearing.
- 2) After that, s/he shall check whether all summoned persons are present, and in case of absence, s/he shall check whether the absent person has been duly summoned and whether that person has a justified reason to be absent.
- 3) If a duly summoned plaintiff fails to appear without justified reason at the court sitting for the main hearing, it shall be considered that s/he has withdrawn the complaint, unless the defendant enters an appearance and present arguments on the main subject matter at such a hearing.
- 4) If a duly summoned defendant fails to appear at the court sitting for the main hearing without a justified reason, the hearing shall be held without his/her presence.

Article 98

- 1) The court shall, upon the objection of a party or *ex officio*, first determine if there are procedural obstacles for further proceedings and proceed in accordance with Article 67 of this Law, unless otherwise prescribed by the provisions of this Law.

predmetu spora u toku cijelog postupka (sudska nagodba).

Clan 88.

(1) Sud će, na način koji ne ugrožava njegovu nepristrasnost, na pripremnom ročištu, kao i u toku cijelog postupka, nastojati da stranke zaključe sudsku nagodbu.

(2) U cilju doprinošenja nagodbi sud može, kada ocijeni da je to osnovano, strankama predložiti kako da se nagode, vodeći računa o željama stranaka, prirodi spora, odnosima među strankama i drugim okolnostima.

Clan 89.

(1) Sudska nagodba se može odnositi na cijeli tužbeni zahtjev ili na jedan njegov dio.

(2) Pred sudom se ne može zaključiti nagodba u pogledu zahtjeva kojima stranke ne mogu raspolagati (clan 3. stav 2.).

(3) Kada sud donese rješenje kojim ne dopušta nagodbu stranaka, zastat će s postupkom dok to rješenje ne postane pravomoćno.

Clan 90.

(1) Sporazum stranaka o nagodbi unosi se u zapisnik.

(2) Nagodba je zaključena kad stranke potpišu zapisnik.

(3) Nagodba sadrži i sporazum o troškovima. Ako stranke ne postignu sporazum o troškovima, mogu se dogovoriti da odluku o troškovima donese sud.

(4) Sud će strankama izdati ovjeren prepis zapisnika u koji je unesena nagodba.

Clan 91.

Sudska nagodba ima snagu izvršnog naslova.

2) If the court does not accept the objection referred to in paragraph 1 of this Article, regardless whether it was discussed separately or together with the main subject matter, the ruling on the objection shall be issued together with the ruling on the main subject matter.

3) No interlocutory appeal shall be allowed against the decision rejecting the party's objection referred to in paragraph 1.

Article 99

- 1) The main hearing shall be conducted in the following order:
 1. The plaintiff shall make a concise presentation of all the relevant matters pertaining to the complaint, including presentation of the evidence by reading documents;
 2. The defendant shall make a concise presentation of his/her response to the complaint and respond to all relevant matters raised by the plaintiff pursuant to sub-paragraph 1;
 3. Hearing of the parties where proposed, starting with the plaintiff.
 4. The witnesses shall be examined, starting with the witnesses of the plaintiff;
 1. Other evidence shall be presented, including expert evaluation;
 2. After all evidence has been presented, both parties, starting with the plaintiff, shall have the right to address the court by a closing argument summing up the legal and factual aspects of the case;
 3. The court may allow the plaintiff to give a short response to the defendant's closing argument;
 4. If the plaintiff has been allowed to make a reply to the defendant's closing argument, the defendant shall be entitled to give a brief response to plaintiff's final statements.
- 2) Exceptionally, the court may determine a different order than is set out in the preceding paragraph for conducting the main hearing.

Article 100

- 1) The court shall ensure that the main hearing is conducted in a proper manner, without unnecessary delays and in a manner that ensures that all the matters adduced in evidence are relevant to reach a proper resolution of the dispute. .

Clan 92.

- (1) Sudska nagodba može se pobijati samo tužbom.
- (2) Sudska nagodba se može pobijati ako je zaključena u zabludi ili pod uticajem prinude ili prevare.
- (3) Tužba iz stava 1. ovog clana se može podnijeti u roku od tri mjeseca od dana saznanja za razloge pobijanja, a najkasnije u roku od pet godina od dana zaključenja sudske nagodbe.

Clan 93.

Sud će u toku cijelog postupka po službenoj dužnosti paziti da li se vodi parnica o predmetu o kojem je ranije bila zaključena sudska nagodba i ako utvrdi da se parnica vodi o predmetu o kojem je zaključena sudska nagodba, odbacit će tužbu.

c) Zakazivanje ročišta za glavnu raspravu

Clan 94.

(1) Na pripremnom ročištu sud će rješenjem odrediti:

1. dan i sat održavanja glavne rasprave;
2. pitanja o kojima će se raspravljati na glavnoj raspravi;
3. dokaze koji će se izvesti na glavnoj raspravi;
4. osobe koje će biti pozvane na glavnu raspravu.

- (2) Glavna rasprava će se, u pravilu, održati najkasnije u roku od 30 dana od dana održavanja pripremnog ročišta.
- (3) Sud može odrediti da se glavna rasprava

- 2) The judge shall maintain the order and dignity of the court during the main trial.
- 3) The court shall punish the persons who violate order in the courtroom or offend the dignity of the court and of other participants in the proceedings in accordance with the provisions of this law on contempt of court.

Article 101

The proceedings at the main hearing shall be oral and the evidence shall be presented directly to the court, unless stipulated otherwise by this law.

Article 102

- 1) Each party shall state the facts necessary for supporting their motions, offer evidence corroborating their statements and respond to the statements and the evidence of the adverse party.
- 2) The parties may present new facts and new evidence in the course of the main hearing only if they satisfy the court that, without their fault, they could not have presented them at the preliminary hearing.

Article 103

The parties shall make submission on points of law.

Article 104

- 1) During the hearing of the parties, a party shall be examined by his/her own agent first and afterwards by the adverse party.
- 2) The court shall do the initial examination if the party who is being examined has no agent.

Article 105

Parties shall examine witnesses and experts. The judge shall first give the floor to the party who proposed the witness or the expert, then to the adverse party and finally, if necessary, again to the party who proposed the witness or the expert.

Article 106

The court may at any stage pose any question to a party, witness or expert.

održi odmah nakon pripremnog ročišta.

(4) Ako se procjenjuje da će glavna rasprava trajati duže od jednog dana, ročište će biti zakazano za onoliko dana uzastopno koliko je neophodno da se rasprava održi u kontinuitetu.

Clan 95.

Sa sadržaje m rješenja iz stava 1. clana 94. ovog zakona upoznat će se prisutna stranka, te joj se neće dostavljati rješenje, niti poziv za glavnu raspravu. Sud će obavijestiti prisutnu stranku i o posljedicama izostanka sa ročišta za glavnu raspravu.

Clan 96.

(1) Sud će na ročište za glavnu raspravu pozvati stranke koje nisu bile prisutne na pripremnom ročištu, kao i svjedoke i vještake koje je na pripremnom ročištu odlucio pozvati.

(2) U pozivu za glavnu raspravu, sud će obavijestiti pozvane o posljedicama izostanka sa ročišta.

(3) Stranci koja nije bila prisutna na pripremnom ročištu uz poziv za glavnu raspravu dostavlja se ovjeren prepis rješenja iz stava 1. clana 94. ovog zakona.

V – GLAVNA RASPRAVA

1. Tok glavne rasprave

Clan 97.

(1) Sudija otvara glavnu raspravu i objavljuje predmet raspravljanja

(2) Nakon toga, sudija utvrđuje jesu li došle sve pozvane osobe, pa ako nisu, provjerava jesu li odsutne osobe uredno pozvane i imaju li opravdan razlog za izostanak.

(3) Ako tužilac bez opravdanog razloga ne dođe na ročište za glavnu raspravu, a bio je uredno

Article 107

- 1) The court shall refuse procedural actions which have no relevance to the case.
- 2) The court shall not allow leading questions.
- 3) The court shall neither allow questions that are irrelevant to the issue nor questions that have been sufficiently answered already.
- 4) At the request of a party, questions that have not been allowed shall be entered into the records.
- 5) The court shall not allow the parties, witnesses and experts to be harassed or insulted during the examination.

Article 108

- 1) Witnesses and experts already examined shall remain in the courtroom if so ordered by the court.
- 2) If a party so requests and the witness is readily available, the court may decide that a witness who has already been heard should be summoned once again for further examination at the same main hearing.

Article 109

- 1) The court shall not be bound by its decision concerning the management of the trial.
- 2) An interlocutory appeal against the decision related to the management of the trial shall not be allowed.

Article 110

Upon the completion of all phases of the main hearing and when the case is ready to be ruled on, the court shall declare the main hearing completed.

2. Postponement, Adjournment and Continuance of the Hearing

Article 111

- 1) The court may postpone a scheduled sitting for the main hearing prior to the scheduled date, if it finds that the legal requirements for holding the hearing have not been met or that evidence that

pozvan, smatrat ce se da je povukao tužbu, osim ako se tuženi na tom ročištu upusti u raspravljanje.

(4) Ako na ročište za glavnu raspravu bez opravdanog razloga ne dode tuženi, a bio je uredno pozvan, rasprava ce se održati bez njegovog prisustva.

Clan 98.

(1) Sud ce prvo, po prigovoru stranke ili po službenoj dužnosti, utvrditi postoje li procesne smetnje za dalje postupanje i postupiti u skladu s odredbama clana 67. ovog zakona, ako odredbama ovog zakona nije drugacije predvideno.

(2) Ako sud ne usvoji prigovor iz stava 1. ovog clana, bez obzira da li je o njemu raspravljano odvojeno od glavne stvari ili zajedno s njom, odluku o prigovoru donijet ce zajedno s odlukom o glavnoj stvari.

(3) Protiv rješenja kojim se odbijaju prigovori stranaka iz stava 1. ovog clana nije dopuštena posebna žalba.

Clan 99.

(1) Glavna rasprava se odvija slijedecim redom:

1) Tužilac ukratko izlaže sva bitna pitanja iz tužbe, ukljucujuci izvodenje dokaza citanjem isprava;

2) Tuženi ukratko izlaže odgovor na tužbu i daje odgovor na bitne navode tužioca iz tacke 1. ovog stava;

3) Ako je stavljen prijedlog za izvodenje dokaza saslušanjem stranaka, saslušavaju se stranke, i to prvo tužilac, a zatim tuženi;

4) Saslušavaju se svjedoci, i to prvo

need to be presented will not have been obtained by the date of the main hearing.

- 2) No later than eight (8) days before holding of a hearing the court shall check whether the conditions referred to in paragraph 1 of this Article are met.
- 3) When it postpones the hearing, the court shall immediately notify all summoned parties about the date of the new hearing.

Article 112

- 1) On the motion of a party, the court may adjourn a hearing that has begun on the following grounds:
 1. if at that court sitting, through no fault of the party who proposes the adjournment, it is not possible to present a piece of evidence which is important for reaching a correct ruling and whose presentation was already decided by the court; or
 2. if both parties propose the adjournment in order to attempt to reach an amicable settlement or Judicial Settlement of the dispute
- 2) A party may request an adjournment due to the same reason only once.
- 3) When the hearing is adjourned, the court shall immediately notify the parties about the place and time of the new hearing. The court shall not be obliged to notify the party not present at the adjourned hearing although duly summoned, about the place and time of the new hearing.

Article 113

If it is not possible, at the court sitting, to present a piece of evidence whose presentation was decided by the court, the court may decide to continue the hearing, and to have that piece of evidence and facts related to it presented subsequently, at a new court sitting.

Article 114

Procedural actions that have already been carried out shall be repeated at the new court sitting that was set after the adjournment, only if the court sitting is held before a new judge or if the court finds it necessary for reaching a correct ruling.

Article 115

- 1) The main hearing cannot be either postponed or adjourned for an indefinite period.

svjedoci tužioca, a zatim svjedoci tuženog;

5) Izvode se ostali dokazi, uključujući i vještacenje;

6) Nakon izvođenja svih dokaza, obje stranke, počevši od tužioca, imaju pravo da se obrate sudu završnim izlaganjem, kojim se rezimiraju pravni i činjenični aspekti predmeta;

7) Sud može dopustiti tužiocu da se ukratko izjasni na završno izlaganje tuženog;

8) Ako je tužiocu dopušteno da se izjasni na završno izlaganje tuženog, i tuženi će imati pravo da se ukratko izjasni na konačne navode tužioca.

(2) Izuzetno, sud može odrediti redosljed odvijanja glavne rasprave drugaciji od redosljeda predviđenog u stavu 1. ovog člana.

Član 100.

(1) Sud će voditi računa da se glavna rasprava odvija na pravilan način, bez nepotrebnih odlaganja, te da se raspravlja samo o pitanjima bitnim za donošenje odluke.

(2) Sudija se u toku glavne rasprave brine o održavanju reda u sudnici i o dostojanstvu suda.

(3) Sud će kazniti osobe koje narušavaju red u sudnici ili vrijeđaju dostojanstvo suda i drugih sudionika u postupku u skladu sa odredbama ovog zakona o nepoštivanju suda.

Član 101.

Postupak na glavnoj raspravi odvija se usmeno, a dokazi se izvode neposredno pred sudom, ukoliko nije drugacije predviđeno ovim zakonom.

Član 102.

(1) Svaka stranka treba u svojim izlaganjima iznijeti sve činjenice potrebne za obrazloženje svojih prijedloga, ponuditi dokaze potrebne za utvrđivanje svojih navoda, te se izjasniti o navodima i ponudnim dokazima protivne

2) Except as is provided in Article 129 of this Law, the sitting for the main hearing cannot be postponed or adjourned for a period of more than thirty (30) days.

3) The judge shall be obliged to notify the court president about every postponement or adjournment. The court president shall keep a record of postponements and adjournments for each judge.

4) In the case of postponement or adjournment of the main hearing, the court shall, as a rule, consult the parties prior to setting the date for the new hearing.

5) When it postpones or adjourns the hearing, the court shall be obliged to use all means available in order to remove, until the next court sitting, the obstacles that led to the postponement or adjournment of the hearing, so that the hearing may be finalized at the new court sitting.

6) No interlocutory appeal shall be allowed against the court decision postponing or adjourning the main hearing or the decision refusing the motion of the parties to postpone or adjourn the main hearing.

Article 116

If an initiated hearing cannot be finalized during the same day, the court shall order the continuance of the hearing for the next working day.

Article 117

The provisions of Article 111, 112, 115 and 116 shall apply accordingly to the preparatory hearing.

3. Publicity of the Main Hearing

Article 118

1) The main hearing shall be public.

2) Only adults may attend the hearing.

3) The persons attending the hearing shall not carry weapons or dangerous tools.

4) Paragraph 3 of this Article shall not apply to Law Enforcement Officers, if their duties require them to carry a weapon.

stranke.

(2) Stranke mogu tokom glavne rasprave iznositi nove činjenice i predlagati nove dokaze samo ako učine vjerovatnim da ih bez svoje krivice nisu bili u mogućnosti iznijeti odnosno predložiti na pripremnom ročištu.

Clan 103.

Stranke iznose i svoja pravna shvacanja koja se odnose na predmet spora.

Clan 104.

(1) Prilikom izvođenja dokaza saslušanjem stranaka, stranku prvo ispituje njenpunomocnik, a nakon toga suprotna stranka.

(2) Ako stranka koja se saslušava nema punomocnika, najprije je ispituje sud.

Clan 105.

Stranke ispituju svjedoke i vještake. Sudija prvo daje riječ stranci koja je predložila svjedoka ili vještaka, zatim suprotnoj strani, a zatim, ukoliko je potrebno, ponovo stranci koja ih je predložila.

Clan 106.

Sudija može postavljati pitanja strankama, svjedocima ili vještacima u svakoj fazi saslušanja.

Clan 107.

(1) Sud će odbiti provođenje procesnih radnji koje nisu bitne za postupak.

(2) Sud neće dopustiti postavljanje pitanja u kojima je sadržano kako na njih treba odgovoriti.

(3) Sud neće dopustiti pitanja koja su nebitna za predmet i pitanja na koja je već dovoljno odgovoreno.

(4) Na zahtjev stranke, u zapisnik će se unijeti pitanja koja sud nije dopustio.

Article 119

- 1) The court may exclude the public from the entire main hearing or a part of it, if it is needed in order to preserve an official, business or personal secret, or to protect interests of minors, public order or morals.
- 2) The court may also exclude the public when the measures for preserving order at the hearing provided by this law cannot ensure the unhindered course of the hearing.

Article 120

- 1) The exclusion of the public does not include parties, their legal representatives, agents, intervenients and the Federation Ombudsmen.
- 2) The court may allow certain official persons, scientific and public workers to attend a closed main hearing, if it is relevant for their profession, or scientific and public activity.
- 3) The court shall inform the persons attending the closed trial that they shall have the obligation to keep confidential matters relating to the hearing which are not already in the public domain and warn them of the consequences of disclosing such matters.

Article 121

- 1) The court shall decide on exclusion of the public by a decision that has to be reasoned and made available to the public.
- 2) An interlocutory appeal against the decision on the exclusion of the public shall not be allowed.

Article 122

The provisions pertaining to publicity at the main hearing shall apply accordingly at the preparatory hearing, a court sitting outside the main hearing and hearing before the requested court.

VI - EVIDENCE

1. General Provisions

Article 123

(5) Sud neće dopustiti vriedanje i uznemiravanje stranaka, svjedoka i vještaka za vrijeme ispitivanja.

Clan 108.

(1) Saslušani svjedoci i vještaci ostaju u sudnici, ako im sud to naloži.

(2) Ako stranka to zahtijeva, a svjedok je još uvijek prisutan, sud može odluciti da svjedoka koji je već saslušan na istom rocištu za glavnu raspravu još jednom pozove na ponovno saslušanje.

Clan 109.

(1) Sud nije vezan za svoje rješenje koje se odnosi na rukovođenje raspravom.

(2) Protiv rješenja koja se odnose na rukovođenje raspravom nije dopuštena posebna žalba.

Clan 110.

Nakon što budu okončane sve faze glavne rasprave i predmet bude spreman za presuđenje, sud će proglasiti da je glavna rasprava zaključena.

2. Odgoda, odlaganje i nastavak rocišta

Clan 111.

(1) Sud može odgoditi zakazano rocište za glavnu raspravu prije njegovog održavanja, ako utvrdi da nisu ispunjene zakonske pretpostavke za njegovo održavanje ili da dokazi čije je izvođenje određeno neće biti pribavljeni do rocišta. (odgoda rocišta).

(2) Sud je dužan, najkasnije osam dana prije održavanja rocišta, provjeriti da li su ispunjeni uslovi iz stava 1. ovog clana.

(3) Kad odgodi rocište, sud će o vremenu

1) Each party shall be obliged to prove the facts on which s/he bases his claim.

2) The court shall determine the facts upon which the case shall be decided on the basis of free evaluation of evidence.

Article 124

If the court finds that the parties want to dispose of claims of which they cannot dispose under Article 3 paragraph 2 of this law, the court shall make an order for the parties to present the evidence which was not initially proposed by the parties, and which is relevant for the determination of the claim.

Article 125

1) Facts that have been admitted during the proceedings before the court need not be proved.

2) If the admitted facts are denied, the court shall determine whether to consider the facts admitted or contested.

3) Facts presumed under the law need not be proved (“Presumption of Fact”). Unless otherwise provided by law, a party may prove that a Presumption of Fact does not exist.

4) Generally known facts do not need to be proved.

Article 126

If the court, based on evaluation of presented evidence, cannot determine a fact with certainty, the court shall decide on the existence of that fact by applying the rules on burden of proof.

Article 127

Should it be established that a party is entitled to damages, monetary sum or things that are not unique in themselves and are replaceable, but the amount of money or the quantity of things cannot be precisely determined or might be determined only with disproportionate difficulties, the court shall decide on the matter according to its evaluation.

Article 128

1) Evidence shall be presented at the main hearing.

2) Upon the motion of a party, presented at the latest at the preparatory hearing, the court (“Requesting Court”) may grant an order permitting that certain evidence be presented before

održavanja novog ročišta odmah obavijestiti sve pozvane.

Clan 112.

(1) Sud može, na prijedlog stranke, odložiti zapoceto ročište (odlaganje ročišta) samo iz slijedecih razloga:

- 1) ako bez krivnje stranke koja predlaže odlaganje ročišta na ročištu nije moguće izvesti neki od dokaza čije je izvođenje određeno, a koji je važan za pravilno donošenje odluke;
- 2) ako obje stranke predlažu odlaganje radi pokušaja mirnog rješenja spora ili zaključenja sudske nagodbe.

(2) Stranka može samo jednom tražiti odlaganje ročišta iz istog razloga.

(3) Kad se ročište odloži, sud će prisutnima odmah saopćiti mjesto i vrijeme novog ročišta. Sud nije dužan o mjestu i vremenu novog ročišta obavijestiti stranku koja nije bila prisutna na odloženom ročištu, a bila je uredno obaviještena.

Clan 113.

Ako na ročištu nije moguće izvesti neki od dokaza čije je izvođenje određeno, sud može odlučiti da se rasprava nastavi, s tim da se naknadno, na novom ročištu, izvede samo taj dokaz, i iznesu navodi u vezi s njim.

Clan 114.

Na novom ročištu zakazanom nakon odlaganja rasprave, radnje koje su već provedene ponovo se provode samo ako se ročište drži pred novim sudijom ili ako sud smatra da je to neophodno za pravilno donošenje presude.

Clan 115.

(1) Ročište za glavnu raspravu se ne može odgoditi niti odložiti na neodređeno vrijeme

another court ("Requested Court"). In such cases, the record of the presented evidence shall be read at the main hearing.

- 3) When the Requesting Court grants an order pursuant to paragraph 2 of this Article, it shall provide the Requested Court with a summary of the case; the stage of the proceedings; and instruction on the scope of examination of the evidence including other relevant circumstances for the determination of the facts.
- 4) The parties shall be informed about the court hearing for presentation of evidence before the Requested Court.
- 5) When hearing the evidence, the judge of the Requested Court shall have the same powers as the judge of the Requesting Court.
- 6) No interlocutory appeal shall be allowed against the decision entrusting the hearing of evidence to the requested court.

Article 129

- 1) If due to exceptional circumstances it is not possible to present evidence within the prescribed time limits, the court may extend the time limits for the presentation of the evidence.
- 2) When the time limits expire, the main hearing shall be conducted regardless of the fact that the evidence referred to in paragraph 1 has not been heard.

2. On-The- Spot Investigation

Article 130

- 1) An on-the-spot investigation shall be performed when the direct observation of the court is required for the determination of a fact or clarification of a circumstance relating to the dispute.
- 2) An on-the-spot investigation may be conducted with the participation of experts.

Article 131

If a thing kept by one of the parties, by a third party, state body or legal person entrusted with the exercise of public authority is required to be inspected for the purposes of the proceedings, Articles 134-136 of this Law on obtaining documents from these bodies or persons shall apply accordingly.

(2) Rocište za glavnu raspravu ne može se odgoditi ili odložiti duže od 30 dana, osim u slučaju iz člana 129. ovog zakona.

(3) Sudija je o svakoj odgodi, odnosno odlaganju rocišta dužan obavijestiti predsjednika suda. Predsjednik suda vodi evidenciju o odgodama i odlaganjima rocišta za svakog sudiju pojedinačno.

(4) Prilikom odgode, odnosno odlaganja rocišta sud će datum održavanja novog rocišta, u pravilu, odrediti uz prethodnu konsultaciju sa strankama.

(5) Kada odgodi ili odloži rocište, sud je dužan poduzeti sve radnje koje mu stoje na raspolaganju kako bi se do slijedećeg rocišta otklonili uzroci koji su doveli do odgode odnosno odlaganja, te kako bi se na tom rocištu rasprava mogla zaključiti.

(6) Protiv rješenja suda kojim se odgoda ili odlaže rocište ili rješenja kojim se odbijaju prijedlozi stranaka za odgodu, odnosno odlaganje rocišta, nije dopuštena posebna žalba.

Clan 116.

Ako se započeto rocište ne može okoncati u toku istog dana sud će odrediti nastavak rocišta za slijedeći radni dan (nastavak rocišta).

Clan 117.

Odredbe čl. 111., 112., 115. i 116. ovog zakona, na odgovarajući se način primjenjuju na pripremno rocište.

3. Javnost glavne rasprave

Clan 118.

(1) Glavna rasprava je javna.

(2) Raspravi mogu prisustvovati samo punoljetne osobe.

3. Documents

Article 132

- 1) A document issued in the prescribed form by a state body or by a legal person in the exercise of its powers as a public authority within the limits of its powers prescribed by law, rules or regulations ("Public Document") shall be considered to prove the authenticity of what is confirmed or determined by it.
- 2) Other documents which, under other rules and regulations, have been given the same status as Public Documents, shall have the same evidential value.
- 3) A party shall be allowed to prove that the facts in a Public Document have been falsely established, or that the document has been issued irregularly.
- 4) Should the authenticity of the document be brought in question, a party may request the court to order the body which issued the Public Document to give a statement in that regard.

Article 133

Unless otherwise specified in an international treaty, foreign public documents that have been duly certified, meeting also the condition of reciprocity, shall have the same evidential value as national public documents.

Article 134

- 1) A party shall be obliged to submit all documents proposed as evidence in support of his/her statements.
- 2) A document composed in a foreign language shall be submitted with a certified translation.
- 3) If the document is in the possession of a state body or a legal person exercising public authority, and the party itself cannot obtain the document, the court shall, upon the party's request, grant an order requiring the body or the legal person to disclose the document to the court.

Article 135

- 1) Where one of the parties proposes a document in evidence which he asserts is in the possession of another party, the court may grant an order for the possessor of the document to produce it within a prescribed time limit.

(3) Osobe koje su prisutne raspravi ne smiju nositi oružje ili opasno oruđe.

(4) Odredba stava 3. ovog člana ne odnosi se na pripadnike policije, ako je nošenje oružja neophodno za vršenje njihove dužnosti.

Član 119.

(1) Sud može isključiti javnost za cijelu glavnu raspravu ili jedan njen dio ako to zahtijevaju interesi cuvanja službene, poslovne ili osobne tajne, zaštita interesa maloljetnika, interesi javnog reda ili razlozi morala.

(2) Sud može isključiti javnost i kada se mjerama za održavanje reda predviđenim u ovom zakonu ne bi moglo osigurati nesmetano održavanje rasprave.

Član 120.

(1) Isključenje javnosti ne odnosi se na stranke, njihove zakonske zastupnike, punomoćnike i umješace i Ombudsmene Federacije .

(2) Sud može dopustiti da glavnoj raspravi na kojoj je javnost isključena budu prisutne pojedine službene osobe, kao i nauci i javni radnici, ako je to od interesa za njihovu službu, odnosno naucnu ili javnu djelatnost.

(3) Sud će upozoriti osobe koje budu prisutne raspravi na kojoj je javnost isključena da su dužne kao tajnu cuvati ono što su na raspravi saznale, a što nije već poznato javnosti, i upozoriti ih na posljedice odavanja tajne.

Član 121.

(1) O isključenju javnosti odlučuje sud rješenjem koje mora biti obrazloženo i javno objavljeno.

(2) Protiv rješenja o isključenju javnosti nije dopuštena posebna žalba.

Član 122.

Odredbe o javnosti na glavnoj raspravi na odgovarajući će se način primjenjivati i na

2) A party may not refuse to submit a document if s/he had proposed that document as the evidence corroborating his/her statements in the litigation; or if his/her obligation to submit or show the document in question is prescribed by law; or if the document, according to its contents, is considered to be common for both parties.

3) With respect to the right of a party to refuse to submit other documents, Articles 139 and 140 of this Law shall apply accordingly.

4) When the party asked to produce a document denies possession of the document, the court may hear evidence in order to determine that fact.

5) When a party refuses to comply with the court's order to produce a document or denies the possession of the document, the court shall, taking into consideration all the circumstances, determine the inference to be drawn from such conduct.

6) Interlocutory appeal is not allowed against court's decision referred to in paragraph 1 of this Article.

Article 136

1) Upon the request of a party, the court may order a third party to present or submit a document only when the obligation of the third party to do so is prescribed by law; or when the document, according to its contents, is considered to be a joint and common document for both the party and the third party.

2) Before issuing an order for a third party to submit the document, the court shall invite the third party to present his/her argument on the matter.

3) If a third party denies his/her obligation to submit a document which s/he has in his/her possession, the court shall decide whether the third party is obliged to submit the document.

4) If a third party denies possession of a document, the court may decide to hear the evidence regarding that fact.

5) The final decision on the obligation of a third party to present a document may be enforced according to the enforcement procedure rules. The court shall ex officio submit this decision to the competent enforcement court.

6) A third party shall be entitled to reimbursement of all reasonable costs related to the submission of documents. The provisions of Article 146 of this Law shall apply accordingly in such case.

pripremnom ročištu, na ročištu izvan glavne rasprave pred sudom, te na ročištu pred zamoljenim sudom.

VI – DOKAZI I IZVOĐENJE DOKAZA

1. Opće odredbe

Clan 123.

(1) Svaka stranka dužna je dokazati

cinjenice na kojima zasniva svoj zahtjev.

(2) Sud će slobodnom ocjenom dokaza utvrditi cinjenice na osnovu kojih će donijeti odluku.

Clan 124.

Sud će naložiti strankama da izvedu i one dokaze koji su bitni za donošenje odluke, a koje stranke nisu predložile, ako utvrdi da stranke idu za tim da raspolažu zahtjevima kojima ne mogu raspolagati u smislu clana 3. stav 2. ovog zakona.

Clan 125.

(1) Ne treba dokazivati cinjenice koje je stranka priznala pred sudom tokom parnice.

(2) Ako stranka porekne cinjenice koje je priznala, sud će ocijeniti da li će te cinjenice smatrati priznatim ili osporenim.

(3) Cinjenice čije postojanje zakon pretpostavlja ne treba dokazivati, ali se možedokazivati da te cinjenice ne postoje, ako zakonom nije što drugo određeno.

(4) Ne treba dokazivati cinjenice koje su opcepoznate.

Clan 126.

Ako sud na osnovu ocjene izvedenih dokaza ne može sa sigurnošću utvrditi neku cinjenicu, o postojanju te cinjenice zaključit će

4. Witnesses

Article 137

- 1) Each person, summoned as a witness, shall be obliged to respond to the summons and to testify, unless otherwise stipulated by this Law.
- 2) Only persons capable of giving information about the facts which are being proved may be interrogated as witnesses.
- 3) The party proposing a certain person to be heard as witness, must, in advance, state the subject of that person's testimony, his/her name, surname, and the current place of residence.

Article 138

If a person, by giving testimony, would breach his/her duty to keep an official or military secret, s/he cannot be heard as witness until the competent body discharges him/her from that duty.

Article 139

- 1) A witness may refuse to testify on:
 1. issues divulged to him/her by a party, in his/her capacity of a party's agent;
 2. issues confessed to him/her by a party or another person, in his/her capacity of a religious confessor;
 3. facts learnt by the witness, in his/her capacity as an attorney at law or a doctor, or facts learnt during the exercise of some other occupation or business, if there is an obligation to keep as secret the matters learnt in the exercise of that occupation or business;
- 2) The court shall instruct those persons that they may refuse to testify in the cases referred to in paragraph 1 of this Article.

Article 140

- 1) A witness may refuse to answer particular questions if such an answer would cause danger of criminal prosecution to the witness, his/her blood relatives in the direct line up to any degree, and in the lateral line up to and including the third degree, his/her marital partner or in-laws up to and including the second degree even if the marriage has ended, his/her common-law marital partner or the relatives of the common-

primjenom pravila o teretu dokazivanja.

Clan 127.

Ako se utvrdi da stranci pripada pravo na naknadu štete, na novčani iznos ili na zamjenjive stvari, ali se tačna visina iznosa odnosno količina stvari ne može utvrditi ili bi se mogla utvrditi samo s nesrazmjernim teškoćama, sud će o tome odlučiti prema svojoj ocjeni.

Clan 128.

(1) Dokazi se izvode na glavnoj raspravi.

(2) Na prijedlog stranke, podnesen najkasnije na pripremnom ročištu, sud može odlučiti da se određeni dokazi izvedu pred drugim sudom (zamoljeni sud). U tom slučaju zapisnici o izvedenim dokazima pročitati će se na glavnoj raspravi.

(3) Kad sud donese odluku iz stava 2. ovog člana, u zamolnici za izvođenje dokaza ukratko će opisati predmet spora, izložiti stanje parnice i odrediti koji će se dokazi izvesti, uz naznaku o kojim okolnostima treba osobito voditi računa.

(4) O ročištu za izvođenje dokaza pred zamoljenim sudom obavijestit će se stranke.

(5) Sudija zamoljenog suda ima pri izvođenju dokaza sva ovlaštenja koja ima sudija kad se dokazi izvode na glavnoj raspravi.

(6) Protiv rješenja suda kojim se određuje izvođenje dokaza pred zamoljenim sudom nije dopuštena posebna žalba.

Clan 129.

(1) Ako se zbog izuzetnih okolnosti neki dokaz ne može izvesti u rokovima predviđenim ovim zakonom, sud rješenjem može odrediti duži rok za izvođenje dokaza.

(2) Kad određeni rok protekne, rasprava će se provesti bez obzira na to što određeni dokaz nije izveden.

law marital partner up to and including the second degree, as well as his/her guardian, adoptive parent or adopted child.

2) The judge shall inform the witness that s/he may refuse to answer the addressed question.

Article 141

1) The reasons for refusing to testify or answer certain questions shall be evaluated and determined by the court in which the witness is to testify, after the parties state their positions on this matter.

2) Parties shall not have the right to file an interlocutory appeal against the court's decision referred to in paragraph 1 of this Article.

3) A witness may contest the decision referred to in paragraph 1 of this Article in an appeal against the decision imposing a fine or imprisonment ordered due to the witness's refusal to testify or answer a certain question.

Article 142

1) Witnesses shall be summoned by service of a written summons containing the surname, first name and the name of a parent of the summoned; the place and time of the hearing; the note on the case in relation with which s/he is being summoned; and an indication that s/he is being summoned in the capacity of a witness. The summons shall contain the information on the consequences of the unjustified absence as are set out in Article 410 of this Law and his/her right to reimbursement of the costs specified in Article 146 of this Law.

2) The witnesses who, due to their age, illness or serious physical inability, cannot respond to the summons may be heard in the place where they are located.

Article 143

1) Witnesses shall be heard individually, without the presence of those witnesses who should be heard afterwards. A witness shall answer verbally.

2) The witness shall first be informed about his/her obligation to tell the truth and not to withhold anything, and thereupon s/he shall be warned of the consequences of giving a false statement.

3) The witness shall then be asked about his/her name and surname, the name of one parent, the current place of residence, place of birth, age and his/her relation with the parties.

Article 144

2. Uvidaj

Clan 130.

(1) Uvidaj se poduzima kad je za utvrđivanje neke činjenice ili za razjašnjenje neke okolnosti potrebno neposredno opažanje suda.

(2) Uvidaj se može obavljati i uz sudjelovanje vještaka.

Clan 131.

Ako u postupku treba razgledati stvar koja se nalazi kod jedne od stranaka, kod treće osobe, kod organa vlasti ili kod pravne osobe kojoj je povjerenom vršenje javnog ovlaštenja, na odgovarajući će se način primijeniti odredbe čl. 134. do 136. ovog zakona o pribavljanju isprava od ovih organa ili pravnih osoba.

3. Isprave

Clan 132.

(1) Isprava koju je u propisanom obliku izdao organ vlasti u granicama svoje nadležnosti, te isprava koju je u takvom obliku izdala pravna osoba u vršenju javnog ovlaštenja koje joj je povjerenom zakonom ili propisom zasnovanim na zakonu (javna isprava), dokazuje istinitost onoga što se u njoj potvrđuje ili određuje.

(2) Istu dokaznu snagu imaju i druge isprave koje su posebnim propisima u pogledu dokazne snage izjednačene s javnim ispravama.

(3) Dopušteno je dokazivati da su u javnoj ispravi neistinite utvrđene činjenice ili da je isprava nepravilno sastavljena.

(4) Ako se posumnja u autentičnost isprave, stranka može tražiti da sud traži da se o tome izjasni organ, odnosno pravna osoba od kojega bi ona trebalo da potječe.

1) Following the general questions, the witness shall be examined by the party who proposed him/her as a witness, and subsequently examined by the adverse party.

2) The court may pose questions to the witness at any time.

3) The witness shall always be asked in which way s/he has learnt the facts s/he is testifying about.

Article 145

1) The witness who does not speak the language in which the proceedings are conducted shall be questioned through an interpreter.

2) If the witness is deaf, the questions shall be put in writing, and if the witness is dumb, s/he shall be required to answer in writing. If the hearing cannot be conducted in this manner, a person that can communicate with the witness shall be called as interpreter.

3) The court shall warn the interpreter of his/her duty of accurate interpretation of the questions addressed to the witness as well as the statements to be given by the witness.

Article 146

1) A witness shall be entitled to the reimbursement of travel costs, costs for food and overnight stay as well as the compensation of loss of earnings due to the requirement to attend the hearing.

2) A witness shall request the reimbursement and where applicable the compensation for loss of earning immediately after the examination, otherwise s/he shall lose this right. The court shall be obliged to inform the witness thereof.

3) In the decision determining the costs of the witness, the court shall determine that the set amount be paid from the deposited advance payment, and if the advance payment has not been deposited, the party shall be ordered to pay certain amount to the witness within eight (8) days. An appeal against such decision shall not stay its enforcement.

2) Experts

Article 147

The court may, at a party's proposal, decide to hear experts, when professional knowledge, which the court does not have, is necessary for the establishment or clarification of certain facts.

Clan 133.

Ako međunarodnim ugovorom nije što drugo određeno, inostrane javne isprave koje su propisno ovjerene imaju, uz uslov uzajamnosti, istu dokaznu snagu kao i domace javne isprave.

Clan 134.

- (1) Stranka je dužna sama podnijeti ispravu na koju se poziva za dokaz svojih navoda.
- (2) Uz ispravu sastavljenu na stranom jeziku podnosi se i ovjereni prijevod.
- (3) Ako se isprava nalazi kod organa vlasti ili pravne osobe kojoj je povjereno vršenje javnog ovlaštenja, a sama stranka ne može isposlovati da se isprava preda ili pokaže, sud će po prijedlogu stranke narediti tom organu, odnosno osobi, da ispravu dostave sudu.

Clan 135.

- (1) Kad se jedna stranka poziva na ispravu i tvrdi da se ona nalazi kod druge stranke, sud može tu stranku pozvati da podnese ispravu, ostavljajući joj za to određeni rok.
- (2) Stranka ne može uskratiti podnošenje isprave ako se ona sama u parnici pozvala na tu ispravu za dokaz svojih navoda, ili ako je riječ o ispravi koju je po zakonu dužna predati ili pokazati, ili ako se isprava s obzirom na njen sadržaj smatra zajedničkom za obje strane.
- (3) U pogledu prava stranke da uskrati podnošenje drugih isprava na odgovarajući će se način primjenjivati odredbe čl. 139. i 140. ovog zakona.

(4) Kad stranka koja je pozvana da podnese ispravu porice da se isprava kod nje nalazi, mogu se radi utvrđivanja te činjenice izvoditi dokazi.

Article 148

- 1) The party proposing the expert evaluation shall be obliged to indicate in its proposal the subject and scope of the expert evaluation, as well as to propose the person who shall provide the expertise.
- 2) The adverse party shall give its opinion on the proposed expert, subject and scope of the expert evaluation.
- 3) If the parties fail to reach an agreement on the person to be appointed as the expert or on the subject and scope of the expert assessment, the court shall make decision on these issues.

Article 149

- 1) One expert shall perform expert evaluation.
- 2) The court may, at a party's proposal, assign more than one expert for different kinds of expertise.
- 3) Experts shall in the first place be appointed from among the certified court experts for certain kind of expert evaluation.
- 4) More complex expert evaluation shall be entrusted, in the first place, to professional institutions such as hospital, chemical laboratory, university.
- 5) If there are institutions for certain kinds of expert evaluation (counterfeit money, handwriting, typewriting and the similar), such expert evaluations shall be, first of all, entrusted to such institutions.

Article 150

The court shall decide to hear the expert evaluation by a decision containing the following:

1. the name, surname and occupation of the expert,
2. disputed matter;
3. the subject and the scope of expert evaluation;
4. the time limit for filing the findings and opinion;

Article 151

- 1) An expert shall be always summoned to the main hearing.

(5) Sud će, s obzirom na sve okolnosti, cijeniti od kakvog je značaja što stranka koja drži ispravu neće postupiti po rješenju suda kojim joj se nalaže da podnese ispravu ili porice da se isprava kod nje nalazi.

(6) Protiv odluke suda iz stava 1. ovog člana nije dopuštena posebna žalba.

Član 136.

(1) Sud može, na prijedlog stranke, narediti trećoj osobi da podnese ispravu samo kad je ona po zakonu dužna pokazati je ili je podnijeti ili kad je riječ o ispravi koja je po svojem sadržaju zajednička za tu osobu i stranku koja se poziva na ispravu.

(2) Prije nego što donese odluku kojom trećoj osobi naređuje da podnese ispravu, sud će pozvati treću osobu da se o tome izjasni.

(3) Kad treća osoba porice svoju dužnost da podnese ispravu koja se kod nje nalazi, sud će riješiti je li treća osoba dužna podnijeti ispravu.

(4) Kad treća osoba porice da se isprava nalazi kod nje, mogu se radi utvrđivanja te činjenice izvoditi dokazi.

(5) Pravomocno rješenje o dužnosti treće osobe da podnese ispravu može se izvršiti prema pravilima izvršnog postupka. Sud će ovo rješenje po službenoj dužnosti dostaviti nadležnom izvršnom sudu radi prinudnog izvršenja.

(6) Treća osoba ima pravo na naknadu opravdanih troškova koje je imala u vezi s podnošenjem isprava. Odredbe člana 146. ovog zakona na odgovarajući će se način primjenjivati i u tom slučaju.

4. Svjedoci

Član 137.

(1) Svaka osoba koja se poziva kao svjedok dužna je odazvati se pozivu, a ako ovim zakonom nije drugacije određeno, dužna je i

2) The transcript of the decision referred to in Article 150 of this Law shall be delivered to the expert, together with the summons for the main hearing.

3) In the summons, the court shall advise the expert that s/he must present his/her opinion conscientiously and in accordance with the rules of science and profession and inform him/her of the consequences of the failure to deliver the findings and opinion within the set time limit or to attend the hearing, as well as of the right to a fee and reimbursement of costs.

Article 152

1) Experts shall be obliged to respond to the court summons and state their finding and opinion.

2) The court shall exempt an expert from the duty of providing expert evaluation, at his/her request, for the reasons for which a witness may refuse to testify or give an answer to certain questions.

3) The court may also exempt an expert from the duty of providing expert evaluation, at his/her request, out of other justified reasons. Exemption from the duty of expert evaluation may also be requested by an authorized employee of the body or organization where the expert is employed.

Article 153

1) An expert may be exempted for the same reasons for which a judge may be exempted, but exceptionally a person who has already testified as witness may be taken as an expert.

2) A party shall be obliged to file the request for exemption of an expert as soon as s/he learns that there is a reason for exemption, and before the beginning of presentation of evidence by the means of expert evaluation at the latest.

3) A party, in his/her request for exemption, shall be obliged to state the circumstances on which s/he bases the request for exemption.

4) The court shall decide on request for exemption.

5) No interlocutory appeal shall be allowed against the decision approving the exemption of an expert.

6) If the party has learned about the reason for exemption after the performance of expert evaluation and objects the expert evaluation for that reason, the court shall act as if the request for exemption has been filed prior to the expert evaluation.

svjedociti.

(2) Kao svjedoci mogu se saslušati samo osobe koje su sposobne dati obavijesti o činjenicama koje se dokazuju.

(3) Stranka koja predlaže da se određena osoba sasluša kao svjedok mora prije toga naznačiti o čemu ona treba svjedociti i navesti njeno ime i prezime i boravište.

Član 138.

Ne može se saslušati kao svjedok osoba koja bi svojim iskazom povrijedila dužnost čuvanja službene ili vojne tajne, dok je nadležan organ ne oslobodi te dužnosti

Clan 139.

(1) Svjedok može uskratiti svjedenje:

- 1) o onome što mu je stranka kao svom punomoćniku povjerila;
- 2) o onome o čemu se stranka ili druga osoba svjedoku kao vjerskom ispovjedniku ispovjedala;
- 3) o činjenicama koje je svjedok saznao kao advokat, ljekar ili u obavljanju nekog drugog poziva ili neke druge djelatnosti, ako postoji obaveza da se kao tajna čuva ono što se saznalo u obavljanju tog poziva ili djelatnosti.

(2) Sud će upozoriti te osobe da u slučajevima navedenim u stavu 1. ovog člana mogu uskratiti davanje iskaza.

Clan 140.

(1) Svjedok može uskratiti odgovor na pojedina pitanja ako bi svojim odgovorom na ta pitanja izložio opasnosti od krivičnog gonjenja sebe ili svoje srodnike po krvi u pravoj liniji do bilo kojeg stepena, a u pobocnoj liniji do trećeg stepena zaključno, svoga bračnog druga ili srodnike po tazbini do drugog stepena zaključno i onda kad je brak prestao, osobu s kojom živi u vanbračnoj zajednici ili njene srodnike do drugog stepena zaključno, te svog staraoca ili

Article 154

- 1) Unless the court determines otherwise, the expert shall always present his/her findings and opinion in writing before the hearing.
- 2) The expert must always explain his/her opinion.

Article 155

- 1) If the expert fails to state findings and opinion within the set time limit, the court shall, following the expiration of the time limit left to the parties to state their opinion on this issue, assign another expert.
- 2) If the expert submits unclear and incomplete findings or opinion, contradictory to themselves or to another presented evidence, the court shall direct the expert to supplement them, or correct them and set the time limit for re-submission of findings and opinion.
- 3) If the expert fails to submit complete and understandable findings and opinion even upon the court direction, the court shall, after having heard the parties' opinion, assign another expert.

Article 156

The court shall deliver findings and opinion in writing of the expert to the parties at least eight (8) days prior to the main hearing.

Article 157

- 1) The main hearing shall be held even if the expert fails to appear at the hearing.
- 2) As an exception to paragraph 1 of this Article, should the court find the presence of the expert at the hearing essential for the clarification or supplementation of his/her findings and opinion, it may, on the motion of a party, adjourn the hearing and set a new one to which the expert shall be re-summoned.

Article 158

The court shall allow the expert to examine the files as well as to question parties and other experts with regard to the subject of the expert evaluation.

Article 159

No appeal shall be allowed against the decision under Articles 148, 150, 152 and 155 of this law.

staranika, usvojitelja ili usvojenika.

(2) Sud će upozoriti svjedoka da može uskratiti davanje odgovora na postavljeno pitanje.

Clan 141.

(1) Opravdanost razloga za uskracivanje svjedocenja ili odgovora na pojedina pitanja ocjenjuje sud pred kojim svjedok treba svjedočiti, nakon što se o tome izjasne stranke.

(2) Protiv rješenja iz stava 1. ovog clana stranke nemaju pravo na posebnu žalbu.

(3) Svjedok može rješenje iz stava 1. ovog clana pobijati u žalbi protiv rješenja o novcanoj kazni ili o zatvoru zbog toga što je uskratilo svjedocenje ili odgovor na pojedino pitanje.

Clan 142.

(1) Svjedoci se pozivaju dostavom pismenog poziva u kojem se navodi ime i prezime i ime jednog roditelja pozvanog, vrijeme i mjesto dolaska, predmet u vezi s kojim se poziva i naznaka da se poziva kao svjedok. U pozivu će se svjedok upozoriti na posljedice neopravdanog izostanka predviđene odredbama clana 410. ovog zakona i na pravo na naknadu troškova iz clana 146. ovog zakona.

(2) Svjedoci koji se zbog starosti, bolesti ili teških tjelesnih mana ne mogu odazvati pozivu mogu se saslušati i u svom stanu, odnosno u prostorijama u kojima borave.

Clan 143.

(1) Svjedoci se saslušavaju pojedinačno i bez prisustva svjedoka koji će se kasnije saslušavati. Svjedok je dužan odgovore davati usmeno.

(2) Svjedok će se najprije opomenuti da je dužan govoriti istinu i da ne smije ništa prešutjeti, a nakon toga će se upozoriti i na posljedice davanja lažnog iskaza.

Article 160

An expert shall be entitled to reimbursement of travel costs, costs for food and overnight stay, the costs of expert evaluation and reasonable remuneration for conducted expertise.

Article 161

Unless the provisions of this law stipulate otherwise, the provisions on the hearing of witnesses shall apply accordingly to hearing the experts.

Article 162

The provisions of Article 148 paragraph 1, Article 149 paragraph 3, Article 151 paragraphs 1 and 3, Articles 152, 153 and 159 of this Law shall be accordingly applied to interpreters.

3) Hearing the Parties

Article 163

On the motion of a party, the court shall order the presentation of evidence by hearing the parties.

Article 164

The court shall decide that only one party is to be heard, if the other party refuses to give testimony or does not respond to court summons.

Article 165

1) The legal representative shall be heard for the party not having the litigation capacity. The court may decide that, instead of or in addition to the legal representative, the party him/herself be heard, if possible.

2) The representative of the legal person, as determined by law or other regulations, shall be heard for the legal person.

Article 166

1) Summons to the hearing shall be served on the party's agent, who shall have the obligation to communicate it to the party, or if the party has no agent, to the party, or to the person who shall be heard on the party's behalf.

(3) Zatim ce se svjedok pitati za ime i prezime, ime jednog roditelja, boravište, mjesto i datum rođenja, godine života i njegov odnos sa strankama.

Clan 144.

(1) Poslije opcih pitanja, svjedoka ispituje stranka koja ga je predložila, a nakon toga suprotna stranka.

(2) Sud uvijek može postavljati pitanja svjedoku.

(3) Svjedok ce se uvijek pitati od kuda mu je poznato ono o cemu svjedoci.

Clan 145.

(1) Svjedok koji ne zna jezik na kome se vodi postupak saslušat ce se preko tumaca.

(2) Ako je svjedok gluhi, postavljat ce mu se pitanja pismeno, a ako je nijem pozvat ce se da pismeno odgovara. Ako se saslušanje ne može obaviti na taj način, pozvat ce se kao tumač osoba koja se sa svjedokom može sporazumjeti. (3) Sud ce tumaca upozoriti na dužnost vjernog prenošenja pitanja koja se svjedoku postavljaju i izjava koje svjedok bude davao.

Clan 146.

(1) Svjedok ima pravo na naknadu putnih troškova i troškova za prehranu i prenočište, te na naknadu izmakle zarade, nastalih usljed njegove obaveze da svjedoci.

(2) Svjedok mora zahtijevati naknadu odmah nakon saslušanja, inace gubi pravo na nju. Sud je dužan na to upozoriti svjedoka.

(3) U rješenju kojim se odmjeravaju troškovi svjedoka, sud ce odrediti da se određeni iznos isplati iz položenog predujma, a ako predujam nije položen, naredit ce stranci da određeni iznos

2) The summons shall contain the indication that the hearing of the parties shall take place at the hearing and that the party present at the hearing shall be heard, regardless the absence of the other party.

Article 167

No coercive measures may be applied against the party who fails to respond to the summons for the hearing of the parties, nor may the party be forced to give testimony.

Article 168

The provisions on hearing witnesses shall also apply when hearing the parties, unless otherwise provided for as to hearing the parties.

4) Preservation of Evidence

Article 169

1) In case of justified belief that a piece of evidence will not be available or that its later presentation may be hindered, a party wanting to rely on the evidence in the proceedings may motion the court before or in the course of the proceedings, to have that evidence preserved and presented in the course of the proceedings (“Preservation of Evidence”).

2) An application for the Preserving of Evidence can also be made in the course of the proceedings for reopening.

Article 170

1) If the motion for the Preservation of Evidence has been filed in the course of proceedings, the court conducting those proceedings shall be competent.

2) When an application for the Preservation of Evidence has been made before the initiation of proceedings, as well as in exceptional cases if the litigation proceedings are underway, the competent court shall be the lower court of first instance on whose territory items that need to be examined or persons that need to be examined are located.

Article 171

In the application requesting the Preservation of Evidence the applicant shall state facts to be proved, evidence to be presented and reasons for believing that the later presentation of evidence will not be possible or shall be hindered. Name and surname of the adverse party shall be given in the pleading unless, under the circumstances, it can be concluded that s/he is not known.

plati svjedoku u roku od osam dana. Žalba protiv tog rješenja ne zadržava izvršenje rješenja.

5. Vještaci

Clan 147.

Sud može, na prijedlog stranke, odrediti izvođenje dokaza vještacenjem kada je radi utvrđenja ili razjašnjenja određene činjenice potrebno stručno znanje kojim sud ne raspolaže.

Clan 148.

(1) Stranka koja predlaže vještacenje dužna je u prijedlogu naznaci predmet i obim vještacenja, te predložiti osobu koja će obaviti vještacenje.

(2) Protivna stranka će se izjasniti o predloženom vještaku, kao i o predmetu i obimu vještacenja.

(3) Ako stranke ne postignu sporazum o osobi koja treba biti određena za vještaka i predmetu i obimu vještacenja, odluku o tome će donijeti sud.

Clan 149.

(1) Vještacenje obavlja jedan vještak.

(2) Sud može na prijedlog stranke odrediti više vještaka za različite vrste vještacenja.

(3) Vještaci se određuju prvenstveno iz reda imenovanih sudskih vještaka za određenu vrstu vještacenja.

(4) Složenija vještacenja povjerit će se prvenstveno stručnim ustanovama kao što su bolnice, hemijski laboratoriji, fakulteti i slično.

(5) Ako postoje ustanove za određene vrste vještacenja, kao što su vještacenje lažnog novca, rukopisa, daktiloskopsko vještacenje i slično, takva vještacenja povjerit će se u prvom redu tim ustanovama.

Article 172

1) The motion for Preserving of Evidence shall be delivered to the adverse party, if s/he is known and giving him/her sufficient time to respond.

2) In exceptional cases, where there is a danger to preservation of the evidence, the court shall decide on the motion without having previously requested the adverse party to submit his/her statement (“Ex parte”).

3) In the decision accepting the motion, the court shall set the hearing for the Preservation of Evidence, state the facts in relation to which the evidence shall be preserved and the evidence to be presented.

4) If the application containing a motion for the Preserving of Evidence was heard Ex parte the motion along with the court order granting the Preservation of Evidence shall be served on the adverse party

5) The court may appoint temporary representative for the adverse party who is unknown or whose place of residence is not known, for participation in the hearing for presentation of evidence. This appointment does not have to be announced.

6) In exceptional cases the court may decide to start hearing the evidence before its decision on accepting the motion for preserving the evidence has been served upon the adverse party.

7) No appeal shall be allowed against the court decision accepting the motion for Preservation of Evidence or against the decision to start hearing the evidence prior to having served the decision upon the adverse party.

Article 173

1) In case the evidence has been presented before the proceedings have been initiated, the record on presentation of evidence shall be kept at the court where they were presented.

2) If the litigation proceedings are underway, and the court conducting the proceedings did not conduct the proceedings for preserving the evidence, the record shall be forwarded to that court.

VII - COURT RULINGS

Clan 150.

Izvođenje dokaza vještacenjem određuje sud rješenjem koje sadrži:

- 1) ime i prezime i zanimanje vještaka,
- 2) predmet spora,
- 3) obim i predmet vještacenja,
- 4) rok za podnošenje pismenog nalaza i mišljenja.

Clan 151.

(1) Vještak se uvijek poziva na ročište za glavnu raspravu.

(2) Prepis rješenja iz clana 150. ovog zakona dostavlja se vještaku zajedno sa pozivom na ročište za glavnu raspravu.

(3) U pozivu ce sud upozoriti vještaka da svoje mišljenje mora iznijeti savjesno i u skladu s pravilima nauke i vještine i obavijestiti ga o posljedicama nedostavljanja nalaza i mišljenja u ostavljenom roku, odnosno neopravdanog izostanka sa ročišta i pravu na nagradu i naknadu troškova.

Clan 152.

(1) Vještaci su dužni odazvati se pozivu suda i iznijeti svoj nalaz i mišljenje.

(2) Sud ce vještaka na njegov zahtjev osloboditi dužnosti vještacenja iz razloga iz kojih svjedok može uskratiti svjedocenje ili odgovor na pojedino pitanje.

(3) Sud može vještaka na njegov zahtjev osloboditi dužnosti vještacenja i iz drugih opravdanih razloga. Oslobodenje od dužnosti vještacenja može tražiti i ovlašteni zaposlenik organa ili pravne osobe u kojoj vještak radi.

Clan 153.

(1) Vještak ce biti izuzet iz istih razloga iz kojih može biti izuzet sudija, ali se izuzetno za vještaka može uzeti i osoba koja je ranije bila saslušana kao svjedok.

1. Joint Provisions

Article 174

The court shall make rulings at or outside of the hearing.

Article 175

- 1) The court shall issue rulings in the form of a judgment or a decision.
- 2) The court shall render the ruling on the Statement of Claim in the form of a judgment, but the ruling in proceedings related to trespass shall be in the form of a decision.
- 3) The court shall decide on all other issues in the form of decision.
- 4) The ruling on the costs in the judgment shall be considered as a decision.

2. Judgment

a) General Provisions

Article 176

- 1) The court shall decide on the claim concerning the main matter and subsidiary claims by a judgment.
- 2) If there are several claims, the court shall decide on all those claims by one judgment.

Article 177

- 1) The court may order the defendant to take certain action only if his/her obligation is due prior to the conclusion of the main trial.
- 2) If the court accepts the request for maintenance, it may determine the obligation of the defendant which is not yet due.
- 3) The judgement ordering the defendant to turn in or take over leased or rented objects may be rendered before the termination of these relations.

Article 178

If a plaintiff has requested a certain object to be awarded to him/her, and has declared in the complaint or before the conclusion of the main hearing that s/he is ready to accept a certain amount of money in lieu of the object, the court shall, in case it accepts the claim, state in the judgement that the defendant may be released from surrendering the object if s/he pays the specified amount.

(2) Stranka je dužna podnijeti zahtjev za izuzeće vještaka čim sazna da postoji razlog za izuzeće, a najkasnije prije početka izvođenja dokaza vještacenjem.

(3) U zahtjevu za izuzeće vještaka stranka je dužna navesti okolnosti na kojima temelji svoj zahtjev za izuzeće.

(4) O zahtjevu za izuzeće odlučuje sud.

(5) Protiv rješenja kojim se usvaja ili odbija zahtjev za izuzeće nije dopuštena posebna žalba.

(6) Ako je stranka saznala za razlog za izuzeće poslije obavljenog vještacenja i prigovara vještacenju iz tog razloga, sud će postupiti kao da je zahtjev za izuzeće stavljen prije obavljenog vještacenja.

Clan 154.

(1) Vještak svoj pismeni nalaz i mišljenje uvijek dostavlja sudu prije rasprave, ukoliko sud ne odredi drugačije.

(2) Vještak mora uvijek obrazložiti svoje mišljenje.

Clan 155.

(1) Ako vještak ne dostavi nalaz i mišljenje u ostavljenom roku, sud će, nakon proteka roka koji strankama ostavi da se o tome pismeno izjasne, odrediti drugog vještaka.

(2) Ako vještak dostavi nalaz ili mišljenje koji su nejasni, nepotpuni ili protivrječni sami sebi ili izvedenim okolnostima, sud će pozvati vještaka da ih dopuni, odnosno ispravi, i odrediti rok za ponovno dostavljanje nalaza i mišljenja.

(3) Ukoliko vještak ni po pozivu suda ne dostavi potpun i razumljiv nalaz i mišljenje, sud će, uz prethodno izjašnjenje stranaka, odrediti drugog vještaka.

Clan 156.

Article 179

1) When a party is ordered by a judgement to perform a certain action (including making monetary payments), it shall be given a time limit to do so.

2) Unless otherwise prescribed by special regulations, the time limit for the performance shall be thirty (30) days, but for the performances that do not involve monetary obligations, the court may set a longer time limit. In disputes concerning bills and cheques, this time limit shall be fifteen (15) days.

3) The time limit for the performance shall run from the first day from the rendering of the judgement or, if the judgment is served in accordance with provisions on service of this law, from the first day of the service of the judgement on the party that has been ordered to render the performance.

b) Judgment Based on Admission

Article 180

1) If a defendant accepts the Statement of Claim prior to the conclusion of the main trial, the court shall, without further deliberation, render a judgement accepting the claim (“Judgement Based on Admission”).

2) The court shall not render a Judgement Based on Admission even if the conditions prescribed by this law have been met, if it concerns the claim which the parties cannot dispose of.

3) Rendering the Judgement Based on Admission shall be postponed if there is a need to obtain information about the circumstances mentioned in paragraph 2 of this Article.

4) A defendant may, without the consent of the plaintiff, withdraw the acceptance of the claim before the judgement has been rendered, at the hearing or in a written pleading.

c) Judgment Based on Express Waiver

Article 181

1) Should the plaintiff expressly waive his/her claim prior to the conclusion of the main trial, the court shall render a judgement refusing the claim without further deliberation (“Judgement Based on Express Waiver”).

2) No consent of the defendant is required for waiving a claim.

Sud dostavlja strankama pismeni nalaz i mišljenje vještaka najkasnije osam dana prije ročišta za glavnu raspravu.

Clan 157.

(1) Ročište za glavnu raspravu će se održati i ako vještak ne pristupi na glavnu raspravu.

(2) Izuzetno od stava 1. ovog clana, sud može na prijedlog stranke odložiti raspravu i zakazati novo ročište na koje će ponovo pozvati vještaka, ako utvrdi da je njegovo prisustvo na raspravi neophodno radi razjašnjenja ili dopune nalaza i mišljenja.

Član 158.

Sud će vještaku dopustiti da razmatra spise, kao i postavlja pitanja strankama i drugim vještacima vezi predmeta vještačenja.

Clan 159.

Protiv rješenja suda iz cl. 148., 150., 152. i 155. ovog zakona, nije dopuštena žalba.

Clan 160.

Vještak ima pravo na naknadu putnih troškova, troškova za prehranu i prenoćište i troškova vještacenja, te pravo na razumnu nagradu za obavljeno vještacenje.

Clan 161.

Ako odredbama ovog zakona nije drugacije određeno, na izvođenje dokaza vještacenjem na odgovarajući način se primjenjuju odredbe o saslušanju svjedoka.

Clan 162.

Odredbe clana 148. stav 1., clana 149. stav 3., clana 151. st. 1. i 3, i cl. 152., 153. i 159. ovog zakona na odgovarajući se način primjenjuju i na tumace.

3) A plaintiff may, at the hearing or in a written pleading and without the consent of the defendant, withdraw the waiver of the claim, before the judgement has been rendered.

d) Default judgment

Article 182

1) If a defendant, who was duly served with a complaint, fails to submit a written response to the complaint within the prescribed time limit, where the plaintiff requested the issuing of a default judgement the court shall render a judgement accepting the claim ("Default Judgement"), unless the claim is obviously unfounded.

2) A statement of claim is obviously unfounded when:

1. the statement of claim is in obvious contradiction with the facts stated in the complaint;
2. the facts on which the statement of claim is based are in obvious contradiction with the evidence submitted by the plaintiff or the generally known facts.

3) If the claim is obviously unfounded, the court shall render a judgement refusing the claim.

4) Default judgement shall not be rendered on the claim or a part of the claim which may not be disposed of under Article 3, paragraph 2, of this Law.

Article 183

1) Appeal against the Default Judgement shall not be allowed, but the defendant may file the request for the return to status quo ante in accordance with the provisions of this law.

2) Request referred to in paragraph 1 of this Article, which are submitted in a timely manner, shall prevent the Default Judgement becoming final.

3) If the case is returned to status quo ante, the defendant shall reimburse all reasonable costs of the proceedings that have been incurred until the Default Judgement was issued.

6. Saslušanje stranaka

e) Rendering, Drafting and Delivering the Judgment

Clan 163.

Na prijedlog stranke, sud ce odrediti izvođenje dokaza saslušanjem stranaka.

Clan 164.

Sud ce odluciti da se sasluša samo jedna stranka, ako druga stranka uskrati davanje iskaza ili se ne odazove pozivu suda.

Clan 165.

(1) Za stranku koja nema parnicnu sposobnost saslušat ce se njen zakonski zastupnik. Sud može odluciti da se umjesto ili pored zakonskog zastupnika, sasluša sama stranka, ako je njeno saslušanje moguće.

(2) Za pravnu osobu saslušat ce se osoba koja je zakonom ili pravilima pravne osobe određena da je zastupa.

Clan 166.

(1) Poziv na ročište dostavit ce se punomocniku stranke, koji je dužan o tome stranku obavijestiti, odnosno, ako stranka nema punomocnika, stranci ili osobi koja ce se za stranku saslušati.

(2) U pozivu ce se naznaci da ce se na ročištu izvoditi dokaz saslušanjem stranaka i da ce stranka koja dode na ročište biti saslušana u odsutnosti druge stranke.

Clan 167.

Ne mogu se primijeniti nikakve pr isilne mjere prema stranci koja se nije odazvala pozivu suda radi saslušanja niti se stranka može prisiliti na davanje iskaza.

Clan 168.

Odredbe o izvođenju dokaza saslušanjem svjedoka primjenjivat ce se i pri izvođenju dokaza saslušanjem stranaka, ako za

Article 184

1) The court shall render the judgement, and prepare it in writing no later than thirty (30) days after the conclusion of the main hearing.

2) If the judge exceeds the time limit set in paragraph 1 of this Article, s/he shall be obliged to inform the court president in writing about the reasons for exceeding the time limit.

Article 185

1) Following the conclusion of the main hearing, the court shall inform the present parties of the date when the judgement shall be rendered. If one party was absent from the hearing, the court shall inform him/her in writing about the day when the judgement shall be rendered.

2) The parties themselves, or their representatives or agents, shall be obliged to take over the judgement in the court building and therefore, the court shall not serve the judgement pursuant to the provisions of this Law on service.

3) If the parties were duly informed of the date when the judgement was rendered, the time limit for the appeal against the judgement shall start to run from the next day after the judgement was rendered.

Article 186

1) In exceptional circumstances, the court may, at the request of the party, decide to serve the judgement in accordance with the provisions on service of this Law.

2) The court shall, in any case, serve the judgement in accordance with provisions on service of this Law on the party that was not duly informed of the date when the judgement is to be rendered.

Article 187

Default judgement and the second instance judgement shall be served on the parties in accordance with provisions on service of this Law.

Article 188

In the case referred to in Article 184, paragraph 2 of this Law, the court shall, as soon as it learns that the day of rendering the judgement will be postponed, notify parties thereof, and serve the judgement on parties afterwards in accordance with the provisions on service of this Law.

Article 189

saslušanje stranaka nije što drugo propisano.

7. Osiguranje dokaza

Clan 169.

(1) Ako postoji opravdana bojazan da se dokaz nece moci izvesti ili da ce njegovo kasnije izvođenje biti otežano, može se tokom, a i prije pokretanja parnice predložiti da se taj dokaz izvede.

(2) Osiguranje dokaza može se tražiti i tokom postupka po prijedlogu za ponavljanje postupka.

Clan 170.

(1) Ako je prijedlog za osiguranje dokaza stavljen tokom parnicnog postupka, zapostupanje je nadležan sud pred kojim je postupak u toku.

(2) Kad se traži osiguranje dokaza prije pokretanja postupka, te u izuzetnim slucajevima, ako je postupak vec u toku, nadležan je niži sud prvog stepena na cijem se podrucju nalaze stvari koje treba razgledati odnosno sud na cijem podrucju boravi osoba koju treba saslušati.

Clan 171.

U podnesku kojim se traži osiguranje dokaza predlagac je dužan navesti cinjenice koje se imaju dokazati, dokaze koje treba izvesti i razloge iz kojih smatra da se kasnije dokaz nece moci izvesti ili da ce njegovo izvođenje biti otežano. U podnesku treba navesti ime i prezime protivnika, osim ako iz okolnosti proistjece da on nije poznat.

Clan 172.

(1) Podnesak u kojem je stavljen prijedlog za osiguranje dokaza sud ce dostaviti protivniku, ako je poznat, ostavljajuc i mu odgovarajuci rok za odgovor.

(2) Izuzetno, ako postoji opasnost za osiguranje

In cases referred to in Articles 186, 187, and 188 of this Law, the time limit for the legal remedy shall run from the day of the receipt of the judgement.

Article 190

The judge shall sign the original of the judgement.

Article 191

1) A written judgement shall contain an introduction, operative part, reasoning and instructions regarding the right to a legal remedy against the judgement.

2) The judgement introduction shall contain the name of the court; and name and surname of the judge; and name and surname of the parties to the action and their permanent or temporary place of residence; their representatives and agents; short description of the main matter and the value of the dispute; date of conclusion of the main hearing; note on parties, their representatives and agents attending the hearing; and the date when the judgement was rendered.

3) The operative part of the judgement shall contain the ruling on accepting or rejecting certain claims pertaining to the main matter and subsidiary claims; and the ruling on the existence or non-existence of the claim, put forward by a party for the purpose of compensation.

4) The reasoning shall contain the following: the claims of the parties and facts on which these claims are based; the evidence and evaluation of evidence; and the regulations upon which the court based the judgement.

5) The reasoning concerning the Default Judgement, Judgement Based on Admission or Judgement Based on Express Waiver shall state only the reasons that justify the rendering of such judgements.

f) Supplementary Judgment

Article 192

1) If the court has failed to decide on a part of the claim or on every claim that has to be decided by judgement, and that has already been discussed, a party may make a motion to the court to supplement the judgement within thirty (30) days from the date of the receipt of the judgement.

2) An unjustified or untimely filed motion to supplement the judgement shall be rejected by the court without a hearing.

dokaza, sud ce o prijedlogu odluciti i bez prethodnog izjašnjenja protivnika.

Article 193

(3) U rješenju kojim se usvaja prijedlog sud ce odrediti rocište za izvođenje dokaza, navesti ce cinjenice o kojima ce se izvoditi dokazi, te dokaze koji ce se izvesti.

When the court finds that the motion to supplement the judgement is justified, it shall render, within eight (8) days, the judgement on the claim that has not been resolved without reopening the main hearing (“Supplementary Judgement”).

(4) Ako protivniku nije prije bio dostavljen podnesak u kojem je stavljen prijedlog za osiguranje dokaza, on ce mu se dostaviti zajedno s rješenjem suda kojim se usvaja prijedlog za osiguranje dokaza.

Article 194

(5) Protivniku koji je nepoznat ili je nepoznato njegovo boravište sud može radisudjelovanja na rocištu za izvođenje dokaza, postaviti privremenog zastupnika (clan 296.). O tom postavljanju nije potrebno izdati oglas.

1) If an appeal against the judgement has been filed along with a motion to supplement the judgement, the first instance court shall suspend the delivery of the appeal to the second instance court until the ruling on the motion to supplement the judgement is reached and the time limit for an appeal against this ruling expires.

2) If an appeal is filed against the ruling to supplement the judgement, this appeal shall be delivered to the second instance court along with the appeal against the original judgement.

(6) Sud može u izuzetnim slucajevima odrediti da izvođenje dokaza zapocne i prije nego što se rješenje kojim se usvaja prijedlog za osiguranje dokaza dostavi protivniku.

3) If a first instance judgement is contested by appeal only because the first instance court has not decided on all claims of the parties that are the subject of litigation, the appeal shall be considered as a motion of the party to reach Supplementary Judgement.

(7) Protiv rješenja suda kojim se usvaja prijedlog za osiguranje dokaza, te protiv rješenja kojim se odlucuje da izvođenje dokaza zapocne prije nego što se rješenje dostavi protivniku, nije dopuštena žalba.

g) Correction of Judgment

Article 195

Clan 173.

(1) Ako su dokazi izvedeni prije nego što je postupak pokrenut, zapisnik o izvođenju dokaza cuvat ce se kod suda pred kojim su dokazi izvedeni.

1) Misspelling names and mistakes in numbers, and other obvious mistakes in writing and calculations, defects in form and discrepancy between a transcript of the judgement and the original shall be corrected by the court at any time.

2) The correction shall be made by a separate decision and entered at the end of the original, and the parties shall be served with a transcript of the decision.

(2) Ako je postupak u toku, a osiguranje dokaza nije izveo sud koji vodi postupak, zapisnik ce se dostaviti tome sudu.

3) If there is a discrepancy between the original and a copy of the judgement with regard to any ruling contained in the operative part of the judgement, the parties shall be provided with the corrected copy of the judgement with a note stating that the previous copy has been replaced with the new one. In this case the time limit for filing a legal remedy related to the corrected part of the judgement shall run from the date of service of the corrected judgement transcript.

VII – SUDSKE ODLUKE

1. Zajednicke odredbe

Clan 174.

4) A decision on the correction of the judgement may be rendered by the court without hearing the parties.

Sud donosi odluke na ročištu ili van ročišta.

Clan 175.

(1) Sud donosi odluke u obliku presude ili rješenja

(2) O tužbenom zahtjevu sud odlučuje presudom, a u postupku zbog smetanja posjeda rješenjem.

(3) O svim drugim pitanjima sud odlučuje rješenjem.

(4) Odluka o troškovima u presudi smatra se rješenjem.

2. Presuda

a) Opće odredbe

Clan 176.

(1) Presudom sud odlučuje o zahtjevu koji se tice glavne stvari i sporednih potraživanja.

(2) Ako postoji više zahtjeva, sud će o svim tim zahtjevima odluciti jednom presudom.

Clan 177.

(1) Sud može naložiti tuženom da obavi određenu cinidbu samo ako je ona dospjela do zaključenja glavne rasprave.

(2) Ako sud usvoji zahtjev za izdržavanje, može obavezati tuženog i na cinidbe koje nisu dospjele.

(3) Presuda kojom se tuženi obvezuje da preda ili preuzme stvari date u najam ili zakup može se donijeti i prije prestanka tih odnosa.

Clan 178.

h) Finality of the Judgment

Article 196

1) A judgement that cannot be further contested by an appeal shall be final.

2) The court shall during the course of the proceedings, *ex officio*, have due regard to whether the matter has been effectively decided upon, and if it finds out that the litigation has been instituted concerning the claim that has been previously effectively decided upon, the court shall reject the complaint.

3) If the court decided by a judgment on the claim put forward by the defendant in order to reach compensation between the parties, the ruling on the existence or non-existence of that claim shall become final.

Article 197

1) The court shall be bound by its judgement as soon as it is rendered.

2) The judgement shall become effective for the parties from the date when it is rendered, and in the cases in which, under this Law, the judgement is served on the parties by the court – from the date of receipt.

3. Decision

Article 198

1) The judge shall pronounce all decisions that are issued at the hearing.

2) A certified copy of the decision that has been pronounced at the hearing shall be served on the parties only if a separate appeal against that decision is allowed, or if based on the decision, a party may request immediate enforcement of the decision, or if so needed for the proper managing of the civil proceedings.

3) The court shall be bound by its decisions, except for decisions concerning the management of the civil proceeding, unless otherwise prescribed by this Law.

4) When the decision is not to be served in writing, its effect on the parties commences with its pronouncement.

Article 199

Ako je tužilac u tužbi tražio da mu se dosudi određena stvar, a istovremeno je u tužbi ili do zaključenja glavne rasprave izjavio da je voljan umjesto stvari primiti određeni novčani iznos, sud će, ako usvoji tužbeni zahtjev, izreći u presudi da se tuženi može osloboditi davanja stvari, ako plati taj novčani iznos.

Clan 179.

(1) Kad se stranci u presudi nalaže izvršenje kakve cinidbe, odredit će se i rok u kojem je tu cinidbu dužna izvršiti.

(2) Ako posebnim propisima nije drugačije određeno, rok za izvršenje cinidbe je 30 dana, ali za cinidbe koje se ne sastoje u novčanom davanju sud može odrediti duži rok. U mjenicnim i cekovnim sporovima taj je rok 15 dana.

(3) Rok za izvršenje cinidbe počinje teći prvog dana nakon donošenja presude, odnosno, ako se presuda dostavlja u skladu s odredbama ovog zakona o dostavi, prvog dana nakon dostave prepisa presude stranci kojoj je naloženo izvršenje.

b) Presuda na osnovu priznanja

Clan 180.

(1) Ako tuženi do zaključenja glavne rasprave prizna tužbeni zahtjev, sud će bez daljnjeg raspravljanja donijeti presudu kojom usvaja tužbeni zahtjev (presuda na osnovu priznanja).

(2) Sud neće donijeti presudu na osnovu priznanja i kad je udovoljeno potrebnim uvjetima, ako nade da je riječ o zahtjevu kojim stranke ne mogu raspolagati (clan 3. stav 2.).

(3) Donošenje presude na osnovu priznanja odgodit će se ako je potrebno da se otkolnostima iz stava 2. ovog clana, prije toga pribave obavijesti.

(4) Priznanje tužbenog zahtjeva, na ročištu ili u pismenom podnesku, tuženi može i bez pristanka tužioca opozvati do donošenja

The parties shall learn about decisions, issued by the court outside of the hearing, through the service of the certified copy of the decision.

Article 200

1) A decision must contain explanations if it rejects the motion of a party or if it rules on the contradictory motions of the parties but may also contain explanations in other cases, when it deems necessary.

2) A written decision shall always contain introduction and operative part, and the reasoning only if the decision, in accordance with paragraph 1 of this Article, must be explained.

Article 201

Final decision on the sanctions imposed in accordance with the provisions of this Law shall be executed *ex officio*.

Article 202

1) The provisions of Articles 179, Article 190 to 195, and Article 197, paragraph 2 of this Law shall accordingly apply on decisions.

2) The provisions of Articles 184 to 186 and Articles 188 and 189 shall accordingly apply on decisions referred to in Article 198, paragraph 2 of this Law.

B. PROCEDURE UPON LEGAL REMEDIES

VIII - ORDINARY LEGAL REMEDIES

1. Appeal against Judgment

a) Right to Appeal

Article 203

1) Parties may file an appeal against the first instance judgement within thirty (30) days from the day of rendering the judgement, or, if the judgment is served in accordance with provisions on service of this Law, within thirty (30) days from the service of the judgement, unless a different time limit is set by this Law. In disputes concerning bills of exchange and cheques, the time limit is fifteen (15) days.

2) Appeals filed within the prescribed time limits prevent the finality of the judgement in the part contested by the appeal.

3) The second instance court shall decide on an appeal against the judgement.

presude.

c) Presuda na osnovu odricanja

Clan 181.

(1) Ako se tužilac do zaključenja glavne rasprave odrekne tužbenog zahtjeva, sud će bez daljnjeg raspravljanja donijeti presudu kojom odbija tužbeni zahtjev (presuda na osnovu odricanja).

(2) Za odricanje od tužbenog zahtjeva nije potreban pristanak tuženog.

(3) Tužilac može do donošenja presude, na ročištu ili u pisanom podnesku, opozvati odricanje od tužbenog zahtjeva bez pristanka tuženog.

d) Presuda zbog propuštanja

Clan 182.

(1) Kad tuženi, kome je uredno dostavljena tužba u kojoj je tužilac predložio donošenje presude zbog propuštanja, ne dostavi pismeni odgovor na tužbu u zakonskom roku, sud će donijeti presudu kojom se usvaja tužbeni zahtjev (presuda zbog propuštanja), osim ako je tužbeni zahtjev očigledno neosnovan.

(2) Tužbeni zahtjev je očigledno neosnovan:

- 1) ako je tužbeni zahtjev očigledno protivan činjenicama navedenim u tužbi;
- 2) ako su činjenice na kojima se temelji tužbeni zahtjev u očiglednoj protivnosti s dokazima koje je sam tužilac predložio ili s činjenicama koje su opečoznate.

(3) Ako je zahtjev očigledno neosnovan, sud će donijeti presudu kojom se odbija tužbeni zahtjev.

(4) Presuda zbog propuštanja neće se donijeti o zahtjevu ili dijelu zahtjeva kojim stranke ne

Article 204

1) A party may waive the right to appeal from the moment of the receipt of the judgement.

2) A party may withdraw an already filed appeal until the second instance judgement is rendered.

3) Appeal waiver or withdrawal cannot be revoked.

b) Content of Appeal

Article 205

An appeal must contain:

1. indication of the judgement against which the appeal is filed;
2. statement explaining whether the judgement is contested entirely or partially;
3. reason for the appeal;
4. signature of the appellant.

Article 206

1) If an appeal does not contain the elements referred to in Article 205 of this law (an incomplete appeal), the first instance court shall, by a decision against which the appeal is not allowed, order the appellant to supplement or correct the appeal within eight (8) days.

2) If the appellant fails to act as requested, within the time limit referred to in paragraph 1 of this Article, the court shall render a decision rejecting the appeal as incomplete.

Article 207

1) New facts and evidence cannot be presented in the appeal unless the appellant proves that s/he was unable to present those facts or evidence, with no fault of his/her own, prior to the conclusion of the main hearing.

2) When citing the new facts, the appellant shall be obliged to state the evidence corroborating those facts, and when proposing new evidence, the applicant must specify which facts are to be corroborated by that evidence.

3) An objection regarding the statute of limitation and an objection regarding the compensation of debt that have not been raised before the first instance court, may not be raised in the appeal.

4) If new costs have been incurred due to the presentation of new facts and proposing of new evidence in the appeal proceedings, they shall be

moгу raspolagati.

Clan 183.

(1) Protiv presude zbog propuštanja nije dopuštena žalba, ali tuženi može podnijeti prijedlog za povrat u prijašnje stanje u skladu s odredbama ovog zakona.

(2) Blagovremeno podnesen prijedlog iz stava 1. ovog clana, sprecava da presuda zbog propuštanja postane pravomocna.

(3) Ako prijedlogu tuženog iz stava 1. ovog clana bude udovoljeno, tuženi ce podmiriti sve opravdane troškove postupka koji su nastali do donošenja presude zbog propuštanja.

e) Donošenje, pismena izrada i dostava presude

Clan 184.

(1) Sud ce donijeti presudu i izraditi pismeni otpравak najkasnije u roku od 30 dana od dana zaključenja glavne rasprave.

(2) Ukoliko sudija prekoraci rok iz stava 1. ovog clana, dužan je u pismenoj formi izvijestiti predsjednika suda o razlozima prekoracenja.

Clan 185.

(1) Nakon zaključenja glavne rasprave, sud ce prisutne stranke obavijestiti o datumu donošenja presude. Ako jedna od stranaka nije prisustvovala glavnoj raspravi, sud ce je pismeno obavijestiti o datumu donošenja presude.

(2) Stranke, odnosno njihovi zastupnici ili punomocnici, su dužni sami preuzeti presudu u zgradi suda, te im sud nece dostavljati presudu u skladu s odredbama ovog zakona o dostavi.

(3) Ako su stranke bile uredno obaviještene o datumu donošenja presude, rok za žalbu protiv presude pocinje teci prvog narednog dana nakon donošenja presude.

borne by the party that presented them or proposed them, regardless of the outcome of the dispute.

c) Grounds for appealing a Judgement

Article 208

- 1) A judgement can be appealed on the following grounds:
1. Violation of the provisions of the civil procedure law (“Procedural Errors”);
 2. Erroneously or incompletely determined state of facts;
 3. Misapplication of the substantive law.

2) Judgement Based on Admission and Judgement Based on Express Waiver can be appealed on the grounds of Procedural Errors or because the statement of admission or express waiver was given under delusion, duress or deceit.

Article 209

A Procedural Error shall exist if the court, in the course of the proceedings, failed to apply or improperly applied a provision of this Law, which affected the rendering of a lawful and correct judgement.

Article 210

1) Erroneously or incompletely determined statement of the facts shall exist when the court has erroneously established or failed to determine a decisive fact.

2) Incompletely determined statement of the facts shall also exist when the new evidence or facts so indicate.

Article 211

Misapplication of substantive law shall exist when the court failed to apply the provision of the substantive law, which should have been applied or when such provision has not been properly applied.

d) Procedure on Appeal

Article 212

An appeal shall be filed with the first instance court with a sufficient number of copies for the court and the adverse party.

Clan 186.

(1) U izuzetnim okolnostima, sud može na zahtjev stranke odluciti da se dostava presude izvrši na nacin predviden odredbama ovog zakona o dostavi.

(2) Stranci koja nije bila uredno obaviještena o datumu donošenja presude, sud ce u svakom slucaju dostaviti presudu u skladu s odredbama ovog zakona o dostavi.

Clan 187.

Presuda zbog propuštanja i presuda drugostepenog suda donesena bez rasprave, dostavlja se strankama u skladu sa odredbama ovog zakona o dostavi.

Clan 188.

U slucaju iz clana 184. stav 2. ovog zakona, sud ce cim bude saznao da ce doci do odgode datuma donošenja presude o tome obavijestiti stranke, nakon cega ce strankama presudu dostaviti prema odredbama ovog zakona o dostavi.

Clan 189.

U slucajevima iz cl. 186., 187. i 188. ovog zakona, rok za podnošenje pravnog lijeka pocinje teci prvog narednog dana nakon dostave prepisa presude.

Clan 190.

Izvornik presude potpisuje sudija.

Clan 191.

(1) Pismeno izradena presuda mora imati uvod, izreku, obrazloženje i uputstvo o pravu na izjavljivanje pravnog lijeka protiv presude.

(2) Uvod presude sadrži: naziv suda, ime i prezime sudije, ime i prezime i prebivalište, odnosno boravište stranaka, njihovih zastupnika i punomocnika, kratku oznaku predmeta spora i njegovu vrijednost, dan zaključenja glavne rasprave, naznaku stranaka, njihovih zastupnika

Article 213

- 1) An untimely, incomplete or inadmissible appeal shall be rejected in the ruling of the first instance court without holding a hearing.
- 2) An appeal shall be considered untimely if filed after the expiration of the time limit prescribed for its submission.
- 3) An appeal shall be considered inadmissible if filed by a person who has not been authorised to file the appeal or person who waived or withdrew the appeal or if the person who filed an appeal does not have the legal interest to do so.

Article 214

- 1) A copy of a timely, complete and admissible appeal shall be served by the first instance court on the adverse party immediately but no later than eight (8) days from the date of the receipt of the appeal in the court. The adverse party shall submit a response to the appeal within eight (8) days from the date of its receipt.
- 2) A copy of the response to the appeal shall be served on the appellant by the first instance court immediately but no later than eight (8) days from the date of the receipt of the response to the appeal.
- 3) Untimely response to the appeal shall not be considered.
- 4) Pleadings received after the receipt of the response to the appeal or after the expiration of the time limit for the response to the appeal, shall not be taken into consideration, except in the cases where the court explicitly requires an additional explanation from the party.

Article 215

- 1) Following the receipt of the response to the appeal or after the expiration of the time limit for the response to the appeal, the court shall forward the appeal and response to the appeal if filed, together with the entire case file, to the second instance court within eight (8) days at the latest.
- 2) If the appellant claims that there were Procedural Errors in the course of the first instance proceedings, the first instance court judge shall provide an explanation related to the allegations of the appeal concerning these violations, and shall check the veracity of these allegations in the appeal, if needed.

Article 216

i punomocnika koji su toj raspravi bili prisutni, te dan kad je presuda donesena.

(3) Izreka presude sadrži odluku o usvajanju ili odbijanju pojedinih zahtjeva koji se ticu glavne stvari i sporednih traženja, te odluku o postojanju ili nepostojanju potraživanja istaknutog radi prebijanja.

(4) U obrazloženju sud će izložiti: zahtjeve stranaka i njihove navode o cinjenicama na kojima se ti zahtjevi zasnivaju, dokaze i ocjenu dokaza, kao i propise na kojima je sud zasnovao presudu.

(5) U obrazloženju presude zbog propuštanja, presude na osnovu priznanja ili presude na osnovu odricanja, iznijet će se samo razlozi koji opravdavaju donošenje takvih presuda.

f) Dopunska presuda

Clan 192.

(1) Ako je sud propustio da odluci o dijelu zahtjeva ili o svim zahtjevima o kojima se mora odluciti presudom, a koji su vec raspravljani, stranka može u roku od 30 dana od prijema presude predložiti parnicnom sudu da se presuda dopuni.

(2) Neblagovremeni ili neosnovani prijedlog za dopunu presude odbacit će odnosno odbiti sud bez održavanja rocišta.

Clan 193.

Kad sud nade da je prijedlog za dopunu presude osnovan, bez ponovnog otvaranja glavne rasprave donijet će, u roku od osam dana, presudu o zahtjevu koji nije riješen (dopunska presuda).

Clan 194.

(1) Ako je uz prijedlog za dopunu presude podnesena i žalba protiv presude, prvostepeni sud će zastati s dostavom te žalbe

1) When the case file, upon appeal, is forwarded to the second instance court, a referee judge shall be designated.

2) The referee judge may, when required, request the report from the first instance court on the procedural errors and request a review of the facts in order to determine those errors.

Article 217

1) The second instance court shall decide on the appeal in a panel session or at the hearing.

2) The second instance court shall set a hearing when it assesses that, in order to properly determine the state of the facts, it is necessary to determine new facts or to hear new evidence or to re-hear already presented evidence before the second instance court, and when it assesses that a hearing needs to be held before the second-instance court due to Procedural Errors in the first instance proceedings.

3) The panel session or the hearing shall be held within forty-five (45) days from the date of receipt of the case file from the first instance court.

4) Second instance ruling shall be rendered within thirty (30) days from the panel session where the second instance court deliberated the case, or, if the hearing was held, within thirty (30) days from the conclusion of the hearing.

Article 218

1) Parties, their legal representatives or agents shall be summoned to the hearing, as well as those witnesses and experts whom the court decides to hear.

2) If the appellant fails to appear, the hearing shall not be held, and the ruling shall be made based on the arguments stated in the appeal and the response to the appeal.

3) If the appellee fails to appear in the hearing, the court shall hold a hearing and make a ruling.

4) In the summons for the hearing, the party shall be warned about the consequences of his/her failure to appear in the court.

Article 219

1) The hearing before the second instance court shall commence with a brief presentation of the referee judge, without giving his/her own opinion as to whether the appeal is justified or not.

drugostepenom sudu dok se ne donese odluka o prijedlogu za dopunu presude i dok ne protekne rok za žalbu protiv te odluke.

(2) Ako protiv odluke o dopuni presude bude podnesena žalba, ta žalba zajedno sa žalbom protiv prvobitne presude dostavit će se drugostepenom sudu.

(3) Ako se prvostepena presuda pobija žalbom samo zato što prvostepeni sud nije presudom odlučio o svim zahtjevima stranaka koji su predmet parnice, žalba će se smatrati prijedlogom stranke da se donese dopunska presuda.

g) Ispravljanje presude

Clan 195.

(1) Pogreške u imenima i brojevima, i druge ocite pogreške u pisanju i racunanju, nedostatke u obliku i nesaglasnost prepisa presude s izvornikom ispraviti će sud u svako doba.

(2) Ispravljanje će se obaviti posebnim rješenjem i unijeti na kraju izvornika, a strankama će se dostaviti prepis rješenja.

(3) Ako između izvornika i prepisa presude postoji nesaglasnost u pogledu neke odluke sadržane u izreci presude, strankama će se dostaviti ispravljeni prepis presude s naznakom da se tim prepisom presude zamjenjuje prijašnji prepis presude. U takvom slučaju rok za izjavljivanje pravnog lijeka u pogledu ispravljenog dijela presude teče od dana dostave ispravljenog prepisa presude.

(4) O ispravljanju presude sud može odlučiti bez saslušanja stranaka.

h)) Pravomocnost presude

Clan 196.

2) After this, the judgement or the part of the judgement to which the appeal refers shall be read, and if necessary, the records from the main hearing before the first instance court shall be read too. Thereafter the appellant shall explain the basis for his/her appeal, and the adverse party his/her response to the appeal.

Article 220

Unless otherwise provided by Articles 217 to 219 of this law, the provisions on the main hearing held before the court of the first instance shall apply accordingly to the second instance hearing.

e) Limits of the Examination of First Instance Judgement

Article 221

The second instance court shall examine the first instance judgement in the part which has been contested by the appeal, within the limits of the reasons stated in the appeal, having due regard *ex officio* to the misapplication of substantive law and Procedural Errors concerning the litigation capacity of the parties and the representation.

f) Rulings of the Second Instance Court on Appeal

Article 222

1) The rulings of the second instance court shall be rendered by voting after the deliberation.

2) Only the members of the panel and recorder may be present in the room where the deliberation and voting are conducted. When a ruling about simple issues is required, the panel may reach the ruling at the session.

Article 223

1) The President of the panel shall conduct the deliberation and voting, and s/he shall be the last to vote. S/he shall ensure that all matters are discussed comprehensively and thoroughly.

2) A majority vote shall be required for any ruling of the panel.

3) Members of the panel may not refuse to vote on issues raised by the President of the panel.

4) A member of the panel, who remained in the minority in the voting on some preliminary question, shall not be allowed to abstain from voting on the question that shall be subsequently decided.

5) If votes on certain questions are evenly divided, the questions shall be separated and the voting shall be repeated until a majority has been

(1) Presuda koja se više ne može pobijati žalbom postaje pravomoćna.

(2) Sud tokom cijelog postupka po službenoj dužnosti pazi je li stvar pravomoćnopresudena, i ako utvrdi da je parnica pokrenuta o zahtjevu o kojemu je već pravomoćno odlučeno, odbacit će tužbu.

(3) Ako je u presudi odlučeno o potraživanju koje je tuženi istakao prigovorom radi prebijanja, odluka o postojanju ili nepostojanju toga potraživanja postaje pravomoćna.

Član 197.

(1) Sud je vezan za svoju presudu čim je donesena.

(2) Presuda prema strankama ima učinak od dana donošenja, a u slučajevima u kojima strankama prema odredbama ovog zakona presudu dostavlja sud – od dana kada im je dostavljena.

3. Rješenje

Član 198.

(1) Sva rješenja koja se donose na ročištu objavljuje sudija.

(2) Rješenje koje je na ročištu objavljeno dostavit će se strankama u ovjerenom prepisu samo ako je protiv toga rješenja dopuštena posebna žalba, ili ako se na temelju rješenja može odmah tražiti izvršenje, ili ako to zahtijeva upravljanje parnicom.

(3) Sud je vezan za svoja rješenja ako se ona ne odnose na upravljanje parnicom ili ako ovim zakonom nije što drugo određeno.

(4) Kad se rješenje ne dostavlja pismeno, ono prema strankama ima učinak čim je objavljeno.

reached. If the votes, regarding the sum or quantity to be awarded are divided into more than two opinions, the reasons for each opinion shall be deliberated again. If the majority of votes cannot be reached thereafter, the votes for the highest monetary amount or quantity of things shall be added to the votes for the next lower amount or quantity until the majority has been reached.

Article 224

The second instance court may, at the panel session or on the basis of a hearing:

- 1) Reject the appeal as untimely, incomplete or inadmissible,
- 2) Dismiss the appeal as unjustified and confirm the first instance judgement,
- 3) Reverse the judgement and remand the case to the first instance court,
- 4) Reverse the first instance judgement and reject the complaint or
- 5) Overrule the first instance judgement.

Article 225

An untimely, incomplete or inadmissible appeal shall be rejected by the second instance court by a decision, if the first instance court failed to do so.

Article 226

The court of second instance shall dismiss the appeal as groundless and confirm the first instance court judgement if it finds that neither the reasons for which the judgement has been contested, nor the reasons to which the court is obliged to have due regard *ex officio* exist.

Article 227

- 1) The second instance court shall, in a panel session or on the basis of a hearing, reverse the first instance judgement and remand the case for a new main hearing to the same first instance court if it determines that there is one of the following reasons stated in the appeal:
 1. if the court, contrary to the provisions of this Law, rendered a judgement based on admission or judgement based on express waiver;
 2. if, through an unlawful act, especially a faulty service, a party was not given the opportunity to be heard and this act affected the rendering of a lawful and proper judgement;
 3. if the court rendered judgement without holding the main hearing.
 4. if a judge who should have been exempted according to the law, rendered the judgement.

Clan 199.

Rješenja koja sud donosi izvan ročišta saopćavaju se strankama dostavom ovjerenog prepisa rješenja.

Clan 200.

(1) Rješenje mora biti obrazloženo ako se njime odbija prijedlog stranke ili ako se njime rješava o prijedlozima stranaka koji su među sobom u opreci, a može biti obrazloženo i u drugim slučajevima kad je to potrebno.

(2) Pismeni sastav rješenja treba sadržavati uvijek uvod i izreku, a obrazloženje samo ako prema stavu 1. ovog clana rješenje mora biti obrazloženo.

Clan 201.

Rješenja o kaznama izrecenim prema odredbama ovog zakona izvršavaju se po službenoj dužnosti.

Clan 202.

(1) Odredbe clana 179., cl. 190. do 195. i clana 197. stav 2. ovog zakona na odgovarajući način ce se primjenjivati i na rješenja.

(2) Odredbe cl. 184. do 186. i cl. 188. i 189. ovog zakona na odgovarajući način ce se primjenjivati i na rješenja iz clana 198. stav 2. ovog zakona.

B. POSTUPAK PO PRAVNIM

LIJEKOVIMA VIII - REDOVNI PRAVNI

LIJEKOVI

1. Žalba protiv presude

a) Pravo na žalbu

Clan 203.

(1) Protiv presude donesene u prvom stepenu stranke mogu podnijeti žalbu u roku od 30 dana od dana donošenja presude, odnosno, ako se

2) The second instance court shall reverse the first instance judgement and reject the complaint if it finds that the first instance court has decided on the claim which is out of the court's jurisdiction; or the claim concerns an ongoing litigation or a claim that was effectively decided on; or the claim was waived by the plaintiff or settled before the court.

3) The second instance court shall having due regard to the nature of the violation reverse the first instance judgement and remand the case to the first instance court for a new hearing, or reverse the judgement and reject the complaint, if it finds that a person, who cannot be a party in the proceedings, took part in the capacity of a plaintiff or a defendant in the first instance proceedings; or a legal person which is a party in the proceedings was not represented by an authorised person; or a party which has no litigation capacity was not represented by a legal representative; or a legal representative, or the agent of the party had no required authorisation to conduct the litigation or certain actions in the proceedings and the said conduct was not subsequently approved.

4) When the second instance court reverses the first instance judgement and remands the case to the same first instance court for a new trial, it may order that the new main hearing be held before another judge.

5) When the first instance judgement is reversed and the case remanded, the reasoning of the second instance judgement must indicate which particular provisions of the law were violated as well as the nature of the violation.

Article 228

The first instance court shall be obliged, immediately upon receiving the second instance decision, to schedule the preparatory or the main hearing, which shall be held no later than thirty (30) days from the day of receiving the second instance decision, and conduct all procedural actions and discuss all disputed issues which the second instance court listed in its decision.

Article 229

In the judgment, the second instance court shall, at the session of the panel or on the basis of a hearing, overrule the first instance judgment if it finds that one of the following reasons stated in the appeal exists:

1. if it determined that a Procedural Error was made, except in cases referred to in Article 227 of this law;

presuda dostavlja u skladu s odredbama ovog zakona o dostavi, 30 dana nakon dostave prepisa presude, ako u ovom zakonu nije određen drugi rok. U mjenicnim i cekovnim sporovima taj rok je 15 dana.

(2) Blagovremeno podnesena žalba sprijecava da presuda postane pravomocna u dijelu koji se pobija žalbom.

(3) O žalbi protiv presude odlucuje drugostepeni sud.

Clan 204.

(1) Stranka se može odreci prava na žalbu od trenutka prijema presude.

(2) Do donošenja odluke drugostepenog suda stranka može odustati od vec podnesene žalbe.

(3) Odricanje ili odustanak od žalbe ne može se opozvati.

b) Sadržaj žalbe

Clan 205.

Žalba mora sadržati:

- 1) oznacjenje presude protiv koje se izjavljuje žalba;
- 2) izjavu da se presuda pobija u cjelini ili u određenom dijelu;
- 3) razlog žalbe;
- 4) potpis podnositelja žalbe.

Clan 206.

(1) Ako žalba ne sadrži podatke iz clana 205. ovog zakona (nepotpuna žalba), prvostepeni sud ce rješenjem protiv kojeg nije dopuštena žalba pozvati žalitelja da u roku od osam dana dopuni ili ispravi žalbu.

(2) Ako žalitelj u roku iz stava 1. ovog clana ne postupi po traženju suda, sud ce rješenjem odbaciti žalbu kao nepotpunu.

Clan 207.

(1) U žalbi se ne mogu iznositi nove cinjenice i predlagati novi dokazi, osim ako žalitelj pruži

2. if in a panel session it determined, by a different evaluation of documents and indirectly presented evidence already presented before the first instance court, the state of facts different from the one determined in the first instance judgement,
3. if, following the hearing, based on a new evidence or re-presented evidence that was already presented, a different state of facts from the first instance judgement was determined;
4. if it holds that the state of facts in the first instance judgement was correctly determined, but the first instance court misapplied the substantive law;
5. if it determined that the first instance judgement exceeded the statement of claim.

Article 230

The second instance court cannot overrule the judgement to the detriment of the appellant if only that party appealed the judgement.

Article 231

In the reasoning of the judgement or decision, the second instance court shall assess the relevant arguments of the appeal.

Article 232

The second instance court shall forward its ruling to the parties and other interested persons and to the first instance court as well.

2. Appeal against Decision

Article 233

1) An appeal against the first instance court decision is allowed unless this Law prescribes otherwise.

2) If this Law explicitly sets forth that a separate appeal is not allowed, the decision of the first instance court can be contested only in the appeal against the final ruling.

Article 234

1) A timely filed appeal shall stay the enforcement of the decision, unless this Law prescribes otherwise.

2) The decision against which a separate appeal is not allowed may be executed immediately.

dokaze da ih bez svoje krivnje nije mogao iznijeti odnosno predložiti do zaključenja glavne rasprave.

(2) Pozivajući se na nove činjenice, žalitelj je dužan navesti dokaze kojima bi se te činjenice utvrdile, a predlažući nove dokaze, dužan je navesti činjenice koje tim dokazima treba utvrditi.

(3) Prigovor zastare i prigovor radi prebijanja koji nisu izneseni pred prvostepenim sudom ne mogu se iznositi u žalbi.

(4) Ako su zbog iznošenja novih činjenica i predlaganja novih dokaza uzrokovanitroškovi u postupku u povodu žalbe, te će troškove neovisno o ishodu spora podmirivati ona stranka koja je iznijela nove činjenice, odnosno predložila nove dokaze.

c) Ra zlozi zbog kojih se presuda može pobijati

Clan 208.

(1) Presuda se može pobijati:

- 1) zbog povrede odredaba parničnog postupka;
- 2) zbog pogrešno ili nepotpuno utvrđenog činjeničnog stanja;
- 3) zbog pogrešne primjene materijalnog prava.

(2) Presuda na osnovu priznanja i presuda na osnovu odricanja mogu se pobijati zbog povrede odredaba parničnog postupka ili zbog toga što je izjava o priznanju, odnosno o odricanju data u zabludi ili pod uticajem prisile ili prevare.

Clan 209.

Povreda odredaba parničnog postupka postoji ako sud u toku postupka nije primijenio ili je nepravilno primijenio koju odredbu ovog zakona, a to je bilo od uticaja na donošenje zakonite i pravilne presude.

Clan 210.

Article 235

When deciding on appeal, the second instance court may:

- 1) reject the appeal as untimely, incomplete or inadmissible;
- 2) dismiss the appeal as unfounded and confirm the first instance decision;
- 3) admit the appeal and overrule or reverse the decision and remand the case as necessary.

Article 236

When deciding on appeal against a decision, the provisions pertaining to the appeal against the judgement shall be applied accordingly, except for the provisions on holding the hearing before the second instance court.

IX - EXTRAORDINARY LEGAL REMEDIES

1. Revision

Article 237

- 1) The parties may file the request for revision of the final second instance judgment within thirty (30) days from the day of the service of the judgment.
- 2) The revision shall not be allowed if the value of the contested part of the final judgment does not exceed 10,000 KM.
- 3) Exceptionally, the Supreme Court may also allow revision in all cases if it finds that deciding on revision is important for the application of law in other cases.

Article 238

The Federation Supreme Court shall decide on revision.

Article 239

The submitted request for revision shall not stay the enforcement of the final judgment against which the request for revision has been filed.

Article 240

1) Revision may be requested for the following reasons:

1. Procedural Errors provided for under Article 209 of this Law committed in the second instance proceedings;
2. misapplication of substantive law.

(1) Pogrešno ili nepotpuno utvrđeno činjenično stanje postoji kad je sud neku odlučnu činjenicu pogrešno utvrdio, odnosno kad je nije utvrdio.

(2) Nepotpuno utvrđeno činjenično stanje postoji i kad na to upućuju nove činjenice ili novi dokazi.

Clan 211.

Pogrešna primjena materijalnog prava postoji kad sud nije primijenio odredbu materijalnog prava koju je trebao primijeniti ili kad takvu odredbu nije pravilno primijenio.

d) Postupak po žalbi

Clan 212.

Žalba se podnosi sudu koji je izrekao prvostepenu presudu u dovoljnom broju primjeraka za sud i protivnu stranku.

Clan 213.

(1) Neblagovremenu, nepotpunu ili nedopuštenu žalbu, odbacit će rješenjem prvostepeni sud bez održavanja ročišta.

(2) Žalba je neblagovremena ako je podnesena nakon proteka zakonskog roka za njeno podnošenje.

(3) Žalba je nedopuštena ako je žalbu podnijela osoba koja nije ovlaštena za podnošenje žalbe, ili osoba koje se odrekla ili je odustala od žalbe, ili ako osoba koja je podnijela žalbu nema pravnog interesa za podnošenje žalbe.

Clan 214.

(1) Primjerak blagovremene, potpune i dopuštene žalbe dostavit će prvostepeni sud protivnoj stranci odmah, a najkasnije u roku od osam dana od dana prijema žalbe. Protivna stranka može u roku od osam dana od prijema žalbe podnijeti tome sudu odgovor na žalbu.

(2) Primjerak odgovora na žalbu dostavit će prvostepeni sud žalitelju odmah, a najkasnije u

3. exceeding of the Statement of Claim in the second instance judgment

2) A revision may not be requested due to wrongly or incompletely determined state of facts.

Article 241

The revision court shall examine the contested judgement only in the part which has been contested by the request for revision, within the limits of the reasons stated in the request for revision, having due regard *ex officio* to the application of substantive law and procedural errors concerning the litigation capacity of the parties and the representation.

Article 242

Parties are entitled to state new facts and propose new evidence in the request for revision, only if they are linked to the Procedural Errors in the second instance proceedings.

Article 243

A request for revision shall be filed with the court that rendered the first instance judgment with a sufficient number of copies for the court and the adverse party.

Article 244

The first instance court shall reject untimely or incomplete requests for revision without holding a hearing.

Article 245

1) A copy of a timely and complete request for revision shall be served on the adverse party by the first instance court.

2) The adverse party shall submit its response to the request for revision within eight (8) days from the day of receipt of the request for revision.

3) After receiving the response to the request for revision, or after the expiration of the time limit for the response, the first instance court shall forward the request for revision and the response, if submitted, along with the entire file of the case, to the revision court.

4) A copy of revision request and response to it shall be forwarded to the second instance court.

roku od osam dana od prijema odgovora na žalbu.

(3) Neblagovremeno podnesen odgovor na žalbu neće se uzeti u razmatranje.

(4) Podnesci primljeni nakon prijema odgovora na žalbu ili nakon proteka roka za odgovor na žalbu neće se uzimati u razmatranje, osim ukoliko sud od stranke izricito zatraži dodatno izjašnjenje.

Clan 215.

(1) Nakon prijema odgovora na žalbu ili nakon proteka roka za odgovor na žalbu, prvostepeni sud će žalbu i odgovor na žalbu, ako je podnesen, sa svim spisima dostaviti drugostepenom sudu najkasnije u roku od osam dana.

(2) Ako žalitelj tvrdi da su u prvostepenom postupku povrijeđene odredbe parničnog postupka, sudija prvostepenog suda dat će objašnjenje u povodu navoda žalbe koji se ticu tih povreda, a prema potrebi će provjeriti istinitost tih navoda u žalbi.

Clan 216.

(1) Kad spisi po žalbi stignu drugostepenom sudu, određuje se sudija izvjestitelj.

(2) Sudija izvjestitelj može, prema potrebi, od prvostepenog suda pribaviti izvještaj opovredama odredaba parničnog postupka i zatražiti da se radi utvrđivanja tih povreda provedu provjere.

Clan 217.

(1) Drugostepeni sud odlučuje o žalbi u sjednici vijeca ili na osnovu održane rasprave.

(2) Drugostepeni sud će zakazati raspravu kada ocijeni da je radi pravilnog utvrđivanja činjeničnog stanja potrebno pred drugostepenim sudom utvrditi nove činjenice ili izvesti nove dokaze ili ponovo izvesti već izvedene dokaze, kao i kada ocijeni da je zbog povrede odredaba

Article 246

The revision court shall rule on the request for revision without holding a hearing.

Article 247

1) The revision court shall issue a decision rejecting an inadmissible request for revision as well as an untimely and incomplete request for revision if the first instance court failed to do so within the scope of its jurisdiction.

2) The revision is inadmissible if filed by a person that is not authorized to file for revision, or a person who expressly waived revision, or if a person who filed for revision does not have a legal interest to file revision or if revision is filed against a judgement for which a revision cannot be filed under the law.

Article 248

The revision court shall, by a judgment, dismiss the request for revision as unfounded if it finds that the reasons for which the revision was requested do not exist.

Article 249

1) If it determines the existence of a Procedural Error which justifies the request for revision, with the exception of Procedural Errors referred to in paragraphs 2 and 3 of this Article, the revision court shall, depending on the nature of the violation, render a judgment overruling the second instance judgment or reversing entirely or partially the second instance judgment and remanding the case to the same or a different panel of the second instance court or another competent court.

2) The revision court shall reverse the rendered rulings and reject the complaint if, in the proceedings before the first and the second instance court, a claim has been decided which falls outside of the court jurisdiction, or which has been waived by a plaintiff or settled before the court.

3) The revision court shall, depending on the nature of the violation, proceed in accordance with provisions of paragraph 1 or 2 of this Article if a person who cannot be a party in the proceedings took part in the capacity of a plaintiff or a defendant in the first or the second instance proceedings; or a legal person which is a party in the proceedings was not represented by an authorized person; or a party which has no litigation capacity was not represented by a legal representative; or a legal representative, or the agent of the party had no required authorisation to conduct the litigation or certain actions in the proceedings, and the said conduct was not subsequently approved.

parnicnog postupka u prvostepenom postupku potrebno održati raspravu pred drugostepenim sudom.

(3) Drugostepeni sud održat će sjednicu vijeca, odnosno raspravu, u roku od 45 dana nakon što od prvostepenog suda primi spise po žalbi.

(4) Drugostepeni sud će donijeti odluku u roku od 30 dana od dana održavanja sjednice vijeca na kojoj je odlučeno o žalbi, odnosno, ako je održana rasprava, u roku od 30 dana od dana zaključenja rasprave.

Clan 218.

(1) Na raspravu se pozivaju stranke odnosno njihovi zakonski zastupnici ili punomoćnici, a i oni svjedoci i vještaci za koje sud odluci da se saslušaju.

(2) Ako sa rasprave izostane žalitelj, rasprava se neće održati, a odluka će se donijeti na osnovu navoda žalbe i odgovora na žalbu.

(3) Ako sa rasprave izostane stranka koja nije žalitelj, sud će raspravljati o žalbi i donijeti odluku.

(4) U pozivu za raspravu stranka će biti upozorena na posljedice nedolaska na raspravu.

Clan 219.

(1) Rasprava pred drugostepenim sudom počinje kratkim izlaganjem izvjestitelja o stanju predmeta, bez iznošenja njegovog mišljenja o osnovanosti žalbe.

(2) Nakon toga procitat će se presuda ili dio presude na koji se odnosi žalba, a prema potrebi i zapisnik o glavnoj raspravi pred prvostepenim sudom. Zatim će žalitelj obrazložiti svoju žalbu, a protivna stranka odgovor na žalbu.

Clan 220.

Ako u cl. 217. do 219. ovog zakona nije što drugo određeno, odredbe ovog zakona o glavnoj raspravi pred prvostepenim sudom na odgovarajući način se primjenjuju i na raspravu pred drugostepenim sudom.

Article 250

1) If the revision court finds that the substantive law has been misapplied, it shall render a judgment admitting the request for revision and overruling the contested judgment.

2) If the revision court determines that the state of facts has been incompletely determined due to the misapplication of the substantive law or to Procedural Errors, and that therefore the requirements for the overruling of the contested judgment have not met, it shall issue a decision admitting the request for revision, reversing the second instance judgment entirely or partially and remanding the case for retrial to the same or a different panel of the second instance court.

Article 251

Should the revision court determine that the claim has been exceeded by the final second instance judgment, it shall overrule the contested judgment by a judgment.

Article 252

The revision court shall serve its rulings on the parties, and deliver them to the first and second instance courts.

Article 253

Unless stipulated otherwise in Articles 237-252 of this Law, the provisions of this Law on the appeal against a judgment shall apply accordingly to the revision proceedings, with the exception of those provisions pertaining to the hearing before the second instance court.

Article 254

1) Parties may file a request for revision also against the final decision rendered by the second instance court.

2) The request for revision against the decision referred to in paragraph 1 of this Article shall not be allowed in disputes where the revision against the final judgment would not be allowed.

3) Revision shall always be allowed against the second instance decision rejecting the appeal or confirming the first instance decision by which the request for revision is rejected.

4) The provisions of this Law regulating the revision against the judgment shall apply accordingly in the proceedings upon the revision against a decision.

e) Granice ispitivanja prvostepene presude

Clan 221.

Drugostepeni sud ispituje prvostepenu presudu u onom dijelu u kojem se pobija žalbom, u granicama razloga navedenih u žalbi, pazeci po službenoj dužnosti na primjenu materijalnog prava i povrede odredaba parnicnog postupka koje se odnose na stranacku sposobnost i zastupanje.

f) Odluke drugostepenog suda o žalbi

Clan 222.

(1) Odluke drugostepenog suda donose se nakon vijecanja glasanjem.

(2) U prostoriji u kojoj se vijeca i glasa mogu biti prisutni samo clanovi vijeca i zapisnicar. Kad treba donijeti odluku o jednostavnijim pitanjima, vijece može odluku donijeti i u samom zasjedanju.

Clan 223.

(1) Predsjednik vijeca rukovodi vijecanjem i glasanjem i glasa posljednji. On se brine da se sva pitanja svestrano i potpuno razmotre.

(2) Za svaku odluku vijeca potrebna je vecina glasova.

(3) Clanovi vijeca ne mogu odbiti da glasaju o pitanjima koja postavi predsjednik vijeca.

(4) Clan vijeca koji je pri glasanju o kojem ranijem pitanju ostao u manjini ne može se suzdržati od glasanja o pitanju o kojem se ima kasnije odluciti.

(5) Ako se u vezi pojedinih pitanja o kojima se odlucuje glasovi podijele na više razlicitih mišljenja, tako da nijedno od njih nema vecinu, razdvojiti ce se pitanja i glasanje ce se ponavljati sve dok se ne postigne vecina. Ako se u pogledu visine novcanog iznosa ili kolicine glasovi podijele na više od dva mišljenja, ponovo ce se

2. Reopening of the Proceedings

Article 255

Proceedings completed by a final court ruling may be reopened at the party's motion in the following cases:

1. if a judge, who should have been exempted according to the provisions of this law, participated in the rendering of the ruling;
2. if a party was not given the possibility to be heard before the court due to the unlawful conduct of the court;
3. if a person who cannot be a party in the proceedings participated in the proceedings in capacity of plaintiff or defendant, a legal person in capacity of party has not been represented by an authorized person, a party which has no litigation capacity was not represented by a legal representative, a legal representative or an agent has not had necessary authorization for conducting the proceedings or performing particular procedural actions, unless conducting the proceedings or carrying out particular procedural actions has been subsequently approved;
4. if the court ruling has been based on a false testimony by a witness or an expert or a forged document or a document where the false content has been certified;
5. if rendering the court ruling involved a criminal act of the judge, the legal representative or the agent of a party, adverse party or a third party;
6. if a party learns new facts, finds or gains the possibility to use new evidence which would have led to a more favorable ruling if those facts or evidence had been presented in the previous proceedings.

Article 256

- 1) The reopening of proceedings may not be requested for the reasons stated in Article 255, sub-paragraphs 1 to 3, if the same reason was unsuccessfully presented in the previous procedure.
- 2) Reopening due to the circumstances stated in Article 255, sub-paragraphs 1 and 6 may be allowed only if a party, through no fault of his/her own, was unable to present those circumstances prior to the conclusion of the previous proceedings by the final court ruling.

raspravljati o razlozima za svako mišljenje. Ako se i nakon toga ne može postići većina, glasovi dati za najveći novčani iznos ili količinu dodat ce se glasovima datim za najbliži manji novčani iznos ili količinu dok se ne postigne većina.

Clan 224.

Drugostepeni sud može u sjednici vijeca ili na osnovu održane rasprave:

- 1) odbaciti žalbu kao neblagovremenu, nepotpunu ili nedopuštenu;
- 2) odbiti žalbu kao neosnovanu i potvrditi prvostepenu presudu;
- 3) ukinuti prvostepenu presudu i uputiti predmet prvostepenom sudu na ponovno sudenje;
- 4) ukinuti prvostepenu presudu i odbaciti tužbu, ili
- 5) preinaciti prvostepenu presudu.

Clan 225.

Neblagovremenu, nepotpunu ili nedopuštenu žalbu odbacit ce drugostepeni sud rješenjem, ako to nije učinio prvostepeni sud.

Clan 226.

Drugostepeni sud ce presudom odbiti žalbu kao neosnovanu i potvrditi prvostepenu presudu kad ustanovi da ne postoje razlozi zbog kojih se presuda pobija, a ni razlozi na koje pazi po službenoj dužnosti.

Clan 227.

(1) Drugostepeni sud ce u sjednici vijeca ili na osnovu održane rasprave rješenjem ukinuti prvostepenu presudu i predmet vratiti istom prvostepenom sudu radi održavanja nove glavne rasprave, ako utvrdi da postoji jedan od slijedecih razloga iznesenih u žalbi:

- 1) ako je protivno odredbama ovog zakona sud donio presudu na osnovu priznanja ili presudu na osnovu odricanja;

Article 257

1) A motion for reopening shall be filed within thirty (30) days, as follows:

1. in the case referred to in Article 255, sub-paragraph 1 of this Law – from the date when the party learnt about the reason for reopening;
2. in the case referred to in Article 255, sub-paragraph 2 of this Law – from the date when the ruling was served on the party;
3. in the case referred to in Article 255, sub-paragraph 3, if a person, who cannot be a party in the proceedings has participated in the proceedings in capacity of plaintiff or defendant – from the date the ruling was served on that person; if a legal person in capacity of a party is not represented by an authorized person or if a party which has no litigation capacity has not been represented by legal representative as provided by law – from the date the ruling was served on the party or to his/her legal representative; if a legal representative or party’s agent has not had the necessary authorization for conducting the proceedings or for particular procedural actions – from the date the party found out about that reason;
4. in the cases referred to in Article 255, sub-paragraphs 4 and 5 of this Law – from the date the party learnt about the final judgment in the criminal proceedings; and if the criminal proceedings may not be conducted then from the date the party learned about the suspension of the proceedings or for the circumstances due to which the proceedings may not be initiated;
5. in the case referred to in Article 255, sub-paragraph 6 – from the date the party was able to present new facts or new evidence to the court.

2) If a time limit set in paragraph 1 of this Article would commence before the ruling becomes final, the time limit shall be counted from the date the ruling becomes final unless a legal remedy has been filed or from the service of the final higher court ruling rendered at the last level.

3) The motion for reopening of the proceedings cannot be filed after expiration of five years from the date the ruling has become final, unless reopening is requested for the reasons stated in Article 255, sub-paragraphs 2 and 3 of this Law.

Article 258

The second instance court - a single judge, who has not participated in rendering the second instance ruling in the previous proceedings, shall decide on the motion for reopening.

- 2) ako kojoj stranci nezakonitim postupanjem, a osobito propuštanjem dostave nije dana mogućnost da raspravlja pred sudom, a to je postupanje bilo od uticaja na donošenje zakonite i pravilne presude;
- 3) ako je sud donio presudu bez glavne rasprave;
- 4) ako je presudu donio sudija koji se po zakonu mora izuzeti.

(2) Ako drugostepeni sud utvrdi da je u postupku pred prvostepenim sudom odlučeno o zahtjevu koji nije u sudskoj nadležnosti ili o zahtjevu o kome već teče parnica ili o kojem je već prije pravomoćno presuđeno ili koga se tužilac odrekao ili o kojem je već zaključena sudska nagodba, ukinut će prvostepenu presudu i odbaciti tužbu.

(3) Ako drugostepeni sud utvrdi da je u prvostepenom postupku kao tužilac ili tuženi sudjelovala osoba koja ne može biti stranka u postupku ili ako stranku u postupku koja je pravna osoba nije zastupala ovlaštena osoba ili ako parnicno nesposobnu stranku nije zastupao zakonski zastupnik, ili ako zakonski zastupnik odnosno punomoćnik stranke nije imao potrebna ovlaštenja za vođenje parnice, odnosno obavljanje pojedinih radnji u postupku, ako vođenje parnice, odnosno obavljanje pojedinih radnji u postupku nije bilo naknadno odobreno, s obzirom na prirodu povrede ukinut će prvostepenu presudu i vratiti predmet nadležnom prvostepenom sudu ili će ukinuti prvostepenu presudu i odbaciti tužbu.

(4) Kad drugostepeni sud ukine presudu prvostepenog suda i predmet vrati istom sudu na ponovno suđenje, može narediti da se nova glavna rasprava održi pred drugim sudijom.

(5) U obrazloženju rješenja kojim se prvostepena presuda ukida treba navesti koje su odredbe parnicnog postupka povrijeđene i u čemu se povrede sastoje.

Član 228.

Prvostepeni sud je dužan, odmah po prijemu rješenja drugostepenog suda, odrediti pripremno ročište ili ročište za glavnu raspravu, koje će se

Article 259

- 1) A motion for reopening of proceedings shall always be filed with the court that rendered the first instance ruling.
- 2) The motion must contain the legal basis for reopening, the circumstances indicating that the motion was filed within the time limit determined by law and the evidence corroborating the arguments for reopening and show with reasonable probability that a more favorable ruling will be rendered in the new proceedings.

Article 260

- 1) The first instance court shall reject by a decision untimely, incomplete and inadmissible motions for reopening of proceedings without holding a hearing.
- 2) If the first instance court does not reject the motion, it shall serve the copy of the motion on the adverse party who is entitled to give the response within a time limit of fifteen (15) days.

Article 261

Following the receipt of the response to the motion or expiry of the time limit for response, the court shall, within eight (8) days, deliver the motion and response to the motion, if submitted, with the entire file of the case to the second instance court.

Article 262

- 1) The second instance court shall decide on the motion for reopening, as a rule, without a hearing.
- 2) If the second instance court finds that it is necessary to hold a hearing, it shall proceed in accordance with Articles 218-220 of this Law.

Article 263

- 1) After the second instance court renders the ruling on the motion for reopening, it shall return the file of the case with sufficient number of certified transcripts to the first instance court.
- 2) In a decision allowing the reopening of the proceedings, it shall be stated that the ruling passed in the previous proceedings is being revoked.
- 3) Appeal against the second instance decision admitting the motion for reopening shall not be allowed.

održati najkasnije u roku od 30 dana od dana prijema rješenja drugostepenog suda, te izvesti sve parnicne radnje i raspraviti sva sporna pitanja na koja je upozorio drugostepeni sud u svom rješenju.

Clan 229.

Drugostepeni sud ce, u sjednici vijeca ili na osnovu održane rasprave, presudom preinaciti prvostepenu presudu, ako utvrdi da postoji jedan od slijedecih razloga iznesenih u žalbi:

- 1) ako je utvrdio da postoji povreda odredaba parnicnog postupka, osim u slucajevima iz clana 227. ovog zakona;
- 2) ako je u sjednici vijeca drugacijom ocjenom isprava i posredno izvedenih dokaza vec izvedenih pred prvostepenim sudom utvrdio drugacije cinjenicno stanje nego što je ono u prvostepenoj presudi;
- 3) ako je nakon održane rasprave, na osnovu novih dokaza ili ponovnog izvođenja vec izvedenih dokaza, utvrdio drugacije cinjenicno stanje nego što je ono u prvostepenoj presudi;
- 4) ako smatra da je cinjenicno stanje u prvostepenoj presudi pravilno utvrđeno, ali da je prvostepeni sud pogrešno primijenio materijalno pravo;
- 5) ako je utvrdio da je prvostepenom presudom prekoracen tužbeni zahtjev.

Clan 230.

Drugostepeni sud ne može preinaciti presudu na štetu stranke koja se žalila, ako je samo ona podnijela žalbu.

Clan 231.

U obrazloženju presude, odnosno rješenja, drugostepeni sud ce ocijeniti žalbene navode koji su od odlucnog znacaja.

Clan 232.

Drugostepeni sud dostavit ce svoju

4) Appeal against the second instance decision dismissing the motion for reopening shall be filled with the same court, which shall decide in the panel of three judges.

Article 264

- 1) The judge that previously adjudicated the case may not adjudicate it in the new re-opened trial at the first instance court.
- 2) The first instance court shall schedule a preparatory hearing immediately, and not later than eight (8) days, upon the receipt of the second instance court decision.

3. Relationship between Motion for Reopening of Proceedings and Revision

Article 265

- 1) If a party files the motion for reopening of the proceedings due to reasons and within the time limit for filing the revision, it shall be considered that the party filed revision.
- 2) Should the party request the revision for the reasons that, in the first or second instance proceedings, the final judgment has already been rendered on the request, or the request has been waived by a plaintiff or settled before the court, and simultaneously or subsequently the motion for the reopening of the proceedings filed for any reason under Article 235 of this Law, the court shall stay the proceedings with regard to the motion for the reopening until the conclusion of the revision proceedings.
- 3) If a party requests the revision for any of the reasons, with the exception of the one stated in the paragraph 2 of this Article and simultaneously or subsequently files a motion for reopening for the reasons stated in Article 255, sub-paragraphs 4 and 5, of this Law corroborated by the final judgment rendered in criminal proceedings, the court shall stay the revision proceedings until the conclusion of the proceedings with regard to the motion for the reopening.
- 4) In all other cases where a party requests the revision and simultaneously or subsequently files the motion for reopening of proceedings, the court shall decide which proceedings to resume and which one to stay, taking into consideration all circumstances and the reasons due to which both legal remedies have been filed and evidence proposed by the parties.

Article 266

odluku strankama i drugim zainteresovanim osobama, kao i sudu prvog stepena.

2. Žalba protiv rješenja

Clan 233.

(1) Protiv rješenja prvostepenog suda dopuštena je žalba, ako u ovom zakonu nije određeno da žalba nije dopuštena.

(2) Ako ovaj zakon izricito određuje da posebna žalba nije dopuštena, rješenje prvostepenog suda može se pobijati samo u žalbi protiv konacne odluke.

Clan 234.

(1) Blagovremeno podnesena žalba zadržava izvršenje rješenja, ako ovim zakonom nije drugacije propisano.

(2) Rješenje protiv kojeg nije dopuštena posebna žalba može se odmah izvršiti.

Clan 235.

Rješavajući o žalbi drugostepeni sud može:

- 1) odbaciti žalbu kao neblagovremenu, nepotpunu ili nedopuštenu;
- 2) odbiti žalbu kao neosnovanu i potvrditi rješenje prvostepenog suda;
- 3) uvažiti žalbu i rješenje preinaciti ili ukinuti, te prema potrebi predmet vratiti na ponovni postupak.

Clan 236.

U postupku po žalbi protiv rješenja na odgovarajući će se način primjenjivati odredbe ovog zakona koje važe za žalbu protiv presude, osim odredaba o održavanju rasprave pred drugostepenim sudom.

IX - VANREDNI PRAVNI LIJEKOVI

1. Revizija

1) The provisions of Article 265, paragraphs 1 and 3 of this Law shall apply also when a party filed a motion for reopening firstly and thereafter requested the revision.

2) In all other cases where a party files a motion for reopening of proceedings and thereafter requests the revision, the court shall, as a rule, interrupt revision proceedings until the conclusion of the reopening, unless it finds the serious reasons demanding different actions.

Article 267

1) The first instance court shall render the decision referred to in Article 265 of this Law if the motion for reopening of proceeding reaches the first instance court prior to referring the revision cases to the revision court. If a motion for reopening of proceedings reaches the first instance court after the case has already been referred to the revision court, the decision referred to in Article 265 of this Law shall be rendered by the revision court.

2) The first instance court shall render the decision referred to in Article 266, unless at the time revision reaches the first instance court, the case has been forwarded to the higher court upon the motion for reopening. In that case, the higher court shall render the decision.

3) An appeal against the court decision referred to in paragraphs 1 and 2 of this Article shall not be allowed.

PART THREE

X - COURT SECURITY MEASURES

Article 268

1) The court which has jurisdiction to preside over the matter has jurisdiction to hear motions for security measures, including motions for security measures related to assets of the security contestor that may be located outside of the Federation or Bosnia and Herzegovina prior to the filing of an action and during the pendency of an action. A ruling on a security measure shall be rendered by the relevant first instance court whereas such ruling shall be rendered by the court of immediate higher level in the event a motion to render it is filed after the case has been transferred to such court to decide on a legal remedy.

2) After the ruling on statement of claim has become final the court which would have jurisdiction to preside over the matter in first instance shall be competent to decide on motion for security.

Clan 237.

(1) Stranke mogu izjaviti reviziju protiv pravomocne presude donesene u drugom stepenu u roku od 30 dana od dana dostave prepisa presude.

(2) Revizija nije dopuštena ako vrijednost pobijanog dijela pravomocne presude neprelazi 10.000 konvertibilnih maraka.

(3) Izuzetno, Vrhovni sud Federacije može dopustiti reviziju u svim predmetima, ako ocijeni da bi odlucivanje po reviziji bilo od znacaja za primjenu prava u drugim slucajevima.

Clan 238.

O reviziji odlucuje Vrhovni sud Federacije.

Clan 239.

Podnesena revizija ne zadržava izvršenje pravomocne presude protiv koje je izjavljena.

Clan 240.

(1) Revizija se može izjaviti:

- 1) zbog povrede odredaba parnicnog postupka iz clana 209. ovog zakona koja je ucinjena u postupku pred drugostepenim sudom;
- 2) zbog pogrešne primjene materijalnog prava;
- 3) zbog prekoracenja tužbenog zahtjeva, ako je ta povreda ucinjena u postupku pred drugostepenim sudom.

(2) Revizija se ne može izjaviti zbog pogrešno ili nepotpuno utvrdenog cinjenicnog stanja.

Clan 241.

Revizijski sud ispituje pobijanu presudu samo u onom dijelu u kojemu se ona pobija revizijom, u granicama razloga navedenih u reviziji, pazeci po službenoj dužnosti na primjenu materijalnog prava i povrede odredaba parnicnog postupka koje se odnose na stranacku sposobnost i zastupanje.

Article 269

1) A security measure for the purpose of securing a claim or right may be ordered:

1. if the security seeker establishes that s/he has a credible claim; and
2. if there is a danger that without such measure the security contester could prevent or hamper collection of the claim by selling, concealing, encumbering or otherwise disposing of his/her assets, or would in some way change the current status quo or adversely affect the rights of the security seeker.

2) Unless otherwise provided by law, the court shall order a security measure only if the security seeker provides within the time limit set by the court, pursuant to the rules of the Law on Enforcement Procedure, a guarantee for the damage that might be inflicted on the security contester by ordering and enforcing a security measure. Should the security seeker fail to provide the guarantee within the time limit set, the court shall reject the motion for security. Upon application, the court can dispense with the requirement for the security seeker to furnish a guarantee if the court finds him/her financially incapable to do so.

3) Bosnia and Herzegovina, its Entities, Brcko District, cantons and municipalities are exempted from the obligation of paragraph 2 of this Article.

Article 270

The guarantee referred to in Article 269 of this law shall be returned eight (8) days after the discharge of the security measure. If the security contester institutes civil proceedings for redress of damage before the expiration of this time limit, the court which has jurisdiction to preside over that matter shall decide on the duration of the guarantee ordered.

Article 271

1) For the purpose of securing a monetary claim, the court may grant an order for any of the following measures:

1. Prohibiting the security contester from conveying, concealing, encumbering, or otherwise disposing of particular assets sufficient in value to secure the security seeker's claim. Such prohibition shall be entered into the appropriate public registers.
2. Safekeeping of the assets subject to the prohibition under the previous sub-paragraph by depositing such assets where feasible with the court or by handing over such assets to the possession of an independent third party.

Clan 242.

Stranke mogu u reviziji iznositi nove cinjenice i predlagati nove dokaze samo ako se oni odnose na povrede odredaba parnicnog postupka koje su ucinjene u postupku pred drugostepenim sudom.

Clan 243.

Revizija se podnosi sudu koji je izrekao prvostepenu presudu, u dovoljnom broju primjeraka za sud i protivnu stranku.

Clan 244.

Neblagovremenu ili nepotpunu reviziju, odbacit ce rjesenjem prvostepeni sud, bez odrzavanja rocišta.

Clan 245.

(1) Primjerak blagovremene i potpune revizije prvostepeni sud ce dostaviti protivnoj stranci.

(2) U roku od osam dana od dana dostave revizije protivna stranka može podnijeti sudu odgovor na reviziju.

(3) Nakon prijema odgovora na reviziju ili nakon proteka roka za odgovor, prvostepeni sud dostavit ce reviziju i odgovor na reviziju, ako je podnesen, sa svim spisima, revizijskom sudu.

(4) Primjerak revizije i odgovora na reviziju dostavlja se i drugostepenom sudu.

Clan 246.

O reviziji revizijski sud odlucuje bez rasprave.

Clan 247.

(1) Nedopuštenu reviziju odbacit ce revizijski sud rjesenjem, kao i neblagovremenu ili nepotpunu reviziju, ako to, u granicama svojih ovlaštenja, nije ucinio prvostepeni sud.

(2) Revizija je nedopuštena ako ju je izjavila

3. Prohibiting the security conteste's debtor from paying the outstanding debt or to hand over an object to the security conteste as well as a prohibition to the security conteste to receive an object, to collect a claim and dispose of it. Such prohibition may be pronounced to any such other person from whom the security conteste may request payment or handing over of an object.

4. Advance registration of a lien or right on real property belonging to a security conteste up to the value of the main claim awarded to include interests and costs.

2) The measure under sub- paragraph 4 of this Article may be ordered only if the judgment creditor's claim has already been decided by a court ruling that has not become enforceable.

3) Decisions on security measure referred to in paragraph 1 of this Article shall be served to the security conteste and the security conteste's debtor (where applicable), and sent to the appropriate public register (if any). The security measure shall be considered effective upon service to the security conteste or debtor of security conteste, or to the appropriate public registry for recording, whichever happens first.

4) In a territory where there are no land books, security measures referred to in this Article shall be enforced by applying the appropriate provisions of the Law on Enforcement Procedure.

Article 272

1) For the purpose of securing a claim related to a certain object or piece of property, the following security measures may be ordered:

1. A prohibition on the security conteste against conveying, concealing, encumbering or otherwise disposing of the property that is the subject of the security seeker's claim. Such prohibition shall be entered into the appropriate public registers, where the assets are located in Bosnia and Herzegovina.

2. Safekeeping of the assets subject to prohibition under the sub-paragraph 1 of this paragraph by depositing such assets where feasible with the court or to an independent third party.

3. A prohibition on the security conteste to refrain from taking certain action which might inflict damages to property subject to claim or an order to the security conteste to take certain action in order to preserve the property or to maintain the current status quo.

osoba koja nije ovlaštena na podnošenje revizije, ili osoba koja je odustala od revizije, ili ako osoba koja je izjavila reviziju nema pravni interes za podnošenje revizije ili ako je revizija izjavljena protiv presude protiv koje se po zakonu ne može podnijeti.

Clan 248.

Revizijski sud ce presudom odbiti reviziju kao neosnovanu, ako utvrdi da ne postoje razlozi zbog kojih je revizija izjavljena.

Clan 249.

(1) Ako utvrdi da postoji povreda odredaba parnicnog postupka zbog koje se revizija može izjaviti, osim povreda određenih u st. 2. i 3. ovog clana, revizijski sud ce, s obzirom na prirodu povrede, presudom preinaciti presudu drugostepenog suda ili rješanjem ukinuti u cijelosti ili djelimicno presudu drugostepenog suda i predmet vratiti na ponovno sudenje istom ili drugom vijecu drugostepenog suda, odnosno drugom nadležnom sudu.

(2) Ako je u postupku pred prvostepenim ili drugostepenim sudom odluceno o zahtjevu koji nije u sudskoj nadležnosti ili o kojem je vec prije pravomocno presudeno ili koga se tužilac odrekao ili o kojem je vec zakljucena sudska nagodba, revizijski sud ce ukinuti rješanjem donesene odluke i odbaciti tužbu.

(3) Ako je u postupku pred prvostepenim ili drugostepenim sudom, kao tužilac ili tuženi sudjelovala osoba koja ne može biti stranka u postupku ili ako stranku u postupku koja je pravna osoba nije zastupala ovlaštena osoba ili ako parnicno nesposobnu stranku nije zastupao zakonski zastupnik, ili ako zakonski zastupnik odnosno punomocnik stranke nije imao potrebna ovlaštenja za vodenje parnice ili za pojedine radnje u postupku, ako vodenje parnice, odnosno obavljanje pojedinih radnji u postupku nije bilo naknadno odobreno, revizijski sud ce s obzirom na prirodu povrede, postupiti prema odredbama st. 1. ili 2. ovog clana.

Clan 250.

(1) Ako revizijski sud utvrdi da je materijalno

4. An authorization of the security seeker to undertake certain activity.

2) The provisions under paragraphs 3 and 4 of Article 271 of this Law shall accordingly apply also in case of security measures for the purpose of securing a claim for a certain object or piece of property.

3) The security measures referred to in this Article shall not regulate the claim to which they refer.

Article 273

1) For the purpose of protecting the rights of parties or preserving the status quo, the following security measures may be ordered:

1. The security contester may be prohibited from taking a particular course of action, or s/he may be ordered to take an action in order to preserve the status quo or to prevent damage to another party.

2. The security seeker may be authorized to undertake certain activity.

3. A piece of the security contester's property may be entrusted to an independent third party to hold and take care of.

4. The enforcement proceedings may be postponed upon a motion of a third party, under conditions prescribed by the law regulating enforcement procedure.

5. The court may order some other measure that is necessary for securing the security seeker's claim.

2) The provision of Article 271 paragraph 3. shall apply accordingly to the security measures referred to in paragraph 1 of this Article.

Article 274

1) The debtor who breaches a court ruling on prohibition against conveying, concealing, encumbering or disposing of property shall be liable for his/her acts, according to the rules of the civil law. After entry of the prohibition into the registers, it is not possible to enter any change on the basis of voluntarily disposal of the rights, which belong to the debtor, as long as such prohibition lasts.

2) Any conveying or encumbering contrary to the court order on prohibition against conveying, concealing, encumbering or otherwise disposing of property shall not be binding on the security seeker, except in circumstances where the rules on bona fide acquirer are applicable.

pravo pogrešno primijenjeno, presudom će usvojiti reviziju i preinaciti pobijanu presudu.

(2) Ako revizijski sud ustanovi da je zbog pogrešne primjene materijalnog prava ili zbog povrede pravila postupka činjenično stanje nepotpuno utvrđeno i da zbog toga nema uvjeta za preinaku pobijane presude, rješenjem će usvojiti reviziju, ukinuti u cijelosti ili djelimično presudu drugostepenog suda i predmet vratiti na ponovno suđenje istom ili drugom vijecu drugostepenog suda.

Clan 251.

Ako utvrdi da je pravomocnom presudom donesenom u drugom stepenu prekoracen tužbeni zahtjev, revizijski sud će presudom preinaciti pobijanu presudu.

Clan 252.

Revizijski sud dostavlja svoje odluke strankama, kao i prvostepenom i drugostepenom sudu.

Clan 253.

Ako u cl. 237. do 252. ovog zakona nije što drugo određeno, u postupku povodom revizije na odgovarajući će se način primjenjivati odredbe ovog zakona o žalbi protiv presude, osim odredaba o održavanju rasprave pred drugostepenim sudom.

Clan 254.

(1) Stranke mogu izjaviti reviziju i protiv rješenja drugostepenog suda kojim je postupak pravomocno završen.

(2) Revizija protiv rješenja iz stava 1. ovog clana nije dopuštena u sporovima u kojima ne bi bila dopuštena revizija protiv pravomocne presude.

(3) Revizija je uvijek dopuštena protiv rješenja drugostepenog suda kojim se podnesena žalba odbacuje, odnosno kojim se potvrđuje rješenje prvostepenog suda o odbacivanju revizije.

(4) U postupku u povodu revizije protiv rješenja na odgovarajući način će se primjenjivati

3) Provisions prescribed paragraphs 1 and 2 of this Article shall be accordingly applied also in the event of a person acting contrary to the court ruling on determining such other security measures.

4) A lien shall not be acquired on the basis of security measure unless pre-registration of lien under sub-paragraph 4, paragraph 1, Article 271 of this Law has been justified.

Article 275

According to the circumstances the court may order several security measures, if necessary.

Article 276

1) A motion for security measure may be filed before the initiation of litigation and in the course of court proceedings as well as after the termination of such proceedings until the judgment is satisfied.

2) The motion shall be submitted in writing. If the motion relates to a pending action, it may be presented orally in a hearing of the main trial.

3) In the motion requesting a security measure, the security seeker must state in detail the nature of the security requested, the type of measure requested, the means and object of the security measure. The motion shall contain evidence corroborating the claim. A security seeker shall, if feasible, submit the evidence together with the motion to the court.

4) Paragraph 3 of this Article will be appropriately applicable to an orally presented motion.

Article 277

1) With the exception of cases determined under this Law, a security measure cannot be determined if the security contestester did not have a possibility to present opinion on its determination.

2) The court shall serve the security seeker's motion with its attachments on the security contestester immediately, together with a notice for the security contestester to file a reply in writing within eight (8) days.

Article 278

1) A security seeker may move the court in a motion for a security measure, to order a temporary security measure, *ex parte*, without giving notice to the security contestester, if the security seeker establishes that the security measure is justified and urgent and that otherwise the purpose of the security measure would be defeated.

odredbe ovog zakona o reviziji protiv presude.

2. Ponavljanje postupka

Član 255.

Postupak koji je odlukom suda pravomoćno završen može se na prijedlog stranke ponoviti:

- 1) ako je pri donošenju odluke sudjelovao sudija koji je po zakonu morao biti izuzet;
- 2) ako kojoj stranci nezakonitim postupanjem nije bila data mogućnost da raspravlja pred sudom;
- 3) ako je u postupku kao tužilac ili tuženi sudjelovala osoba koja ne može biti stranka u postupku, ili ako stranku koja je pravna osoba nije zastupala ovlaštena osoba, ili ako parnično nesposobnu stranku nije zastupao zakonski zastupnik, ili ako zakonski zastupnik odnosno punomoćnik stranke nije imao potrebna ovlaštenja za vodenje parnice, ili za pojedine radnje u postupku, ako vodenje parnice, odnosno obavljanje pojedinih radnji u postupku nije bilo naknadno odobreno;
- 4) ako se odluka suda zasniva na lažnom iskazu svjedoka ili vještaka ili na ispravi koja je krivotvorena ili u kojoj je ovjeren neistinit sadržaj;
- 5) ako je do odluke suda došlo zbog krivičnog djela sudije, zakonskog zastupnika ili punomoćnika stranke, protivne stranke ili koje treće osobe;
- 6) ako stranka sazna za nove činjenice ili nade ili stekne mogućnost da upotrijebi nove dokaze na osnovu kojih je za stranku mogla biti donesena povoljnija odluka da su te činjenice ili dokazi bili upotrijebljeni u prijašnjem postupku.

2) Where the court grants an order pursuant to the provisions of paragraph 1 of this Article, it shall serve the order of the security measure on the security contester immediately. The security contester may, in his/her response, challenge the reasons for ordering the temporary security measure. Where the security contester raises such a challenge, the court shall, within three (3) days, schedule a hearing. The security contester's response shall contain an explanation.

3) After the hearing under paragraph 2 of this Article has been held, the court shall issue a separate decision to revoke a decision on ordering a temporary measure pursuant to Article 279 of this Law. An appeal may be lodged against such new decision in accordance with Article 282 of this law.

Article 279

1) In a decision ordering a security measure, the court shall state the type of security measure, the means which the measure shall be coercively enforced and the object of the security with appropriate application of the court enforcement proceeding regulations. The court shall *ex officio* deliver the decision ordering a security measure to the competent enforcement court for its coercive enforcement and to the appropriate public registers for entry.

2) If it is necessary to modify the means or objects of the security measure referred to in paragraph 1 of this Article, in order to accomplish the security measure or the prohibition imposed by the court, the security seeker may propose such modification in the same proceeding, on the basis of the previously issued orders or prohibition.

3) The decision ordering a security measure has the same effect as the decision on enforcement under the Law on Enforcement Procedure. The security measure is binding on the parties involved in the proceedings, as well as related parties after they have received a notice on the security measure.

4) Decisions referred to in paragraphs 1 and 2 shall contain an explanation.

5) In case the security measure has been ordered *ex officio*, the court shall appropriately apply the provisions under this Article.

Article 280

1) When the measure was ordered prior to filing a complaint, the decision ordering a security measure shall set a time limit not longer than thirty (30) days within which the security seeker must file a complaint.

Clan 256.

(1) Iz razloga navedenih u clanu 255. tac. 1. do 3. ovog zakona, ne može se zahtijevati ponavljanje postupka ako je taj razlog bio bez uspjeha iznesen u prijašnjem postupku.

(2) Zbog okolnosti navedenih u clanu 255. tac. 1 i 6. ovog zakona, ponavljanje postupka može se dopustiti samo ako stranka bez svoje krivnje nije mogla te okolnosti iznijeti prije nego što je prijašnji postupak završen pravomocnom sudskom odlukom.

Clan 257.

(1) Prijedlog za ponavljanje postupka podnosi se u roku od 30 dana, i to:

1) u slučaju iz clana 255. tacka 1. ovog zakona od dana kad je stranka saznala za taj razlog;

2) u slučaju iz clana 255. tacka 2. ovog zakona od dana kad je odluka dostavljena stranci;

3) u slučaju iz clana 255. tacka 3. ovog zakona, ako je u postupku kao tužilac ili tuženi sudjelovala osoba koja ne može biti stranka u postupku -od dana kad je odluka dostavljena toj osobi; ako stranku koja je pravna osoba nije zastupala ovlaštena osoba ili ako parnicno nesposobnu stranku nije zastupao zakonski zastupnik - od dana kad je odluka dostavljena stranci odnosno njenom zakonskom zastupniku, ako zakonski zastupnik odnosno punomocnik stranke nije imao potrebno ovlaštenje za vodenje parnice ili za pojedine radnje u postupku -od dana kad je stranka saznala za taj razlog;

4) u slučajevima iz clana 255. tac. 4. i 5. ovog zakona - od dana kad je stranka saznala za pravomocnu presudu u krivicnom postupku, a ako se krivicni postupak ne može provesti, onda od dana kad je saznala za obustavu tog postupka ili za okolnosti zbog kojih se postupak ne može pokrenuti;

5) u slučaju iz clana 255. tacka 6. ovog

2) The security seeker shall prove that s/he instituted the procedure in accordance with paragraph 1 of this Article.

Article 281

1) The security measure shall remain in force until further court ruling discharging or varying the security measure.

2) If the statement of claim is dismissed or rejected by the first instance judgment, the competent court may order that the security measure continues in force until the ruling on statement of claim gains legal force.

3) The pronounced security measure shall stay in force until thirty (30) days after the conditions for the coercive enforcement occur at the most.

4) A security measure registered in public books shall be deleted by the court ex officio.

Article 282

1) An appeal may be filed against a first instance decision on security measure within eight (8) days from the day of serving the decision.

2) The appeal shall be served on the security contester, who may file response to the appeal with the court in three (3) days after receiving it.

3) The second instance court shall decide on the appeal within fifteen (15) days from the day when the response to the complaint was submitted to the first instant court or upon the expiration of the time limit for filling the response to the appeal.

4) The appeal shall not stay the enforcement of the decision referred to in paragraph 1 of this Article.

5) The appeal is not allowed against the decision on security measures issued by a cantonal court or by the Federation Supreme Court in the first instance.

6) A decision on a temporary security measure may not be appealed.

Article 283

1) If measures referred to in Article 271, paragraph 1, sub-paragraphs 1 and 2 and Article 272, paragraph 1, sub-paragraphs 1 and 2 have been pronounced, the court, upon the motion of the security contester or person entrusted with safekeeping shall order the sale of perishable

zakona - od dana kad je stranka mogla iznijeti sudu nove činjenice, odnosno nova dokazna sredstva.

(2) Ako bi rok određen u stavu 1. ovog člana počeo teći prije nego što je odluka postala pravomoćna, taj će se rok računati od pravomoćnosti odluke ako protiv nje nije bio izjavljen pravni lijek, odnosno od dostave pravomoćne odluke višeg suda izrečene u posljednjem stepenu.

(3) Nakon što protekne rok od pet godina od dana kad je odluka postala pravomoćna, prijedlog za ponavljanje postupka ne može se podnijeti, osim ako se ponavljanje traži iz razloga navedenih u članu 255. tac. 2. i 3. ovog zakona.

Član 258.

O prijedlogu za ponavljanje postupka odlučuje drugostepeni sud, i to sudija pojedinac koji nije sudjelovao u donošenju drugostepene odluke u prijašnjem postupku.

Član 259.

(1) Prijedlog za ponavljanje postupka podnosi se uvijek sudu koji je donio odluku u prvom stepenu.

(2) U prijedlogu se posebno moraju navesti zakonska osnova po kojoj se traži ponavljanje, okolnosti iz kojih proizlazi da je prijedlog podnesen u zakonskom roku i dokazi kojima se potkrepljuju navodi predlagaca, te učiniti vjerovatnim da bi u ponovljenom postupku mogla za predlagaca biti donesena povoljnija odluka.

Član 260.

(1) Neblagovremene, nepotpune ili nedopuštene prijedloge za ponavljanje postupka odbacit će rješenjem prvostepeni sud bez održavanja ročišta.

(2) Ako prvostepeni sud ne odbaci prijedlog, dostavit će primjerak prijedloga protivnoj stranci koja ima pravo da u roku od 15 dana odgovori na prijedlog.

items among the seized movables or of items for which there is a danger of substantial decrease in price.

2) Sale of items under paragraph 1 of this Article shall be done in accordance with the provisions governing the enforcement on movable assets.

3) If a security measure under Article 271, paragraph 1, sub-paragraph 3 has been ordered, the court may, on the basis of a motion filed by the security seeker or the security contestator, order that the right to realize the claim be transferred to the security seeker, in case there is danger that the delay would result in the impossibility to realize the claim or in the loss of the regress right toward third parties.

4) The sum obtained through selling movables or collection of the claim shall be deposited with the court until the security measure is discharged or until the security seeker requests the enforcement, but not longer than thirty days after the claim has become enforceable. Other types of benefits obtained through the realization of the claim shall be deposited with the court, if possible, or some other manner of their preservation shall be ordered until the security measure is discharged or until the security seeker suggests the enforcement, but not longer than thirty days after the claim becomes enforceable.

Article 284

1) A security seeker may, in the motion requesting the ordering of a security measure or subsequently, make a statement that s/he is satisfied with the security contestator providing certain guarantee instead of ordering a security measure.

2) Providing of guarantee instead of a security measure may also be ordered at the security contestator's motion with the consent of the security seeker.

Article 285

1) If the security contestator fails to submit proof mentioned in Article 280 of this Law within the time limit set in decision on security measure, the court shall dismiss the motion and cancel the actions taken.

2) The motion shall be dismissed and the actions taken canceled at the security contestator's motion, if the circumstances due to which a measure was ordered have changed subsequently so that measure is not needed anymore.

3) The court shall, at the motion of the security contestator, dismiss the proceedings and revoke the activities conducted if:

1. the security contestator deposits with the court the outstanding amount of claim which is being secured, along with interests and expenses;

Clan 261.

Nakon prijema odgovora na prijedlog ili nakon proteka roka za davanje odgovora, prvostepeni sud ce prije dlog i odgovor na prijedlog, ako je podnesen, sa svim spisima dostaviti drugostepenom sudu najkasnije u roku od osam dana.

Clan 262.

(1) Drugostepeni sud odlucuje o prijedlogu za ponavljanje postupka u pravilu bezodržavanja rasprave.

(2) Ako sud ocijeni da je održavanje rasprave neophodno, postupit ce u skladu s odredbama cl. 218. do 220. ovog zakona.

Clan 263

(1) Nakon što drugostepeni sud donese odluku o prijedlogu, sudu prvog stepena vraća sve spise s dovoljnim brojem ovjerenih prepisa svoje odluke.

(2) U rješenju kojim se dopušta ponavljanje postupka izreci ce se da se ukida odluka donesena u prijašnjem postupku.

(3) Protiv rješenja drugostepenog suda kojim se usvaja prijedlog za ponavljanje postupka žalba nije dopuštena.

(4) Žalba protiv rješenja drugostepenog suda kojim se odbija prijedlog za ponavljanje postupka podnosi se istom sudu, koji o žalbi odlucuje u vijecu trojice sudija.

Clan 264.

(1) U ponovnom postupku pred prvostepenim sudom ne može postupati sudija koji je odlucivao u prijašnjem postupku.

(2) Prvostepeni sud ce odrediti pripremno rocište odmah po prijemu rješeljadrugostepenog suda, a najkasnije u roku od osam dana.

3. Odnos između prijedloga za ponavljanje

2. the security contester makes it credible that the claim has already been collected or secured sufficiently at the moment of rendering the decision on a security measure;

3. it has been established by a final ruling that the claim never existed or that it has ceased;

4) In cases referred to in paragraphs 1 and 3, sub-paragraphs 2 and 3 of this Article, the security seeker shall reimburse to the security contester the costs incurred in the process of ordering and enforcement of the security measure.

Article 286

1) In the security measure procedure, security seeker shall be responsible to provide for the costs of the procedure in advance.

2) If a motion for a security measure is lodged during civil or other such proceedings, the court deciding on the main claim shall determine who shall determine who has final responsibility for the costs of the security measure procedure.

Article 287

The security seeker is entitled, pursuant to the general provisions of property law, to be reimbursed for the damages caused to him/her by the failure of persons obliged to comply with the decision ordering a security measure to do so.

Article 288

A security contester is entitled, pursuant to the general provisions of property law, to request from security seeker compensation for damages caused to him/her as a result of a security measure for which it has been established that it was not founded or which was not justified by the security seeker.

Article 289

Claim for reimbursement of damages under Articles 287 and 288 of this Law shall fall under the statute of limitation and shall be instituted within a period of one year after the decision on security measure has ceased to be valid.

Article 290

Security measures shall be enforced by the court that would have jurisdiction to enforce final judgments.

postupka i revizije

Clan 265.

(1) Ako u roku za izjavljivanje revizije stranka podnese prijedlog za ponavljanje postupka samo iz razloga iz kojih se može izjaviti i revizija, smatrat ce se da je stranka izjavila reviziju.

(2) Ako stranka izjavi reviziju iz razloga što je u prvostepenom ili drugostepenom postupku odluceno o zahtjevu o kojem je vec prije pravomocno presudeno ili koga se tužilac vec odrekao ili o kojem je sklopljena sudska nagodba, i istovremeno ili nakon toga podnese prijedlog za ponavljanje postupka iz bilo kojeg razloga iz clana 255. ovog zakona, sud ce prekinuti postupak u povodu prijedloga za ponavljanje postupka do završetka postupka po reviziji.

(3) Ako stranka izjavi reviziju iz bilo kojeg razloga, osim iz razloga navedenih u stavu 2. ovog clana, i istovremeno ili nakon toga podnese prijedlog za ponavljanje postupka iz razloga iz clana 255. stav 1. tac. 4. i 5. ovog zakona, koji su potkrijepljeni pravomocnom presudom donesenom u krivicnom postupku, sud ce prekinuti postupak po reviziji do završetka postupka u povodu prijedloga za ponavljanje postupka.

(4) U svim ostalim slucajevima u kojima stranka izjavi reviziju i istovremeno ili nakon toga podnese prijedlog za ponavljanje postupka, sud ce odluciti koji ce postupak nastaviti, a koji prekinuti, uzimajuci u obzir sve okolnosti, a osobit o razloge zbog kojih su oba pravna lijeka podnesena i dokaze, koje su stranke predložile.

Clan 266.

(1) Odredbe clana 265. st. 1. i 3. ovog zakona, primijenit ce se i kad je stranka najprije podnijela prijedlog za ponavljanje postupka, a nakon toga izja vila reviziju.

(2) U svim ostalim slucajevima u kojima stranka podnese prijedlog za ponavljanje postupka i nakon toga izjavi reviziju, sud ce, u pravilu, prekinuti postupak po reviziji do završetka

Clan 267.

PART FOUR: GENERAL PROVISIONS

XI - PARTIES AND THEIR LEGAL REPRESENTATIVES

Article 291

- 1) Any natural and legal person may be a party in the proceedings.
- 2) Special regulations may define who may be a party in the proceedings apart from natural and legal persons.
- 3) Exceptionally, the civil court may, for purposes of the proceedings, recognize the capacity of a party to the forms of associations that are not eligible to be a party in accordance with the provisions of paragraph 1 and 2 of this Article if the court determines that, with regard to the matter of dispute, they meet the crucial requirements for acquiring the capacity of party, particularly if they are in possession of the property which may be subject to enforcement.
- 4) A separate appeal shall not be allowed against the decision referred to in paragraph 3 of this Article that recognizes the capacity of a party in litigation.

Article 292

- 1) A party with full legal competence may conduct actions in the proceedings itself (litigation capacity).
- 2) An adult person with limited legal competence shall be considered to have litigation capacity within the limits of its legal competence.
- 3) A minor who has not acquired full legal competence shall be considered to have litigation capacity within the limits of his/her recognized legal competence.

Article 293

- 1) A party that does not have litigation capacity shall be represented by its legal representative.
- 2) Legal representative shall be determined by law or an act of the competent governmental body adopted on the basis of this law.
- 3) In the course of proceedings, the court shall, *ex officio* have due regard to whether the person acting as a party in the proceedings is

(1) Rješenje iz člana 265. ovog zakona donosi prvostepeni sud ako prijedlog zaponavljanje postupka stigne prvostepenom sudu prije nego što je predmet u povodu revizije upućen revizijskom sudu. Ako prijedlog za ponavljanje postupka stigne pošto je predmet u povodu revizije upućen revizijskom sudu, rješenje iz člana 265. ovog zakona, donosi revizijski sud.

(2) Rješenje iz člana 266. ovog zakona donosi prvostepeni sud, osim ako je predmet, u vrijeme kad revizija stigne prvostepenim sudu, u povodu prijedloga za ponavljanje postupka upućen višem sudu radi donošenja odluke, u kojem slučaju rješenje donosi viši sud.

(3) Protiv rješenja suda iz st. 1. i 2. ovog člana nije dopuštena žalba.

Dio treći

X -SUDSKE MJERE OSIGURANJA

Član 268.

(1) Za odlučivanje o prijedlogu za osiguranje, uključujući i osiguranje na imovini protivnika osiguranja koja se nalazi izvan Federacije odnosno Bosne i Hercegovine, koji je podnesen prije pokretanja parničnog postupka kao i u toku tog postupka nadležan je sud koji postupa po tužbenom zahtjevu. Odluku o mjeri osiguranja donosi sud koji postupa u prvom stepenu, a neposredno viši sud kada je prijedlog za njeno donošenje podnesen nakon dostave predmeta tome sudu radi odlučivanja o pravnom lijeku.

(2) Nakon pravomocnosti odluke o tužbenom zahtjevu, o prijedlogu za osiguranje odlučuje sud koji bi bio nadležan za odlučivanje o tužbenom zahtjevu u prvom stepenu.

Član 269.

(1) Mjera osiguranja može se odrediti:

- 1) ako predlagac osiguranja učini vjerovatnim postojanje potraživanja ili prava, i
- 2) ako postoji opasnost da bi bez takve mjere protivnik osiguranja mogao spriječiti

eligible to be a party in the proceedings and whether that person has litigation capacity, whether a party with no litigation capacity is represented by its legal representative and whether the legal representative has special authorizations when necessary.

Article 294

1) The legal representative may, on behalf of the party, commence all actions in the proceedings, but if special regulations prescribe that the legal representative must have special authorization in order to submit or withdraw the claim, acknowledge or waive the statement of claim, reach a settlement or undertake other actions in the proceedings, the legal representative may undertake those actions only if s/he has such authorization.

2) A person engaged as legal representative shall be obliged to prove that s/he is a legal representative, at the request of the court. When special authorization is required for undertaking certain actions in the proceedings, the legal representative must prove s/he has such an authorization.

3) When the court finds that the legal representative of the person under the guardianship does not demonstrate the necessary care in the representation, it shall inform the guardianship body thereon. The court shall suspend the proceedings and suggest designating of another legal representative, if it finds that the failure of the legal representative could cause the damage for the person under the guardianship.

Article 295

1) When the court finds that the person appearing as a party may not be a party in the proceedings, and that the defect can be remedied, it shall summon the plaintiff to make necessary corrections in the claim, or it shall undertake other measures to continue the proceedings with the person that may participate in the proceedings in the capacity of a party.

2) Also, when the court finds that the party has no legal representative or that the legal representative has no special authorizations when requested, it shall ask the competent guardianship body to appoint a guardian to the party without litigation capacity by asking the legal representative to obtain special authorization or it shall undertake other measures necessary to ensure regular representation of the party with no litigation capacity.

3) The court shall set the time limit for the party to remedy the defects referred to in paragraphs 1 and 2 of this Article. Until the defects are remedied, only the actions whose delay could cause harmful consequences for the party may be commenced in the proceedings.

4) If it is not possible to remedy the defects referred to in the preceding paragraphs or if the time limit expires unsuccessfully, the court shall revoke the actions conducted in the proceedings by decision if the

ili znatno otežati ostvarenje potraživanja, posebno time što će svoju imovinu otuditi, prikriti, opteretiti ili na drugi način njom raspolagati odnosno promijeniti postojeće stanje stvari ili na neki drugi način štetno uticati na prava predlagaca osiguranja.

- (2) Ako drugacije nije zakonom određeno, sud će odrediti mjeru osiguranja samo pod uslovom da predlagac osiguranja, u roku koji odredi sud, prema odredbama zakona o izvršnom postupku, da jemstvo za štetu koja bi protivniku osiguranja mogla nastati određivanjem i provođenjem mjere osiguranja. Ako predlagac osiguranja ne da jemstvo u određenom roku, sud će odbiti prijedlog za određivanje mjere osiguranja. Na njegov zahtjev, sud može osloboditi predlagaca osiguranja od obaveze davanja jemstva ako sud utvrdi da on nije u finansijskoj mogućnosti da jemstvo da.
- (3) Bosna i Hercegovina, njeni entiteti, Brčko Distrikt BiH, kantoni, grad i općine su izuzeti od obaveze iz stava 2. ovog člana.

Član 270

Jemstvo iz člana 269. ovog zakona se vraća u roku od osam dana od dana prestanka važenja mjere osiguranja. Ukoliko u međuvremenu protivnik osiguranja podnese tužbu za naknadu štete, nadležni sud za postupanje u tom predmetu će odlučiti o važenju određenog jemstva.

Član 271.

- (1) Radi osiguranja novčanog potraživanja mogu se odrediti slijedeće mjere:
- 1) zabrana protivniku osiguranja da otuđi, sakrije, optereti ili raspoláže određenom imovinom u vrijednosti koja je dovoljna za osiguranje potraživanja predlagaca osiguranja. Ova zabrana će se zabilježiti u odgovarajućim javnim registrima;
 - 2) čuvanje imovine na koju se odnosi zabrana iz tačke 1. ovog stava i to polaganjem u depozit suda ako je to moguće ili predajom u posjed trećoj osobi;
 - 3) zabrana dužniku protivnika osiguranja da

actions have been affected by these defects and reject the claim if the defects of such nature can prevent further course of the proceedings.

- 5) No appeal shall be allowed against the decision ordering measures for remedying the defects.

Article 296

- 1) The court shall appoint a temporary representative to the defendant if it finds, in the course of the proceedings before the first instance court, that the regular procedure for the appointment of the legal representative to the defendant could last so long that it could result in harmful consequences for one or both parties.
- 2) If the requirement referred to in paragraph 1 of this Article has been met, the court shall appoint a temporary representative to the defendant, particularly in the following cases:
 1. If the defendant has neither litigation capacity nor legal representative;
 2. If there is conflict of interests between the defendant and his/her legal representative;
 3. If both parties have the same legal representative;
 4. When the temporary place of residence of the defendant is unknown and the defendant has no authorized agent;
 5. If the defendant or his/her legal representative are abroad and have no authorized agent in the Federation, and the service could not be carried out.
- 3) The court shall, without delay, inform the guardianship body, also the parties when possible, on appointment of the temporary representative.

Article 297

- 1) The temporary representative shall have all rights and duties of the legal representative in the proceedings for which s/he has been appointed.
- 2) The temporary representative shall exercise the rights and duties until the defendant or his/her authorized agent appears before court or until the court is informed that a guardian was appointed by the guardianship body.

Article 298

If the temporary representative has been appointed to represent the defendant for the reasons stated under Article 296, paragraph 2, subparagraphs 4 and 5 of this Law, the court shall, within eight (8) days, issue an announcement which shall be published in the "Official Gazette

isplati protivniku osiguranja potraživanje ili da mu preda stvar, kao i zabrana protivniku osiguranja da primi stvar, da naplati potraživanje i da njime raspoláže. Ova zabrana se može izreci i svakoj drugoj osobi od koje protivnik osiguranja može zahtijevati isplatu ili predaju stvari.

- 4) predbiljezba založnog prava na nekretnini protivnika osiguranja ili na pravu uknjiženom na nekretnini do vrijednosti dosudene glavnog potraživanja sa kamatama i troškovima.

(2) Mjera iz stava 1. tacka 4. ovog clana može se odrediti samo ukoliko o potraživanju povjerioca vec postoji odluka suda koja nije postala izvršna.

(3) Rješenja o odredivanju mjera osiguranja iz stava 1. ovog clana, dostavljaju se protivniku osiguranja, dužniku protivnika osiguranja, ako je potrebno, i odgovarajucim javnim registrima. Mjera osiguranja smatra se provedenom dostavom protivniku osiguranja ili dužniku protivnika osiguranja, ako mu se dostavlja, ili odgovarajucem javnom registru, ovisno o tome koji je od ova tri datuma prijema raniji po vremenu.

(4) Na podrucju gdje ne postoje zemljišne knjige, mjere osiguranja iz ovog clana ce se provesti primjenom odgovarajucih pravila izvršnog postupka.

Clan 272.

(1) Radi osiguranja potraživanja koje je upravljeno na odredenu stvar ili njen dio mogu se odrediti slijedece mjere osiguranja:

- 1) zabrana protivniku osiguranja otudenja, sakrivanja, opterecenja ili raspolaganja imovinom na koju je upravljeno potraživanje. Ako se imovina nalazi u Bosni i Hercegovini, ova zabrana ce se zabilježiti u odgovarajucim javnim registrima;
- 2) cuvanje imovine na koju se odnosi zabrana iz tacke 1. ovog stava i to polaganjem u depozit suda, ako je to moguće, ili predajom u posjed

of the Federation of Bosnia and Herzegovina”, in the cantonal official gazette and on the bulletin board of the court.

Article 299

Litigation capacity in the Federation shall be determined in accordance with the laws of the Federation.

XII - AUTHORIZED AGENTS

Article 300

1) The parties may commence actions in the proceedings in person or through an authorized agent.

2) A party represented by an agent, may give statements before the court on his/her own at all times, but the adverse party, witnesses and experts may only be questioned through an agent, if present at the main hearing.

Article 301

1) A party’s agent may be an attorney, a law firm or an employee of the service for free legal aid, as well as - for legal entities - an employee of that legal entity, or - for natural persons - party’s spouse, life partner or relative by blood or by marriage.

2) If the court finds that an authorized agent, who is an attorney, does not perform his/her duty in accordance with the Law on Legal Profession, it shall inform the competent Bar Association thereof.

Article 302

Actions in the proceedings commenced by the authorized agent within the limits of the power of attorney shall have the same legal effect as if they had been taken personally by the party.

Article 303

1) A party may change or revoke the statement of its authorized agent at the hearing on which that statement is given.

2) If the authorized agent admitted any facts at the hearing where the party was not present or if s/he admits any facts in the pleadings, and the party later on admits, changes or revokes its statement, the court shall evaluate both statements in accordance with Article 125 paragraph 2 of this Law.

trecoj osobi;

- 3) zabrana protivniku osiguranja da poduzima radnje koje mogu nanijeti štetu imovini na koju je upravljeno potraživanje ili nalog protivniku osiguranja da obavi određene radnje potrebne da bi se sacuvala imovina ili da bi se održalo postojeće stanje stvari;
- 4) ovlaštenje predlagacu osiguranja da poduzme određene aktivnosti.

(2) Odredbe st. 3. i 4. člana 271. ovog zakona primijenjuju se i u slučaju osiguranja potraživanja upravljenih na određenu stvar ili jedan njen dio.

(3) Mjere osiguranja iz ovog člana ne smiju u cijelosti obuhvatiti zahtjev koji se njima obezbjeđuje.

Clan 273.

(1) Radi osiguranja drugih prava ili održavanja postojećeg stanja, mogu se izreci slijedeće mjere osiguranja:

- 1) zabrana protivniku osiguranja da poduzima određene aktivnosti ili nalog da poduzme određene aktivnosti u cilju održavanja postojećeg stanja ili sprječavanja nastanka štete suprotnoj stranci;
- 2) ovlaštenje predlagacu osiguranja da poduzme određene aktivnosti;
- 3) povjeravanje određene imovine protivnika osiguranja trecoj osobi na cuvanje i staranje;
- 4) odlaganje postupka izvršenja po prijedlogu trećih osoba, pod uslovima predviđenim zakonom kojim se uređuje izvršni postupak; i
- 5) druge mjere koje sud odredi kao neophodne za osiguranje tužbenog zahtjeva predlagaca osiguranja.

(2) Odredba člana 271. stav 3. na odgovarajući način se primjenjuje i na mjere osiguranja iz stava 1. ovog člana.

Article 304

A party may authorize the agent to commence only certain actions or all actions in the proceedings.

Article 305

If the party issued the power of attorney to a lawyer for conducting the litigation and did not specify the scope of authorization, the lawyer shall, on the basis of such power of attorney, be authorized to:

1. perform all actions in the proceedings and, in particular file, withdraw or respond to the complaint, acknowledge or expressly waive the statement of claim, reach a settlement, submit a request for, expressly waive or withdraw a legal remedy and request issuing of the security measures;
2. file an application for enforcement or security measures, and commence necessary actions in the proceedings with regard to that request;
3. receive awarded compensation for costs from the adverse party;
4. authorize another lawyer in a written form to commence only particular actions in the proceedings.

Article 306

An attorney authorized by a party may, with the party's express authorization, be replaced by another attorney, and, in the first instance proceedings, also by a law trainee who is employed in his/her office.

Article 307

If a party failed to fully specify authorizations of the agent in the power of attorney, an authorized agent who is not a lawyer may, on the basis of such power of attorney, perform all actions in the proceedings but s/he shall be always requested to have special authorization to withdraw the claim, acknowledge or waive the statement of claim, reach a settlement, waive or abandon a legal remedy as well as to transfer the power of attorney to another person and submit a request for an extraordinary legal remedy.

Article 308

- 1) A party shall grant the power of attorney in written or verbal form in the record on hearing.
- 2) A party that is illiterate or not able to sign power of attorney shall put his/her index fingerprint on the written power of attorney instead of a signature. In these circumstances, where the power of attorney is to be

Clan 274.

(1) Protivnik osiguranja koji postupi suprotno odluci suda o zabrani da otudi, sakrije, optereti ili raspolaže imovinom odgovoran je po pravilima građanskog prava. Nakon zabilježbe zabrane, sve dok takva zabrana traje, nije moguć upis u registar bilo kakvih promjena prava nastalih na osnovu dobrovoljnog raspolaganja protivnika osiguranja.

(2) Otudjenje ili opterećenje suprotno nalogu suda o zabrani da otudi, sakrije, optereti ili raspolaže imovinom nema pravni učinak prema predlagacu, osim ako ima mjesta primjeni pravila o zaštiti savjesnog sticaoca.

(3) Odredbe st. 1. i 2. ovog člana, na odgovarajući način se primjenjuju i u slučaju postupanja osoba suprotno odluci suda o određivanju drugih mjera osiguranja.

(4) Mjerom osiguranja ne stice se založno pravo, osim u slučaju opravdanja predbilježbe založnog prava iz tačke 4. stava 1. člana 271. ovog zakona.

Clan 275.

Sud može, s obzirom na okolnosti slučaja, odrediti više mjera osiguranja, ako je to potrebno.

Clan 276.

(1) Mjera osiguranja može se predložiti prije pokretanja i tokom sudskog postupka te nakon završetka tog postupka, sve dok izvršenje ne bude provedeno.

(2) Prijedlog se podnosi u pismenoj formi. Ako je vezan za parnični postupak koji je u toku, prijedlog se može iznijeti i usmeno na ročištu.

(3) U prijedlogu za određivanje mjere osiguranja predlagac osiguranja mora istaci zahtjev u kojem će označiti potraživanje čije osiguranje traži, odrediti kakvu mjeru traži, sredstva i predmet mjera osiguranja. U prijedlogu se moraju navesti činjenice na kojima se zasniva tužbeni

(4) Na usmeno podneseni prijedlog za određivanje mjera osiguranja na odgovarajući

issued to a person that is not a lawyer, the presence of two witnesses shall be required to witness the actions of person giving the power of attorney and the said witnesses shall also be required to sign the power of attorney.

3) If the court doubts the authenticity of the written power of attorney, it may pass a decision ordering the submission of the certified power of attorney. No appeal shall be allowed against this decision.

Article 309

1) The authorized agent shall be obliged to present his/her power of attorney when commencing the first action in the proceedings.

2) The court may allow that a person, who has not obtained authorization, performs temporary actions on behalf of the party, but simultaneously, it shall order that person to obtain authorization or approval of the party for performing litigation actions subsequently, within the time limit.

3) The court shall postpone rendering the ruling until the time limit for obtaining authorization expires. If the time limit expires without the authorization having been obtained, the court shall continue proceedings, disregarding actions that a person without authorization commences.

4) The court shall, in the course of the proceedings, be obliged to have due regard to whether the person acting as the authorized agent has been authorized for such representation. If the court establishes that the person acting as an authorized agent has no power of attorney for such representation, it shall revoke actions in the litigation conducted by that person, unless the party subsequently approved those actions.

Article 310

1) At any time, a party may terminate a written power of attorney and an agent may cancel it.

2) The court before which the procedure is conducted must be informed in writing or verbally for the records on the revoking or canceling the power of attorney.

3) Revoking or canceling the power of attorney shall apply to the adverse party from the moment the adverse party was informed about it.

4) After the power of attorney has been cancelled, the authorized agent shall be obliged to carry out actions in the proceedings on behalf of the person who issued the power of attorney for another fifteen (15) days if that is necessary to remove any damage that could be caused to the person during that period.

nacin se primijenjuju odredbe stava 3. ovog clana.

Clan 277.

(1) Osim u slucajevima određenim ovim zakonom, mjera osiguranja ne može se odrediti ako protivnik osiguranja nije imao mogućnost da se o prijedlogu za njeno određivanje izjasni.

(2) Prijedlog za određivanje mjere osiguranja sud zajedno sa priložima dostavlja protivniku osiguranja uz obavijest da protivnik osiguranja može podnijeti pismeni odgovor na prijedlog za određivanje mjere osiguranja u roku od osam dana.

Clan 278.

(1) Na prijedlog predlagaca osiguranja, istaknut sa prijedlogom za određivanje mjere osiguranja, sud može odrediti privremenu mjeru osiguranja bez prethodnog obavještanja i saslušanja protivnika osiguranja ako predlagac osiguranja učini vjerovratnim da je mjera osiguranja osnovana i hitna i da bi se drugacijim postupanjem izgubila svrha mjere osiguranja.

(2) Sud dostavlja odluku iz stava 1. ovog clana protivniku osiguranja odmah. Protivnik osiguranja u roku od tri dana u svom odgovoru može osporiti razloge za određivanje privremene mjere osiguranja, nakon čega sud mora zakazati ročište u naredna tri dana. Odgovor protivnika osiguranja mora biti obrazložen.

(3) Nakon održanog ročišta iz stava 2. ovog clana, sud će posebnim rješenjem ukinuti rješenje o određivanju privremene mjere ili zamijeniti to rješenje novim rješenjem o određivanju mjere osiguranja, u skladu sa članom 279. ovog zakona. Protiv novog rješenja o određivanju mjere osiguranja dopuštena je žalba u skladu s članom 282. ovog zakona.

Clan 279.

(1) U rješenju o određivanju mjere osiguranja sud će odrediti vrstu mjere, sredstva kojima će

Article 311

1) If the agent has been given an authorization to commence all actions in the proceedings, and the party or its legal representative dies or loses business capacity, or if legal representative is dismissed from duty, the agent shall be authorized to undertake further actions in the proceedings, but the party's successor, or the new legal representative may revoke the power of attorney.

2) In cases referred to in paragraph 1 of this Article, the authorizations, which must be explicitly specified in the power of attorney (Article 307) of the agent who is not a lawyer shall always be terminated.

Article 312

1) Termination of the existence of the legal entity shall also cause the cessation of the power of attorney issued by that entity.

2) In the event of bankruptcy, the power of attorney issued by the bankrupt debtor shall be terminated when, in accordance with valid regulations, legal effects of the bankruptcy proceedings commence.

3) Exceptionally from the provisions of paragraphs 1 and 2 of this Article, the authorized agent shall perform all actions in the proceedings for another fifteen (15) days if that is necessary to minimize damage to a party.

XIII - LANGUAGE USED IN THE PROCEEDINGS

Article 313

Summons, rulings and other court documents shall be served on the parties and other participants in the proceedings in one of the languages referred to in Article 6 of this Law.

Article 314

Parties and other participants in the proceedings shall use in the proceedings one of the languages referred to in Article 6 of this Law.

Article 315

1) Parties and intervenients who cannot use one of the languages referred to in Article 6 of this Law shall provide translation or interpretation of their procedural actions, as well as any other translation or interpretation for their needs, at their own cost.

se ona prinudno ostvariti i predmet mjere osiguranja, uz odgovarajuću primjenu pravila sudskog izvršnog postupka. Sud će po službenoj dužnosti dostaviti rješenje o određivanju mjere osiguranja nadležnom izvršnom sudu radi njenog prinudnog provođenja i odgovarajućim javnim registrima radi upisa.

(2) Ako je radi ostvarenja naloga ili zabrane koji su izrečeni u rješenju o određivanju mjere osiguranja potrebno izmijeniti sredstva ili predmete osiguranja predlagatelj osiguranja može predložiti tu izmjenu u istom postupku, na osnovu već izrečenih naloga ili zabrana.

(3) Rješenje o određivanju mjere osiguranja ima učinek inak rješenja o izvršenju iz zakona o izvršnom postupku. Mjera osiguranja obavezuje stranke u postupku, kao i osobe koje su u vezi s njima, nakon što prime obavijest o izdavanju mjere osiguranja.

(4) Rješenja iz st. 1. i 2. ovog člana, moraju biti obrazložena.

(5) U slučaju određivanja mjere osiguranja po službenoj dužnosti, sud će na odgovarajući način primijeniti odredbe ovog člana.

Član 280.

(1) Kada je mjera osiguranja određena prije podnošenja tužbe, odlukom o određivanju mjere osiguranja odredit će se rok ne duži od 30 dana u kojem predlagatelj osiguranja mora podnijeti tužbu.

(2) Predlagatelj osiguranja podnosi sudu dokaz da je pokrenuo postupak u skladu sa stavom 1. ovog člana.

Član 281.

(1) Izrečena mjera osiguranja ostaje na snazi do naredne odluke suda o mjeri osiguranja.

(2) Ukoliko tužbeni zahtjev nije usvojen prvostepenom presudom, nadležni sud može mjeru osiguranja ostaviti na snazi dok odluka o tužbenom zahtjevu ne postane pravosnažna.

(3) Izrečena mjera osiguranja ostaje na snazi

2) Parties and intervenients shall also provide translation or interpretation related to the presentation of evidence they proposed.

3) The interpretation shall be done by interpreters (translators).

XIV - VALUE OF THE DISPUTE

Article 316

1) The plaintiff shall be obliged to state the value of dispute, except in the cases where the value of dispute cannot be expressed in the monetary amount.

2) Only the value of the main claim shall be taken as the value of the dispute.

3) Interest, contract penalties and other secondary claims shall not be taken into account in assessing the value of the dispute unless they are a part of the main claim.

Article 317

If the claim concerns some future installment payments, the value of dispute shall be calculated according to their total sum, but only up to the sum that equals the payments conducted over a five-year period.

Article 318

1) If one complaint against the same defendant includes several claims based on the same factual and legal basis, the value shall be decided according to the sum of all claims.

2) If the claims in the complaint arise from different bases but have been filed against several defendants, the value shall be determined according to the value of each individual claim.

Article 319

Where the dispute concerns the existence of lease or rental agreement, or the utilization of an apartment or business premises, the value shall be

najduže do isteka roka od 30 dana po nastupanju uslova za prinudno izvršenje.

(4) Mjeru osiguranja upisanu u javne knjige sud briše po službenoj dužnosti.

Clan 282.

(1) Protiv prvostepenog rješenja o mjeri osiguranja može se izjaviti žalba u roku od osam dana od dana dostavljanja rješenja.

(2) Žalba se dostavlja protivniku osiguranja koji može u roku od tri dana od njenog prijema podnijeti sudu odgovor na žalbu.

(3) O žalbi odlučuje drugostepeni sud u roku od 15 dana od dana dostavljanja prvostepenom sudu odgovora na žalbu ili isteka roka za podnošenje odgovora na žalbu.

(4) Žalba ne odlaže izvršenje rješenja iz stava 1. ovog clana.

(5) Žalba protiv rješenja o određivanju mjere osiguranja koje je u prvom stepenu izdao kantonalni sud ili Vrhovni sud Federacije, nije dopuštena.

(6) Žalba protiv rješenja o privremenoj mjeri osiguranja nije dopuštena.

Clan 283.

(1) Ako su izrecene mjere određene članom 271. stav 1. tac. 1. i 2. i članom 272. stav 1. tac. 1. i 2. ovog zakona, sud će na prijedlog protivnika osiguranja ili cuvara odrediti prodaju pokretnih stvari koje su podložne brzom kvarenju ili ako postoji opasnost od znatnog pada cijene tih stvari.

(2) Prodaja stvari iz stava 1. ovog clana, obaviti će se po pravilima o izvršenju na pokretnim stvarima.

calculated under the one year lease, or rent, unless when the rent or lease has been contacted got a shorter period.

Article 320

If the complaint requests only the security for certain claim or the determination of a pledge right, the value of the dispute shall be determined according to the amount of claim that needs to be secured, and if the value of the pledged object has lower value than the claim that needs to be secured, the value of the dispute shall be the value of pledged object.

Article 321

1) If the Statement of Claim does not disclose a monetary value, but the plaintiff states in his/her claim that s/he accepts a certain monetary sum instead, that sum shall be taken as the value of dispute.

2) In other cases, when the Statement of Claim is not for a monetary amount, the value stated by the plaintiff in the claim shall be taken as the value of dispute.

3) If, in the case referred to in paragraph 2 of this Article, the plaintiff sets the value of the dispute too low or too high, the court shall in an expedited and appropriate manner check the accuracy of the stated value and set the value of the dispute by a decision, no later than at the preparatory hearing, and if the preparatory hearing has not been held, at the main hearing before the discussion on the main matter.

4) No interlocutory appeal shall be allowed against the decision mentioned in the previous paragraph.

Article 322

If the monetary amount is not expressed in convertible marks, but in some other currency, the value of dispute shall be determined in convertible marks, under the average currency exchange list established by a relevant financial organization at the time of filling the complaint.

XV - TIME LIMITS AND HEARING

1. Time limits

Article 323

(3) Ako je određena mjera osiguranja iz člana 271. stav 1. tačka 3. ovog zakona, sud može, na prijedlog predlagaca osiguranja ili protivnika osiguranja, odrediti da se na predlagaca osiguranja prenese pravo na ispunjenje potraživanja, u slučaju u kojem postoji opasnost da se to potraživanje, zbog zakašnjenja u njegovu ostvarenju, neće moći realizovati ili da će se izgubiti pravo na regres prema trećim osobama.

(4) Iznos koji se dobije prodajom pokretnih stvari ili naplatom potraživanja čuvat će se u sudskom depozitu dok se ne obustavi mjera osiguranja ili dok predlagac osiguranja ne predloži izvršenje, a najduže 30 dana pošto potraživanje postane izvršno. Druge koristi dobivene ostvarenjem potraživanja položiti će se u sudski depozit ako je to moguće, ili će se na koji drugi način odrediti njihovo čuvanje do obustave mjere osiguranja, odnosno dok predlagac osiguranja ne predloži izvršenje, ali najduže 30 dana pošto potraživanje postane izvršno.

Clan 284.

(1) Predlagac osiguranja može u prijedlogu za određivanje mjere osiguranja ili naknadno izjaviti da se, umjesto mjere osiguranja, zadovoljava davanjem određenog jemstva od strane protivnika osiguranja.

(2) Davanje jemstva umjesto mjere osiguranja može se odrediti i na prijedlog protivnika osiguranja ukoliko se sa tim prijedlogom saglasi predlagac osiguranja.

Clan 285.

(1) Ako predlagac osiguranja u roku određenim rješenjem o određivanju mjere osiguranja ne podnese dokaz iz člana 280. ovog zakona, sud će obustaviti postupak i ukinuti provedene radnje.

(2) Na prijedlog protivnika osiguranja postupak će se obustaviti i ukinuti provedene radnje, ako su se okolnosti zbog kojih je mjera određena kasnije promijenile tako da više nije potrebna.

(3) Sud će na prijedlog protivnika osiguranja obustaviti postupak i ukinuti provedene radnje i u slijedecim slučajevima:

1) ako protivnik osiguranja položi sudu

1) If time limits are not stipulated by the law, they shall be determined by the court, depending on the circumstances of the case.

2) Exceptionally, a time limit determined by the court may be extended at the motion of the interested person, if justified reasons exist.

3) A motion for extension of a time limit must be submitted before the expiration of the time limit requested to be extended.

4) Appeal against the decision on the extension of time limit shall not be allowed.

Article 324

1) The time limits shall be counted in days, months and years.

2) When a time limit is set in days, the day of notification or service shall not be counted, or the day of the event from which the time limit is to be counted; the first subsequent day shall be taken as the beginning of the time limit.

3) Time limits counted in months, or years shall end upon the expiry of the day of the last month, or year which corresponds by its number to the day when the time limit started. If there is no such day in the given month, the time limit expires on the last day of that month.

4) If the last day of the time limit falls on the public holiday or Sunday, or any other day when the court is not working, the time limit shall end by the expiration of the first following working day.

Article 325

1) When a pleading is restricted by the time limit, it shall be considered submitted within the time limit, if submitted to the competent court before the time limit expires.

2) When a pleading has been forwarded via registered mail or telegram, the day of its delivery to the post office shall be considered as the day of delivery to the court to which it has been addressed and if the pleading was sent via facsimile the day of its delivery to the court shall be considered as the day of delivery.

3) If the pleading was submitted via electronic mail, the time of delivery to the court shall be considered the time that is noted on the verification of the qualified electronic signature.

4) If a pleading has been sent via telegram and it does not contain required items to be proceeded upon, it shall be considered as submitted within the time limit if the regular pleading has been submitted to the court later on, or if it has been forwarded to the court by registered mail

dužni iznos potraživanja koje se obezbjeđuje, s kamatama i troškovima;

2) ako protivnik osiguranja učini vjerovatnim da je potraživanje u vrijeme donošenja rješenja o određivanju mjere osiguranja već bilo naplaceno ili dovoljno obezbijeđeno;

3) ako je pravomocno utvrđeno da potraživanje nije nastalo ili da je prestalo.

(4) U slučajevima iz st. 1. i 3. tac. 2. i 3. ovog člana, troškove prouzrokovane određivanjem i provođenjem mjere osiguranja predlagac osiguranja dužan je nadoknaditi protivniku osiguranja.

Clan 286.

(1) Troškove nastale u toku postupka osiguranja prethodno podmiruje predlagac osiguranja.

(2) Ako je prijedlog za određivanje mjere osiguranja podnesen tokom parničnog ili drugog sudskog postupka, sud nadležan za odlučivanje o tužbenom ili drugom zahtjevu će odluciti ko podmiruje troškove izdavanja i provođenja mjera osiguranja.

Clan 287.

Predlagac osiguranja ima po opštim pravilima imovinskog prava pravo na naknadu štete koja mu je nanesena nepostupanjem osoba koje su bile dužne postupiti po rješenju o određivanju mjere osiguranja.

Clan 288.

Protivnik osiguranja ima po opštim pravilima imovinskog prava prema predlagacu osiguranja pravo na naknadu štete koja mu je nanesena mjerom osiguranja za koju je utvrđeno da je bila neosnovana ili koju predlagac osiguranja nije opravdao.

Clan 289.

Potraživanja naknade štete iz cl. 287. i 288. ovog

within three (3) days period from the date of the telegram submission to the post office.

5) For individuals in mandatory military service in the Federation military, the day of delivering the pleading to the military unit or military institution shall be considered as the day of submission of the pleading to the court.

6) Provision of paragraph 4 of this Article shall also apply to other people who serve in military units or military institutions or Federation military headquarters in towns where there is no access to regular mail service.

7) As regards the people deprived of liberty, the day when the pleading is delivered to the prison administration or institution for execution of criminal and minor offense violations shall be considered as the date of delivery to the court.

8) If the pleading restricted by the time limit was sent to a court that does not have the jurisdiction before the time limit has expired, it shall be considered as delivered in time if the submission to a court without jurisdiction can be attributed to a lack of knowledge or an obvious mistake on the part of the sender.

9) Provisions of paragraphs 1-7 of this Article shall be applied on the time limit within which, in accordance with special regulations, complaint must be filed and also on the statute of limitation period of a claim or some other right.

2. Hearing

Article 326

1) The court shall schedule a hearing when the law prescribes it.

2) The court shall summon the parties and other individuals whose presence is regarded as necessary for the hearing.

3) In the summons, the court shall indicate the place, room and time of the hearing, including the names of parties and the matter of the dispute.

4) In the summons, the court shall in particular warn the parties about the legal consequences of failing to attend the hearing

Article 327

1) As a rule, the hearing shall be held in the court building.

zakona zastarjevaju u roku od godinu dana od prestanka važenja rješenja kojim je mjera osiguranja izrecena.

Clan 290.

Mjere osiguranja provodi sud koji bi bio nadležan za provodenje izvršenja pravomocne presude.

Dio četvrti

OPCE

ODREDBE

XI – STRANKE I NJIHOVI

ZAKONSKI ZASTUPNICI

Clan 291.

(1) Stranka u postupku može biti svaka fizička i pravna osoba.

(2) Posebnim propisima može se odrediti ko može biti stranka u postupku osim fizičkih i pravnih osoba.

(3) Parnični sud može, izuzetno, s pravnim učinkom u određenoj parnici, priznati svojstvo stranke i onim oblicima udruživanja koji nemaju stranacku sposobnost prema odredbama st. 1. i 2. ovog člana, ako utvrdi da, s obzirom na predmet spora, u suštini udovoljavaju bitnim uslovima za sticanje stranacke sposobnosti, a osobito ako raspolažu imovinom na kojoj se može provesti izvršenje.

(4) Protiv rješenja iz stava 3. ovog člana, kojim se priznaje svojstvo stranke u parnici nije dopuštena posebna žalba.

Clan 292.

(1) Stranka koja je potpuno poslovno sposobna može sama obavljati radnje u postupku (parnična sposobnost).

(2) Punoletna osoba kojoj je djelimično ograničena poslovna sposobnost parnično je sposobna u granicama svoje poslovne

2) The court may decide to hold a hearing outside the court building when it finds such an action necessary or if that can save time or costs of the proceedings. Appeal shall not be allowed against this decision.

3. Restitutio in Integrum

Article 328

1) If the party misses a hearing or a time limit for certain action in the proceedings and therefore loses right to initiate that action, the court shall allow the party, upon its motion, to subsequently commence that action (return to status quo ante), if it finds that the action was omitted due to reasons that could have neither been foreseen nor avoided.

2) When the return to status quo ante is allowed, the litigation shall be reverted into the state that existed before the omission took place, and all court rulings passed due to the omission shall be overturned.

Article 329

1) The motion for return to status quo ante shall be submitted to the court where the omitted action should have been commenced.

2) The motion shall be submitted within the eight (8) days, counting from the day when the reason that caused the omission ceased to exist, and if the party learned about the omission on some later date, the counting of days shall start from that date.

3) Where sixty (60) days have passed from the day of the omission, the return to status quo ante may not be requested.

4) If the return to status quo ante is requested due to missed time limit, the applicant making the motion shall be obliged to conduct the omitted action simultaneously with the filing of the motion.

Article 330

The return to status quo ante may not be requested if the time limit for filing the motion for return to status quo ante has passed or if the hearing scheduled in the motion for return to status quo ante has been missed.

Article 331

The court shall immediately decide on the motion for the return to previous stage and continue proceedings.

Article 332

sposobnosti.

(3) Maloljetnik koji nije stekao potpunu poslovnu sposobnost parnicno je sposoban u granicama u kojima mu se priznaje poslovna sposobnost.

Clan 293.

(1) Stranku koja nema parnicnu sposobnost zastupa njen zakonski zastupnik.

(2) Zakonski zastupnik određuje se zakonom ili aktom nadležnog organa vlasti donesenim na osnovu zakona.

(3) U toku cijelog postupka sud će, po službenoj dužnosti, paziti može li osoba koja se pojavljuje kao stranka u postupku biti stranka u postupku i je li parnicno sposobna, zastupa li parnicno nesposobnu stranku njen zakonski zastupnik i ima li zakonski zastupnik posebna ovlaštenja kad su ona potrebna.

Clan 294.

(1) Zakonski zastupnik može u ime stranke poduzimati sve radnje u postupku, ali ako je za podnošenje ili povlačenje tužbe, za priznanje odnosno za odricanje od tužbenog zahtjeva, za zaključenje nagodbe ili za poduzimanje drugih radnji u postupku u posebnim propisima određeno da zastupnik mora imati posebna ovlaštenja, on može te radnje poduzimati samo ako ima takva ovlaštenja.

(2) Osoba koja se pojavljuje kao zakonski zastupnik dužna je na zahtjev suda dokazati da je zakonski zastupnik. Kad je za poduzimanje određenih radnji u postupku potrebno posebno ovlaštenje, zakonski zastupnik dužan je dokazati da ima takvo ovlaštenje.

(3) Kad sud ustanovi da zakonski zastupnik osobe pod starateljstvom ne pokazuje potrebnu pažnju u zastupanju, obavijestit će o tome organ starateljstva. Ako bi zbog propuštanja zastupnika mogla nastati šteta za osobu pod

1) The judge shall reject untimely and inadmissible motions for return to status quo ante by decision.

2) In respect of the motion for the return to status quo ante the court shall schedule a hearing, unless the facts on which the motion is based are commonly known.

Article 333

1) No interlocutory appeal shall be permitted against the decision on the motion for return to status quo ante.

2) No interlocutory appeal shall be allowed against the decision rejecting the motion for return to status quo ante, unless the motion has been filed for default judgment.

XVI - COURT PLEADINGS

Article 334

1) A complaint, response to a complaint, counter-claim and response to the counter-claim, legal remedies and other statements, motions and notifications issued out of the hearing shall be submitted in writing ("Pleadings"). Pleadings submitted by telegraph and facsimile or electronic mail shall also meet requirements of written form. These Pleadings shall be considered as signed if the name of the sender has been indicated on them.

2) Pleadings must be comprehensible and contain all items necessary for the commencement of the action. In particular, they must contain: the name of the court, the first and last name of a physical person or the name of the legal person, permanent or temporary place of residence or the seat of the parties, their legal representatives and agents, if they have any, the matter of the dispute, contents of the statement and the signature of the submitter.

3) If the statement contains a request the party shall state in the Pleading the facts and the evidence upon which the request is based.

4) Pleadings that are delivered via electronic mail must be verified with a qualified electronic signature.

5) Pleadings with attachments which are to be served on the adverse party shall be submitted to the court in a sufficient number of copies for the court and for the adverse party.

Article 335

1) Documents enclosed with Pleadings shall be submitted in the original form, in transcript or in photocopy.

starateljstvom, sud ce zastati s postupkom i predložiti da se odredi drugi zakonski zastupnik.

Clan 295.

(1) Kad sud utvrdi da osoba koja se pojavljuje kao stranka ne može biti stranka u postupku, a taj se nedostatak može otkloniti, pozvat ce tužioca da izvrši potrebne ispravke u tužbi ili ce poduzeti druge mjere da bi se postupak mogao nastaviti s osobom koja može biti stranka u postupku.

(2) Isto tako, kad sud utvrdi da stranka nema zakonskog zastupnika ili da zakonski zastupnik nema posebna ovlaštenja kad su ona potrebna, zatražit ce da nadležni organ starateljstva postavi staraoca parnicno nesposobnoj osobi, odnosno pozvat ce zakonskog zastupnika da pribavi posebna ovlaštenja ili ce poduzeti druge mjere koje su potrebne da bi parnicno nesposobna strana bila pravilno zastupana.

(3) Sud ce odrediti stranci rok za otklanjanje nedostataka iz st. 1. i 2. ovog clana. Dok se ne otklone ti nedostaci, mogu se u postupku poduzimati samo one radnje zbog cije bi odgode mogle nastati štetne posljedice za stranku.

(4) Ako se nedostaci iz st. 1. i 2. ovog clana ne mogu otkloniti ili ako određeni rok bezuspješno protekne, sud ce rješenjem ukinuti radnje provedene u postupku ako su zahvacene tim nedostacima i odbaciti tužbu ako su nedostaci takve prirode da sprecavaju daljnje vodenje parnice.

(5) Protiv rješenja kojim se nareduju mjere za otklanjanje nedostataka nije dopuštena žalba.

Clan 296.

(1) Ako se tokom postupka pred prvostepenim sudom pokaže da bi redovan postupak oko postavljanja zakonskog zastupnika tuženom trajao dugo, tako da bi zbog toga za jednu ili obje stranke mogle nastati štetne posljedice, sud ce tuženom postaviti privremenog zastupnika.

(2) Uz uvjet iz stava 1. ovog clana, sud ce postaviti tuženom privremenog zastupnika

2) If the party encloses the original document, the court shall keep that document and allow the adverse party to examine it. When there is no need to keep that document in the case files registry, it shall be returned to the submitter upon request, but the court may ask the submitter to enclose the transcript or photocopy of the document for the court records.

3) If the document has been submitted in the form of a transcript or photocopy, the court shall, upon request of the adverse party, call upon the submitter to provide the court with original document and allow the adverse party to examine the original. The court shall determine the time limit within which the document shall be submitted or examined.

4) Appeal shall not be allowed against these decisions.

Article 336

1) If the Pleading is incomprehensible or does not contain all required items to be proceeded upon, the court shall return it to the submitter for correction or supplementation, explaining what needs to be corrected or added and set the time limit for a correction or supplementation of the Pleading. Such time limit shall not exceed eight (8) days.

2) The corrected or supplemented Pleading that is submitted to the court within the specified time limit shall be considered to have been submitted to the court on the day when of the first submission.

3) A Pleading shall be considered withdrawn if it has not been returned to the court within a specified time limit and it shall be rejected if it has been returned to the court without being corrected or supplemented.

4) If the Pleadings or attachments have not been submitted in a sufficient number of copies, the court shall call the submitter to submit them within the specified time limit. If the submitter fails to proceed in accordance with that order, the court shall reject the Pleading.

XVII - SERVICE OF DOCUMENTS

1. General Provisions

a) Methods of Service

Article 337

The service of documents shall be made by post, through an authorized legal person registered to conduct service or through an authorized court employee.

osobito u slucajevima:

- 1) ako tuženi nije parnicno sposoban, a nema zakonskog zastupnika,
- 2) ako postoje protivni interesi tuženog i njegovog zakonskog zastupnika,
- 3) ako obje stranke imaju istog zakonskog zastupnika,
- 4) ako je boravište tuženog nepoznato, a tuženi nema punomocnika,
- 5) ako se tuženi ili njegov zakonski zastupnik, koji nemaju punomocnika u Federaciji, nalaze u inostranstvu, a dostava se nije mogla obaviti.

(3) O postavljanju privremenog zastupnika, sud ce bez odgadanja obavijestiti organ starateljstva, a i stranke kad je to moguće.

Clan 297.

(1) Privremeni zastupnik ima u postupku za koji je postavljen sva prava i dužnosti zakonskog zastupnika.

(2) Ta prava i dužnosti privremeni zastupnik obavlja sve dok se tuženi ili njegov punomocnik ne pojavi pred sudom, odnosno dok organ starateljstva ne obavijesti sud da je postavio staraoca.

Clan 298.

Ako je privremeni zastupnik postavljen tuženom iz razloga navedenih u clanu 296. stav 2. tac. 4. i 5. ovog zakona, sud ce u roku od osam dana izdati oglas koji ce objaviti u "Službenim novinama Federacije BiH", službenom glasilu kantona i na oglasnoj ploci suda.

Clan 299.

Parnicna sposobnost u Federaciji procjenjuje se po zakonima Federacije.

Article 338

- 1) When the service is to be made on persons or institutions abroad or on foreigners who enjoy the right to immunity, it shall be performed through diplomatic channels, unless otherwise specified by international treaty or by this Law.
- 2) The service on citizens of Bosnia and Herzegovina living abroad can be made by post or through the competent consular or diplomatic representative office of Bosnia and Herzegovina in that country.

b) Service on Natural and Legal Persons

Article 339

- 1) Unless otherwise provided by this Law, service on natural persons shall be performed by delivering the document to the person to whom the service is directed.
- 2) Unless otherwise provided by this Law, service on the state organs and legal persons shall be performed by delivering the document to the person authorized to receive service or, if such person is not available, to an employee who is found in the office or business premises of that legal person.

Article 340

- 1) If a legal representative or agent represents the party, the service shall be made on the legal representative or agent.
- 2) In the cases where legal persons or state organs have designated an employee to be their agent, service may also be performed in accordance with Article 339 paragraph 2.
- 3) If the party has more than one legal representative or agent, it shall suffice to carry out the service on one of them.
- 4) Service on an attorney who acts as an agent may be conducted by delivering the documents to a person employed in his/her law firm.

Article 341

- 1) Service on military persons, police officers, persons employed with land, river, maritime or air traffic may be served through their headquarters or direct supervisor.
- 2) Service on persons deprived of freedom shall be made through the administration of the prison or through the administration of the institution for the execution of criminal and minor offence sanctions.

XII – PUNOMOCNICI

Clan 300.

(1) Stranke mogu poduzimati radnje u postupku osobno ili preko punomocnika.

(2) Stranka koju zastupa punomocnik može uvijek doci pred sud i davati izjave pored svog punomocnika, ali suprotnu stranu, svjedoke i vještake može ispitivati samo preko punomocnika, ako je on prisutan na glavnoj raspravi.

Clan 301.

(1) Punomocnik može biti advokat, advokatsko društvo ili uposlenik službe za besplatnu pravnu pomoc, kao i, za pravne osobe uposlenik te pravne osobe, a za fizicke osobe bracni odnosno vanbracni drug stranke ili srodnik stranke po krvi ili po tazbini.

(2) Ako sud utvrdi da punomocnik koji je advokat ne obavlja svoju dužnost u skladu sa Zakonom o advokaturi, sud ce o tome izvijestiti nadležnu advokatsku komoru, i, ako je to moguće, stranku koju advokat zastupa.

Clan 302.

Radnje u postupku što ih punomocnik poduzima u granicama punomoci imaju isti pravni ucinak kao da ih je poduzela sama stranka.

Clan 303.

(1) Stranka može izmijeniti ili opozvati izjavu svog punomocnika na rocištu na kome je ta izjava data.

(2) Ako je punomocnik priznao koju cinjenicu na rocištu na kojem stranka nije bila prisutna ili je koju cinjenicu priznao u podnesku, a stranka to priznanje kasnije izmijeni ili opozove, sud ce cijeniti obje izjave prema clanu 125. stav 2. ovog zakona.

Clan 304.

Stranka može ovlastiti punomocnika da poduzima samo odredene radnje ili da poduzima

Article 342

- 1) If a dispute arises from a legal relationship involving a branch of the legal person, service on that legal person can be performed through that branch.
- 2) Service on a legal person with its seat abroad can be performed through its branch or representative office in Bosnia and Herzegovina.

c) Time and Place of Service

Article 343

- 1) Service may be carried out any day at any hour at the residence or work place of the natural person, the seat of the state organ or the office or business premises of the legal person to whom the service is directed, or inside the court building if the person to whom service is directed happens to be there.
- 2) Service can be performed at any place by personal delivery to the person to whom the service is directed.

2. Service by Post

Article 344

Service by post shall be performed:

- by registered mail with an acknowledgement of receipt; or
- by ordinary letter, containing a form for acknowledgement of receipt, to be signed and returned to the court by the person to whom it was addressed.

3. Service Through an Authorized Legal Person or an Authorized Court Employee

a) Service on Natural Persons

Article 345

- 1) As a rule, authorized legal person registered to conduct service or authorized court employee shall perform service on natural persons by delivering the document to the person to whom the service is directed.

sve radnje u postupku.

Clan 305.

Ako je stranka izdala advokatu punomoc za vodenje parnice, a nije poblize odredila ovlaštenja u punomoci, advokat je ovlašten na temelju takve punomoci:

- 1) obavljati sve radnje u postupku, a osobito podnijeti tužbu, povuci je, dati odgovor na tužbu, priznati tužbeni zahtjev ili se odreci tužbenog zahtjeva, zakljuciti nagodbu, podnijeti pravni lijek i odreci se ili odustati od njega, te zahtijevati izdavanje mjera osiguranja;
- 2) stavljati zahtjev za izvršenje ili osiguranje i poduzimati potrebne radnje u postupku, u povodu takvog zahtjeva;
- 3) od protivne stranke primiti dosudene troškove;
- 4) pismeno ovlastiti drugog advokata na poduzimanje samo pojedinih radnji u postupku, osim zastupanja na glavnoj raspravi.

Clan 306.

Advokata kojem je stranka izdala punomoc može, uz izricito ovlaštenje stranke, zamjenjivati drugi advokat, a pred sudom prvog stepena i advokatski pripravnik koji je kod njega zaposlen.

Clan 307.

Ako stranka u punomoci nije poblize odredila ovlaštenja punomocnika, punomocnik koji nije advokat može na osnovu takve punomoci obavljati sve radnje u postupku, ali mu je uvijek potrebno izricito ovlaštenje za povlacenje tužbe, za priznanje ili za odricanje od tužbenog zahtjeva, za zakljucenje nagodbe, za odricanje ili odustanak od pravnog lijeka i za prenošenje punomoci na drugu osobu, te za podnošenje vanrednih pravnih lijekova.

2) If a person to whom the service is directed is not found at his/her place of residence, the document shall be served on an adult household member who is obliged to accept it. If there are no household members, service shall be completed by serving the document on a landlord or a neighbor if they agree to accept it.

3) If service needs to be made at the person's work place and the person is not there, the service can be made on his/her colleague, if s/he agrees to accept it.

4) Service of a document on another person shall not be allowed if s/he is participating in the proceedings as the adverse party.

5) Persons on whom service is made pursuant to paragraphs 2 and 3 of this Article shall be obliged to deliver the document as soon as possible to the person to whom it is addressed. They shall be informed of this obligation when the document is delivered to them.

6) When service is performed pursuant to paragraphs 2 and 3 of this Article, a written notice shall be sent by ordinary mail to the person on whom the service should have been made, informing that person that the service was performed in one of the manners referred to in paragraphs 2 and 3 of this Article. The written notice shall contain the identification of the case, information on the nature of the document, date, hour and place of service of the document and the name of the person who received the document. The notice must be sent on the same day or on the first working day following the service.

Article 346

1) If the documents cannot be served in accordance with Article 345 of this Law and if the deliverer establishes that the person to whom the service was directed resides at that address, a written notice shall be left in the person's apartment or the work place or posted at the door of the apartment or work place, informing that person that the document to be served will be left at his/her disposal in the court for 15 days following the day of the attempt of service. The written notice shall contain the identification of the case, information on the nature of the document, date and hour when the notice was left and the name and address of the court where the document can be collected.

2) A written notice containing the information referred to in paragraph 1 of this Article shall be sent by ordinary mail to the person to be served, on the same day or on the first working day following the attempt of service.

3) Service shall be considered performed on the day when the person to whom the service is directed collects the document in the court, or, if the document was not collected, upon the expiry of the time limit referred to in paragraph 1 of this Article.

Clan 308.

(1) Stranka izdaje punomoc pismeno ili usmeno na raspravni zapisnik.

(2) Stranka koja nije pismena ili nije u stanju potpisati se stavit ce na pismenu punomoc umjesto potpisa otisak prsta. Ako se u tom slucaju punomoc izdaje osobi koja nije advokat, potrebno je prisustvo dvojice svjedoka koji ce se potpisati na punomoci.

(3) Ako posumnja u istinitost pismene punomoci, sud može rješenjem odrediti da se podnese ovjerena punomoc. Protiv tog rješenja nije dopuštena žalba.

Clan 309.

(1) Punomocnik je dužan pri prvoj radnji u postupku podnijeti punomoc.

(2) Sud može dopustiti da radnje u postupku za stranku privremeno obavi osoba koja nije podnijela punomoc, ali ce istovremeno narediti toj osobi da naknadno u određenom roku podnese punomoc ili odobrenje stranke za obavljanje parnicnih radnji.

(3) Dok ne protekne rok za podnošenje punomoci, sud ce odgoditi donošenje odluke. Ako taj rok bezuspješno protekne, sud ce nastaviti postupak, ne uzimajući u obzir radnje koje je obavila osoba bez punomoci.

(4) Sud je dužan tokom cijelog postupka paziti je li osoba koja se pojavljuje kaopunomocnik ovlaštena za zastupanje. Ako sud utvrdi da osoba koja se pojavljuje kao punomocnik nije ovlaštena za zastupanje, ukinut ce parnicne radnje što ih je ta osoba poduzela, ako te radnje nije stranka naknadno odobrila.

Clan 310.

(1) Stranka može punomoc u svako vrijeme opozvati, a punomocnik je može u svako vrijeme otkazati.

Article 347

1) If the complaint is being served, and the defendant to whom the service is directed is not found at the place where the service should be made, the deliverer shall inquire where and when the defendant may be found, and leave a written notice with persons referred to in Article 345, paragraphs 2 and 3 of this Law, or if that is not possible, post it on the door of the apartment or work place, informing the defendant to whom the service is directed to be in his/her apartment or workplace at a specific date and time in order to receive the service of the complaint.

2) If the deliverer, having proceeded in accordance with paragraph 1 of this Article, at the given date and time does not find the defendant to whom the service is directed, the service shall be performed according to the provisions of Articles 345 and 346 of this Law.

3) Documents other than the complaint may also be served in accordance with this Article when it is explicitly prescribed by this Law or when the court deems that greater caution is necessary.

Article 348

1) If it is established that the person to whom the service is directed is temporarily absent and that the persons referred to in Article 345, paragraphs 2 and 3 of this Law cannot deliver the document on time, the document shall be returned to the court with a note designating the whereabouts of the person on whom the service is to be made, and the service shall be attempted again at the appropriate time.

2) If it is established that the person to whom the service is directed does not reside at the given address, and the deliverer was able to determine the correct address of the person, service shall then be made to that subsequently determined address. If the correct address could not have been established, the document shall be returned to the court and the court shall request the party who provided the court with the original address, to provide the correct address.

3) If the defendant to whom the service is directed does not reside at his/her last known residence or domicile and his/her current place of residence or place of work cannot be determined, service shall be performed by simultaneous publication on the notice board of the court and in at least one daily newspaper which is distributed in the Federation.

4) Service shall be considered performed 15 days after the date of the publication.

5) In addition to the document, the publication shall contain the name of the person to be served, identification of the case and information as to when the service will be considered performed. If the document to be served is too long to be published in its entirety, the publication in the

(2) Opozivanje, odnosno otkaz punomoci mora se saopćiti sudu pred kojim se vodi postupak pismeno ili usmeno na raspravni zapisnik.

(3) Opozivanje, odnosno otkaz punomoci važi za protivnu stranku od trenutka kad joj je saopćen.

(4) Poslije otkaza punomoci, punomoćnik je dužan još 15 dana obavljati radnje za osobu koja mu je izdala punomoc, ako je potrebno da od nje otkloni kakvu štetu koja bi u to vrijeme mogla nastati.

Clan 311.

(1) Ako je punomoćniku dato ovlaštenje da može obavljati sve radnje u postupku, a stranka, odnosno njen zakonski zastupnik, umre ili postane poslovno nesposobna ili ako zakonski zastupnik bude razriješen dužnosti, punomoćnik je ovlašten i nadalje poduzimati radnje u postupku, ali nasljednik, odnosno novi zakonski zastupnik, može opozvati punomoc.

(2) U slučajevima navedenim u stavu 1. ovog clana, punomoćniku koji nije advokat uvijek prestaju ovlaštenja koja se u punomoci moraju izricito navesti (clan 307.).

Clan 312.

(1) Prestankom pravne osobe prestaje i punomoc koju je ona izdala.

(2) U slučaju stečaja, punomoc koju je izdao stečajni dužnik prestaje kad prema važećim propisima nastupe pravne posljedice otvaranja stečajnog postupka.

(3) Izuzetno od odredaba st. 1. i 2. ovog clana, punomoćnik je dužan još 15 dana obavljati radnje u postupku ako je potrebno da od stranke otkloni štetu.

daily newspaper shall contain, only a short description of the contents of the document.

6) A written notice informing the person to be served of the publication shall also be sent by ordinary mail to the last known place of residence of the person.

7) The plaintiff shall advance the payment of costs of the publication in the daily newspaper.

b) Service on Legal Persons

Article 349

1) As a rule, authorized legal person registered to conduct service or authorized court employee shall perform service on state organs and legal persons by delivering the document to one of the persons referred to in Article 339 paragraph 2 of this Law.

2) If the service cannot be performed in accordance with paragraph 1 of this Article, and the deliverer established that the seat of the state organ or the office or business premises of the legal person are located at that address, Article 346 of this Law shall be applied accordingly.

3) If it is established that there is no office or business premises of the legal person at the address registered as its seat in the appropriate register of legal persons, and the new seat of the legal person is not known, Article 348 paragraphs 3 to 7 of this Law shall be applied accordingly.

c) Refusal to Receive the Documents

Article 350

If the person to whom the service is directed, or an adult member of his/her household, an authorized person or employee of the governmental organ or legal person refuses to receive the document, the deliverer shall leave the document in the apartment or the work place of that person or post it at the door of the apartment or work place. S/he shall mark the day, hour and reason for refusal of the reception on the Acknowledgment of Service, as well as the place where s/he left the document, and service shall be considered performed.

d) Acknowledgement of Service

Article 351

1) The recipient and deliverer shall sign the certificate of performed service ("Acknowledgement of Service"). The recipient shall write on

XIII – JEZIK U POSTUPKU

Clan 313.

Pozivi, odluke i druga sudska pismena upućuju se strankama i drugim sudionicima u postupku na jednom od jezika iz člana 6. ovog zakona.

Clan 314.

Stranke i drugi sudionici u postupku pri sudjelovanju u postupku upotrebljavaju jedan od jezika iz člana 6. ovog zakona.

Clan 315.

(1) Stranke i umješaci koji ne poznaju nijedan od jezika iz člana 6. ovog zakona osigurati će o svom trošku usmeno i pismeno prevodenje procesnih radnji koje poduzimaju, kao i druga usmena i pismena prevodenja za svoje potrebe.

(2) Stranke i umješaci dužni su osigurati i prevodenje koje se odnosi na izvođenje dokaza koje su predložili.

(3) Prevodenje obavljaju tumaci.

the Acknowledgment of Service legibly, in letters, the date and place of receipt, his/her first and last name and in what capacity the person accepts the document.

2) If the recipient is illiterate or unable to sign the Acknowledgement of Service, the deliverer shall act as in the previous paragraph of this Article and put the remark as to the reason why the recipient did not put his/her signature.

3) If the recipient refuses to sign the Acknowledgement of Service, the deliverer shall indicate that on the Acknowledgement of Service and put in letters the date and place of service and thereby it will be considered that the service has been performed.

4) If service has been carried out in accordance with the provision of Article 347, paragraph 1 of this Law, in addition to the certification of receipt of the documents, the Acknowledgement of Service shall also indicate that the written notice was previously served.

5) If, in accordance with provisions of this Law, the document has been served on another person, and not on the person to whom the service is directed, the deliverer shall indicate the relationship between that person and the person to whom the document was to be served.

6) If service has been carried out in accordance with Article 346 of this Law, the deliverer shall indicate it on the Acknowledgment of Service, as well as the date and hour of the attempted service and the place where the written notice was left.

7) If the date of the service has been incorrectly or illegibly indicated on the Acknowledgement of Service, or if the Acknowledgement of Service has been lost, the service may be proved otherwise.

4. Change of Address

Article 352

1) If a party or its representative changes his/her address for service during the proceedings or before the expiration of time limit of six (6) months after the final ruling, he/she shall be obliged to notify the court of that change.

2) If a request for revision is filed against the final ruling within the time limit referred to in paragraph 1 of this Article, that time limit shall be extended until the expiration of six (6) months from the service on the party of the ruling dismissing or rejecting the request for revision or amending the contested ruling.

3) If a motion for reopening is filed against the final ruling within the time limit referred to in paragraph 1 of this Article, that time limit shall

XIV - VRIJEDNOST SPORA

Clan 316.

(1) Tužilac je dužan u tužbi označiti vrijednost predmeta spora, osim u slučajevima u kojima se vrijednost spora ne može izraziti u novcu.

(2) Kao vrijednost predmeta spora uzima se u obzir samo vrijednost glavnog zahtjeva.

(3) Kamate, ugovorna kazna i ostala sporedna traženja ne uzimaju se u obzir pri određivanju vrijednosti spora ako ne čine glavni zahtjev.

Clan 317.

Ako se zahtjev odnosi na buduća davanja koja se ponavljaju, vrijednost predmeta spora računa se po njihovom zbiru, ali najviše do iznosa koji odgovara zbiru davanja za vrijeme od pet godina.

Clan 318.

(1) Ako jedna tužba protiv istog tuženog obuhvata više zahtjeva koji se zasnivaju na istoj činjenici i pravnoj osnovi, vrijednost se određuje po zbiru vrijednosti svih zahtjeva.

(2) Ako zahtjevi u tužbi proizilaze iz raznih osnova, ili su istaknuti protiv više tuženih, vrijednost se određuje prema vrijednosti svakog pojedinog zahtjeva.

Clan 318.

Kad se spor vodi o postojanju najamnog ili zakupnog odnosa, ili iz odnosa korištenja stana, odnosno poslovnih prostorija, vrijednost se računa prema jednogodišnjoj najamnini, odnosno zakupnini, osim ako je riječ o najamnog ili zakupnog odnosu zaključenom na kratak vrijeme.

Clan 320.

Ako se tužbom zahtijeva samo davanje osiguranja određenog potraživanja ili ustanovljenje založnog prava, vrijednost predmeta spora određuje se prema iznosu potraživanja koje treba osigurati, ali ako predmet zaloga ima manju vrijednost od potraživanja koje treba osigurati, kao vrijednost predmeta spora uzet će se vrijednost predmeta zaloga.

Clan 321.

(1) Ako se tužbeni zahtjev ne odnosi na novčani iznos, ali tužilac u tužbi navede da pristaje da umjesto udovoljenja tom zahtjevu primi određeni novčani iznos, kao vrijednost predmeta spora uzet će se taj iznos.

be extended until the expiration of six (6) months after rendering the final ruling in proceedings against which appeal has not been filed or until the expiration of the time limit of six (6) months from the service of the ruling upon appeal on the party under which the procedure for reopening is finally concluded.

4) If the final ruling is reversed in extraordinary legal remedy proceedings and the case remanded for reopening, it shall be considered that the time limit referred to in paragraph 1 of this Article has not started to run.

5) If the party or its representative fail to immediately inform the court about the change of address, the court shall determine that further service in the proceedings be conducted by posting the documents on the court notice board, until the party or his/her representative provides the court with a new address for service.

6) The service referred to in paragraph 5 of this Article shall be considered performed fifteen (15) days after the notice is placed on the court notice board.

7) When the agent authorized to receive service of documents changes the address for service before the expiration of time limit referred to in paragraphs 1 through 3 of this Article and fails to inform the court thereof, the court shall appoint another agent for receipt of documents on whom the service shall be made.

5. Agent and Representative Authorized for Receiving the Service of Documents

Article 353

1) The plaintiff or his/her representative located abroad who do not have an agent in Bosnia and Herzegovina shall be obliged, when filing the complaint, to appoint an agent for receiving the service of documents in Bosnia and Herzegovina. If they fail to do so, the court shall direct them to appoint an agent for receiving the service of documents within a specified time limit. The court shall advise the persons to whom the direction is addressed that if they fail to act in accordance with the direction, the court shall dismiss the complaint.

2) On the initial service of a document on the defendant or his/her representative who are located abroad and do not have a representative in Bosnia and Herzegovina, the court shall direct them to appoint a representative for receiving the service of documents in Bosnia and Herzegovina. In that direction the court shall advise the persons to whom the direction is addressed, that if they fail to act in accordance with the direction, the court shall appoint a representative for receiving

(2) U drugim slučajevima, kad se tužbeni zahtjev ne odnosi na novčani iznos, mjerodavna je vrijednost predmeta spora koju je tužilac u tužbi naznačio.

(3) Ako je u slučaju iz stava 2. ovog člana, tužilac vrijednost predmeta spora suviše visoko ili suviše nisko naznačio, sud će najkasnije na pripremnom ročištu, a ako pripremno ročište nije održano, onda na glavnoj raspravi prije početka rasprave o glavnoj stvari, brzo i na prikladan način provjeriti tačnost naznačene vrijednosti, te rješenjem odrediti vrijednost predmeta spora.

(4) Protiv rješenja iz stava 3. ovog člana nije dopuštena posebna žalba.

Član 322.

Ako novčani iznos nije izražen u konvertibilnim markama, već u drugoj valuti, vrijednost predmeta spora se utvrđuje u konvertibilnim markama, po srednjem kursu odnosne valute koji je utvrdila nadležna finansijska organizacija u vrijeme podnošenja tužbe.

XV – ROKOVI I ROCIŠTA

1. Rokovi

Član 323.

(1) Ako rok nije određen zakonom, određuje ga sud s obzirom na okolnosti slučaja.

(2) Rok koji sud odredi izuzetno se može produžiti na prijedlog zainteresovane osobe ako za to postoje opravdani razlozi.

(3) Prijedlog za produženje roka se mora podnijeti prije protoka roka čije se produženje traži.

(4) Protiv rješenja o produženju roka nije dopuštena žalba.

Član 324.

(1) Rokovi se računaju na dane, mjesec i

the service of documents at his/her expense and through this representative inform thereof the defendant or his/her representative.

3) If a party terminates a power of attorney to his/her agent for receiving service of documents and fails to appoint another one for that purpose, service shall be carried out by posting the documents on the court notice board, until that party appoints another agent for receiving documents.

4) If the agent for service terminates the power of attorney and the party fails to appoint another agent within thirty (30) days from the date when the court is informed about the termination, the court shall, at the expense of the party, appoint a representative for service and conduct all service through the appointed representative until it receives the information from the party of a new representative for this purpose.

5) The plaintiff shall be obliged to advance the costs for the defendant's appointed representative for service.

Article 354

1) If several persons sue jointly and they do not have a joint legal representative or agent, the court may direct them to appoint, within a specified time limit, a joint agent authorized to receive service of documents. If joint litigants fail to appoint such a person, the court shall nominate one of the parties to act as joint agent to receive service of documents. The court shall inform the parties who they have appointed as joint agent for this purpose.

2) The provisions of paragraph 1 of this Article shall be applied accordingly in cases where several persons have been sued together as joint co-litigants.

6. Service by the Parties

Article 355

1) The party him/herself may conduct the service of Pleadings relating to the proceedings on the adverse party, except for the complaint, the counter-claim or the legal remedies.

2) In cases referred to in paragraph 1 of this Article, the party shall serve one copy personally on the adverse party or his/her legal representative or agent, as appropriate, and deliver one copy to the court with the notification and proof that the service on the adverse party has already been carried out.

3) The provisions on service of this Chapter shall apply accordingly to service under paragraph 2 of this Article, with the exception of provisions of Articles 345 paragraphs 2 to 6, 346, 347, 348, 349 paragraphs 2 and 3, 350 and 351 paragraphs 2 to 6.

godine.

(2) Ako je rok određen na dane, u rok se ne uracunava dan kad je dostava ili saopćenje obavljeno, odnosno dan u koji pada događaj otkad treba racunati trajanje roka, vec se za pocetak roka uzima prvi iduci dan.

(3) Rokovi određeni na mjesece, odnosno na godine završavaju se protekom onog dana posljednjeg mjeseca, odnosno godine, koji po svom broju odgovara danu kad je rok otpoceo. Ako nema tog dana u posljednjem mjesecu, rok se završava posljednjeg dana tog mjeseca.

(4) Ako posljednji dan roka pada na državni praznik ili u nedjelju ili u koji drugi dan kad sud ne radi, rok istjece protekom prvog iduceg radnog dana.

Clan 325.

(1) Kad je podnesak vezan za rok, smatra se da je podnesen u roku ako je prije nego što rok protekne predan nadležnom sudu.

(2) Ako je podnesak upućen preko pošte preporučenom pošiljkom ili telegrafski, dan predaje pošti smatra se danom predaje sudu kojem je upućen, a ako je podnesak upućen telefaksom, danom predaje smatra se dan prijema telefaksa u sudu.

(3) Ako je podnesak upućen elektronskom poštom, kao vrijeme predaje sudu smatra se vrijeme koje je naznačeno na verifikaciji kvalifikovanog elektronskog potpisa.

(4) Ako je podnesak upućen telegrafski, a ne sadrži sve što je potrebno da bi se po njemu moglo postupiti, smatrat će se da je podnesen u roku ako uredan podnesak naknadno bude predat sudu ili bude upućen sudu preporučenom pošiljkom u roku od tri dana od dana predaje telegrama pošti.

(5) Za osobe koje se nalaze na obaveznoj vojnoj službi u vojsci Federacije, dan predaje podneska vojnoj jedinici, odnosno vojnoj ustanovi smatra

XVIII - REVIEWING AND TRANSCRIBING FILES

Article 356

- 1) The parties shall have the right to review and transcribe files related to the litigation they participate in.
- 2) Reviewing and transcribing certain files can be permitted to other persons who have justified interest to do so.
- 3) The permission shall be given by the president of the panel when the proceedings is underway, and when the proceedings have been terminated – by the President of the court or employee of the court designated by him/her.

XIX - EXEMPTION

Article 357

A judge cannot adjudicate the case if:

- 1) S/he is the party, legal representative, authorized agent, co-agent, co-debtor, regressive debtor, or has taken or was called to take the stand as a witness or court expert.
- 2) The party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not.
- 3) S/he is the guardian, adoptive parent or adopted child of a party, party's legal representative or an agent.
- 4) S/he has participated in reaching the judgment of the inferior instance court or another organ in the same case.
- 5) There are other circumstances that call into question his/her impartiality.

Article 358

- 1) A party shall submit the request for the exemption of a judge as soon as it learns that a reason for the exemption exists, until the conclusion of the hearing at the latest and if the hearing has not been held until rendering the ruling.

se danom predaje sudu.

(6) Odredba stava 4. ovog člana odnosi se i na ostale osobe koje se nalaze u službi u vojnim jedinicama odnosno vojnim ustanovama ili štabovima vojske Federacije u mjestima u kojima ne postoji redovna pošta.

(7) Za osobe lišene slobode dan predaje podneska upravi zatvora, odnosno ustanove za izvršenje krivičnih i prekršajnih sankcija smatra se danom predaje sudu.

(8) Ako je podnesak koji je vezan za rok predan ili upućen nenadležnom sudu prije proteka roka, a stigne nadležnom sudu nakon proteka roka, smatrat će se da je na vrijeme podnesen.

(9) Odredbe st.1. do 7. ovog člana primijenjuju se i na rok u kojem se prema posebnim propisima mora podići tužba, te na rok zastare potraživanja ili nekog drugog prava.

2. Rocište

Član 326.

(1) Rocište određuje sud kad je to zakonom propisano.

(2) Sud će na rocište pozvati stranke i ostale osobe čije se prisustvo smatra potrebnim.

(3) U pozivu sud će naznačiti mjesto, prostoriju i vrijeme održavanja rocišta, te navesti stranke i predmet spora.

(4) Sud će u pozivu osobito upozoriti stranke i ostale sudionike u postupku na zakonske posljedice izostanka s rocišta.

Član 327.

(1) Rocište se, u pravilu, održava u sudskoj zgradi.

(2) Sud može odlučiti da se rocište održi izvan sudske zgrade kad ustanovi da je to nužno ili da će se na taj način uštedjeti u vremenu ili u troškovima postupka. Protiv takvog rješenja nije

2) In the legal remedy or the response to the legal remedy, a party may name the judge who should not participate in reaching the ruling based on the reasons referred to in Article 357 of this Law.

3) A party can put forward the request for exemption only for judge who is assigned to the case.

4) A party shall be obliged to specify the circumstances considered as the legal basis for the exemption.

Article 359

1) The Court President shall decide on the request for exemption of a judge.

2) If a party requests the exemption of the court president, the president of an immediately higher court shall render the decision thereon.

3) Parties' request for exemption of the Federation Supreme Court President shall be decided at the general session of that court.

4) Prior to rendering the decision on exemption of a judge, a statement from the judge in question shall be taken, while another investigation shall be conducted if necessary.

5) The appeal against the decision granting exemption and the interlocutory appeal against decision denying the request shall not be allowed.

Article 360

Once the judge learns that an application for his/her exemption has been made or as soon as s/he learns that there is a reason for his/her exemption under Article 357, s/he shall immediately notify the court president and continue hearing the proceedings without delay until the ruling on exemption is passed. If the exemption of the court president is requested, s/he shall designate a deputy from among the judges of the court, and if this cannot be done, the provisions of Article 49 of this Law shall be applied, while the proceedings shall be continued until the ruling on the exemption request is passed.

Article 361

1) The provisions of this Law on exemption of judges shall be applied accordingly for the exemption of recorder.

2) The judge shall decide on the exemption of a recorder.

XX - CO-LITIGANTS

dopuštena žalba.

3. Povrat u prijašnje stanje

Clan 328.

(1) Ako stranka propusti ročište ili rok za poduzimanje neke radnje u postupku i zbog toga izgubi pravo na poduzimanje te radnje, sud ce toj stranci na njen prijedlog dopustiti da naknadno obavi tu radnju (povrat u prijašnje stanje) ako ocijeni da je do propuštanja došlo usljed opravdanih razloga koji se nisu mogli predvidjeti niti izbjeći.

(2) Kad se dopusti povrat u prijašnje stanje, parnica se vraća u ono stanje u kojem se nalazila prije propuštanja i ukidaju se sve odluke koje je sud zbog propuštanja donio.

Clan 329.

(1) Prijedlog za povrat u prijašnje stanje podnosi se sudu kod kojeg je trebalo obaviti propuštenu radnju.

(2) Prijedlog se podnosi u roku od osam dana, računajući od dana kad je prestao razlog koji je uzrokovao propuštanje, a ako je stranka tek kasnije saznala za propuštanje – od dana kad je za to saznala.

(3) Nakon proteka 60 dana od dana propuštanja ne može se tražiti povrat u prijašnje stanje.

(4) Ako se povrat u prijašnje stanje predlaže zbog propuštanja roka, predlagac je dužan istovremeno s podnošenjem prijedloga obaviti i propuštenu radnju.

Clan 330.

Ne može se zahtijevati povrat u prijašnje stanje ako je propušten rok za stavljanje prijedloga da se dopusti povrat u prijašnje stanje, ili ako je propušteno ročište određeno u povodu prijedloga za povrat u prijašnje stanje.

Clan 331.

Article 362

1) Several individuals may institute or be subject to legal proceedings in one complaint (“Co-litigants”) if:

1. They are in legal relationship with regard to the disputed matter or if their rights or obligations arise from or out of the same factual and legal basis (“Material Co-litigants”); or
2. The main matter of the dispute are claims or obligations of the same type based on an essentially similar factual and legal basis, and if there is subject-matter and territorial jurisdiction of the same court for each claim and each defendant (formal co-litigants);
3. Another law specifies this.

1) Until the conclusion of the preparatory hearing and under the conditions referred to in paragraph 1 of this Article, a new plaintiff may join the plaintiff, or the complaint may be extended to include another defendant with his/her consent.

2) A person joining the complaint or a person onto whom the complaint is being extended must accept the status of the litigation at the date of the joinder.

Article 363

1) A plaintiff may bring an action against two or more defendants in one complaint by requesting that the complaint be accepted against the subsequent defendant if the claim against the defendant stated in the complaint before him/her is refused.

2) A plaintiff may institute proceedings against two or more defendants in one complaint, in the manner regulated in paragraph 1 of this Article, only if s/he states the same claim against each of them or different interrelated claims against one of them, and if the same court is substantively and territorially competent for each claim.

Article 364

An individual, entirely or partially claiming a thing or a right which is the subject of litigation between other people, may sue both parties in one complaint before the court where proceedings are underway, until the final conclusion of the proceedings is reached.

Article 365

Each co-litigant shall be an independent party in litigation and his/her actions or failures shall neither benefit nor harm other co-litigants.

Sud će odmah odlučiti o prijedlogu za povrat u prijašnje stanje i nastaviti postupak.

Clan 332.

(1) Neblagovremene i nedopuštene prijedloge za povrat u prijašnje stanje, odbacit će sud rješenjem.

(2) U vezi s prijedlogom za povrat u prijašnje stanje sud će zakazati ročište, osim ako su činjenice na kojima se prijedlog zasniva opečoznate.

Clan 333.

(1) Protiv rješenja kojim se usvaja prijedlog za povrat u prijašnje stanje nije dopuštena posebna žalba.

(2) Protiv rješenja kojim se odbija prijedlog za povrat u prijašnje stanje nije dopuštena posebna žalba, osim ukoliko je prijedlog podnesen zbog donošenja presude zbog propuštanja.

XVI – PODNESCI

Clan 334.

(1) Tužba, odgovor na tužbu, protivtužba, odgovor na protivtužbu, pravni lijekovi i druge izjave, prijedlozi i saopćenja koji se daju izvan rasprave, podnose se pismeno (podnesci). Uvjet pismene forme ispunjavaju i podnesci upućeni telegramom, telefaksom ili elektronskom poštom. Ovakvi podnesci se smatraju potpisanim, ako je u njima označen pošiljalac.

(2) Podnesci moraju biti razumljivi i moraju sadržavati sve ono što je potrebno da bi se u vezi s njima moglo postupiti. Osobito trebaju sadržavati: oznaku suda, ime i prezime odnosno naziv pravne osobe, prebivalište ili boravište, odnosno sjedište stranaka, njihovih zakonskih zastupnika i punomocnika, ako ih imaju, predmet spora, sadržaj izjave i potpis podnositelja.

(3) Ako izjava sadrži kakav zahtjev, stranka mora u podnesku navesti činjenice i dokaze na

Article 366

If, according to law or due to the nature of legal relation, the dispute can be resolved only in an equal manner to all co-litigants (“Joint Co-Litigants”), they shall be considered as one litigant party, so that if certain co-litigants omit an action during the litigation process, the effect of litigation actions taken by other co-litigants shall be extended to include those who have not undertaken these actions.

Article 367

If time limits for performing certain litigation action for Joint Co-Litigants expire at different times, such a litigation action may be commenced by any co-litigant until the period for the commencement of such action for any of them is still running.

Article 368

Each co-litigant shall be entitled to file motions regarding the course of the litigation.

XXI - PARTICIPATION OF THIRD PARTIES IN LITIGATION

1. Participation of Intervenients

Article 369

- 1) A person, having a legal interest in the success of one party in the ongoing litigation between other individuals may join that party.
- 2) Until the ruling on a claim becomes final and binding, as well as during the extraordinary legal remedy proceedings, an intervenient may join ongoing litigation.
- 3) A statement on joining the litigation may be given by an intervenient at the hearing or in a written Pleading.
- 4) The Pleading of an intervenient shall be delivered to both litigants, and if the statement has been given at the hearing, the transcript of that part of the record shall be delivered only to the litigant who failed to appear at the hearing.

Article 370

kojima zasniva svoj zahtjev.

(4) Podnesci koji se dostavljaju elektronskom poštom moraju biti ovjereni kvalifikovanim elektronskim potpisom.

(5) Podnesci sa priložima koji se dostavljaju protivnoj stranci, predaju se sudu udovoljnom broju primjeraka za sud i protivnu stranku.

Clan 335.

(1) Isprave koje se prilažu podnesku podnose se u izvorniku, prepisu ili fotokopiji.

(2) Ako stranka priloži ispravu u izvorniku, sud će takvu ispravu zadržati, a protivnoj stranci dopustiti da je razgleda. Kad prestane potreba da se takva isprava drži u spisima predmeta, vratit će se podnositelju na njegov zahtjev, ali sud može tražiti od podnositelja da spisima priloži prepis ili fotokopiju isprave.

(3) Ako je isprava priložena u prepisu ili fotokopiji, sud će na zahtjev protivne stranke pozvati podnositelja da podnese sudu ispravu u izvorniku, a protivnoj stranci dopustiti da je pregleda. Sud će odrediti rok u kojem se isprava ima predati odnosno pregledati.

(4) Protiv tih rješenja nije dopuštena žalba.

Clan 336.

(1) Ako je podnesak nerazumljiv ili ne sadrži sve što je potrebno da bi se po njemu moglo postupiti, sud će podnositelju vratiti podnesak radi ispravke ili dopune, uz navode šta treba ispraviti ili dopuniti i odredit će rok za ispravku ili dopunu podneska, koji ne može biti duži od osam dana.

(2) Ako podnesak vezan za rok bude ispravljen odnosno dopunjen i predan sudu u roku određenom za dopunu ili ispravku, smatrat će se da je podnesen sudu onog dana kad je prvi put bio podnesen.

(3) Smatrat će se da je podnesak povučen ako ne bude vraćen sudu u određenom roku, a ako bude

1) Each party may contest the right of an intervenient to participate in the proceedings and propose that the participation of the intervenient be denied.

2) Until the decision denying participation of an intervenient becomes final, the intervenient may participate in the proceedings and his/her litigation actions cannot be excluded.

3) Interlocutory appeal shall not be allowed against the court decision accepting the participation of an intervenient.

Article 371

1) When joining the litigation, an intervenient must accept litigation in the existing form. In the course of litigation, s/he shall be authorized to file motions and take all other litigation actions within time limits in which the party s/he has joined might take actions.

2) If an intervenient has joined the litigation until the ruling on the claim has become final, s/he shall also be authorized to file an extraordinary legal remedy.

3) If an intervenient files a legal remedy, the copy of his/her Pleading shall also be served on the party s/he has joined.

4) Litigation actions of an intervenient have legal effect on the party s/he has joined if they do not contravene actions of the party.

5) After the consent of all litigants, an intervenient may enter the litigation as a party instead of the party s/he has joined.

2. Notifying the Third Party on the Proceedings

Article 372

1) If the defendant or the plaintiff need to notify a third party about the initiated proceedings in order to create a certain civil-law effect, they can do it at any time before the ruling in the proceedings becomes final, by a notification submitted through the first instance court, in which they will indicate the reason for notification and describe the state of the proceedings.

2) The party who has notified the third party on the proceedings cannot, due to that reason, request the stay of the proceedings, prolongation of the time limits or postponement or adjournment of the hearing.

vracen bez ispravke odnosno dopune, odbacit ce se.

XXII - COURT RECORDS

Article 373

(4) Ako podnesci ili prilozi nisu podneseni u dovoljnom broju primjeraka, sud ce pozvati podnositelja da ih u određenom roku podnese. Ako podnosilac ne postupi po tom nalogu, sud ce podnesak odbaciti.

1) Actions commenced during the hearing shall be entered in the court records.

2) The records shall also include relevant statements or announcements that the parties or other participants make outside the hearing. Irrelevant statements and announcements shall not be entered in the records but only officially noted in the file instead.

3) The record taker shall keep record.

XVII– DOSTAVA PISMENA

1. Opce odredbe

a) Nacin dostave pismena

Clan 337.

Pismena se dostavljaju preko pošte, preko ovlaštene pravne osobe registrovane za obavljanje poslova dostavljanja ili preko ovlaštene službene osobe suda.

Clan 338.

(1) Kad dostavu treba obaviti osobama ili ustanovama u inostranstvu ili strancima koji uživaju pravo imuniteta, dostava ce se obaviti diplomatskim putem, ako u međunarodnom ugovoru ili u ovom zakonu nije što drugo određeno.

(2) Državljanima Bosne i Hercegovine u inostranstvu dostava se obavlja putem pošte ili preko nadležnog konzularnog, odnosno diplomatskog predstavništva Bosne i Hercegovine u toj državi.

b) Dostava fizickim i pravnim osobama

Clan 339.

(1) Dostava fizickim osobama obavlja se predajom pismena osobi kojoj se dostava ima obaviti, ako ovim zakonom nije drugacije određeno.

(2) Ako ovim zakonom nije drugacije određeno, dostava organima vlasti i pravnim osobama obavlja se predajom pismena osobi ovlaštenoj za primanje pismena, ili, ako se takva osoba ne

Article 374

1) The record shall include the following: the name and composition of the court, place, day and hour of the action that is to be commenced, brief description of the disputed matter and names of the parties, or third parties and their legal representatives or authorized agents.

2) The record also needs to contain important information about the commenced actions. The records on the main hearing shall especially include whether the conducted hearing was public or the public was excluded, contents of the parties' statements, their motions, evidence they proposed, the presented evidence, witness and expert statements as well as rulings passed at the hearing or original ruling following the conclusion of the main hearing.

3) The records must be properly kept, without erasing, adding or changing anything. Lines that are struck out must remain legible.

Article 375

1) The record shall be kept as follows: the judge dictates to the record keeper what to enter in the minutes and a party or its agent dictate if the judge allows them to do so.

2) Parties shall have the right to read the record or demand that it is read to them and give their remarks with regard to the content.

3) This right shall also be applied to other individuals whose statements were entered in the minutes in respect of that part of the record pertaining to their statement.

4) Corrections or additions concerning the contents of the record that need to be carried out upon the objections of parties or other individuals or ex officio shall be entered at the end of the minutes.

5) Objections that were overruled shall be also entered at the request of these individuals.

zatekne u uredu odnosno poslovnoj prostoriji, zaposleniku koji se tu zatekne.

Clan 340

(1) Kad stranku zastupa zakonski zastupnik, odnosno punomocnik, dostava se obavlja zakonskom zastupniku odnosno punomocniku.

(2) Kad organi vlasti ili pravne osobe za svog punomocnika odrede osobu koja je njihov radnik, dostava se može obaviti i u skladu s odredbom clana 339. stav 2. ovog zakona.

(3) Ako stranka ima više zakonskih zastupnika, odnosno punomocnika, dovoljno jedostavu obaviti jednom od njih.

(4) Dostava advokatu kao punomocniku može se obaviti i predajom pismena osobi koja je zaposlena u njegovoj advokatskoj kancelariji.

Clan 341.

(1) Vojnim osobama, pripadnicima policije i pripadnicima kopnenog, riječnog, pomorskog i vazdušnog prometa dostava se može obaviti i preko njihovog zapovjedništva, odnosno neposrednog starješine.

(2) Osobama lišenim slobode dostava se obavlja preko uprave zatvora, odnosno uprave ustanove za izvršenje krivičnih i prekršajnih sankcija.

Clan 342.

(1) Dostava pravnoj osobi može se obaviti i putem njene poslovne jedinice, ako spor proizlazi iz pravnog odnosa te jedinice.

(2) Dostava pravnoj osobi koja ima sjedište u inostranstvu, može se obaviti i putem njenog zastupništva, odnosno predstavništva u Bosni i Hercegovini ili Federaciji.

c) Vrijeme i mjesto dostave

Clan 343.

(1) Dostava se obavlja svakim danom, u bilo koje vrijeme, u stanu ili na radnom mjestu fizičke osobe, u sjedištu organa vlasti, u uredu odnosno poslovnim prostorijama pravne osobe kojoj se dostava ima obaviti, ili u sudu kad se osoba kojoj se dostava ima obaviti tamo zatekne.

(2) Dostava se može obaviti na bilo kojem

Article 376

1) The record shall be signed by the judge, record keeper, parties or their legal representatives or agents, as well as interpreters.

2) Witnesses and experts shall sign their statements in the record when they are heard before the judge carrying out functions on behalf of another judge at its request.

3) An illiterate person or a person who cannot write his/her name shall put his/her index fingerprint while the record keeper write the first and last name for these persons.

4) Should any party, its legal representative or an authorized agent, witness or expert leave before signing the record or refuse to sign the record, such an action shall be noted, specifying the reasons they presented.

Article 377

1) Separate minutes shall be prepared for panel's conferring and voting. If a higher court passed a unanimous ruling, in the proceedings involving legal remedy, it shall not be entered in the record, but a note on conferring and voting shall be put instead in the original of the ruling.

2) The minutes on conferring and voting shall contain the course of voting and the ruling rendered.

3) The record shall be signed by panel members and the record keeper. The record on conferring and voting shall be closed in a separate envelope. Only the higher court may review this record when deciding on a legal remedy and in such a case the minutes shall be put again in a separate envelope, noting on the envelope that the minutes were reviewed.

4) The note on voting shall be signed by all members of the panel.

XXIII - STAY OF PROCEEDINGS

Article 378

The proceedings shall be stayed when:

1) A party dies or loses litigation capacity while having no agent in that litigation;

mjestu, ako se obavlja osobnim urucenjem pismena osobi kojoj se dostava ima obaviti.

2. Dostava putem pošte

Clan 344.

Dostava putem pošte obavlja se:

- 1) preporucenom pismonosnom pošiljkom sa povratnicom, ili
- 2) obicnom pismonosnom pošiljkom, u kojoj se uz pismeno dostavlja i obrazac o potvrđi prijema, koji osoba kojoj se pismeno dostavlja mora potpisati i vratiti sudu.

3. Dostava preko ovlaštene pravne osobe ili ovlaštene službene osobe suda

a) Dostava fizickim osobama

Clan 345.

(1) Ovlaštena pravna osoba registrovana za obavljanje poslova dostavljanja i ovlaštena službena osoba suda dostavu fizickim osobama, u pravilu obavljaju predajom pismena osobi kojoj se dostava ima obaviti.

(2) Ako se osoba kojoj se pismeno ima dostaviti ne zatekne u svom stanu, dostava se obavlja predajom pismena kome od njenih odraslih clanova domacinstva koji je dužan primiti pismeno, a ako se oni ne zateknu u stanu, pismeno ce se predati kucepazitelju ili susjedu ako oni na to pristanu.

(3) Ako se dostava obavlja na radnom mjestu osobe kojoj se pismeno ima dostaviti, a ta osoba se tu ne zatekne, dostava se može obaviti osobi koja na istom mjestu radi, ako ona pristane da primi pismeno.

(4) Predaja pismena drugoj osobi nije dopuštena ako ona sudjeluje u parnici kao protivnik osobe kojoj se dostava ima obaviti.

(5) Osobe kojima se prema odredbama st. 2. i 3. ovog clana dostava obavi umjesto osobi kojoj se

- 2) A party's legal representative as provided by law dies or his/her authorization of representation ceases, and the party has no agent in that litigation;
- 3) A party who is a legal person ceases to exist or when the competent organ validly decides on prohibition of business practice;
- 4) Legal consequences of instituting the bankruptcy procedure arise;
- 5) The court ceases to function due to war or other causes;
- 6) Stipulated by other law.

Article 379

1) In addition to cases explicitly provided by this Law, the court shall determine the stay of proceedings if:

1. It has decided not to resolve a preliminary issue on its own ;
2. A party is located in the region from which the court is not accessible due to extraordinary conditions such as flood and the like.

2) A court may order a stay of proceedings if the ruling on the Statement of Claim cannot be made before a ruling is made in criminal or commercial offence proceedings.

Article 380

1) All time limits set for commencing litigation actions shall be terminated during the stay of proceedings.

2) During the stay of proceedings, the court may not commence any actions in the proceedings, but if the stay has occurred after the completion of the main hearing, the court may render a ruling on the basis of that hearing.

3) Litigation actions commenced by one party during the stay of proceedings shall have no legal effect upon other litigant. Their effect shall start only after the proceedings have been resumed.

Article 381

1) The proceedings stayed due to reasons stated in Article 378, paragraphs 1 to 4 of this Law, shall resume when an heir or a trustee of hereditary property, a new legal representative as provided by law, trustee in bankruptcy, or legal successor of a legal person takes over the proceedings, or when the court, at the motion of the adverse party, calls them to do so.

2) If the court has stayed the proceedings due to the reasons stated in Article 379, paragraph 1, sub-paragraph 1 and paragraph 2 of this Law,

pismeno ima dostaviti, dužne su pismeno predati toj osobi, na što će ih dostavljač i upozoriti prilikom uručivanja pismena.

(6) Kad se dostava obavi prema odredbama st. 2. ili 3. ovog člana, osoba kojoj se pismeno imalo dostaviti o tome će biti obaviještena slanjem pismene obavijesti preko pošte, običnom pismenom pošiljkom. U pismenoj obavijesti navodi se predmet spora, vrsta pismena koje se ima dostaviti, datum, sat i mjesto dostave pismena, te ime i prezime osobe koja je primila pismeno. Obavijest se mora poslati tokom istog dana ili sljedećeg radnog dana nakon obavljene dostave.

Član 346.

(1) Ako se pismeno ne može dostaviti na način predviđen u članu 345. ovog zakona, a dostavljač utvrdi da osoba kojoj se pismeno ima dostaviti stanuje na adresi na kojoj se dostava pokušava obaviti, ostavice u stanu ili u prostorijama gdje ta osoba radi, ili pribiti na vrata stana ili prostorije, pismenu obavijest da će pismeno biti ostavljeno u sudu i da ga ta osoba tamo može preuzeti u roku od 15 dana od dana pokušaja dostave. U pismenoj obavijesti navodi se i predmet spora, vrsta pismena koje se ima dostaviti, datum i sat kada je obavijest ostavljena, te naziv i adresa suda gdje se pismeno može preuzeti.

(2) Tokom istog dana ili sljedećeg radnog dana nakon pokušaja dostave iz stava 1. ovog člana, pismena obavijest sa podacima navedenim u tom stavu poslaće se osobi kojoj se dostava ima obaviti i preko pošte, običnom pismenom pošiljkom.

(3) Dostava će se smatrati obavljenom na dan kada osoba kojoj se pismeno ima dostaviti preuzme pismeno u sudu, a ako pismeno ne bude preuzeto, istekom roka iz stava 1. ovog člana.

Član 347.

(1) Ako se dostavlja tužba, a tuženi kojem se tužba ima dostaviti se ne zatekne tamo gdje se dostavljanje ima obaviti, dostavljač će se obavijestiti kad bi i na kojem mjestu mogao

the proceedings shall resume when it is validly concluded before court or other competent organ, or when the court establishes that the reasons for its conclusion cease to exist.

3) In all other cases the stayed proceedings shall resume at the motion of a party as soon as the reasons for the stay cease to exist.

4) Time limits that have ceased to run due to the stay of proceedings shall start to run anew for the party concerned from the day when the court delivers the decision on the resumption of the proceedings to that party.

5) Service of the decision on resuming the proceedings on the party who did not file the motion to resume the proceedings, shall be made in accordance with the provisions of Article 347 of this Law.

Article 382

1) Appeals against decisions that determine the stay of proceedings shall not delay enforcement of the decision.

2) If at a hearing the court denies the motion to stay the proceedings and decides to continue with proceedings, no interlocutory appeal shall be allowed against this decision.

XXIV - COSTS OF PROCEEDINGS

1. Litigation costs

Article 383

1) Litigation costs shall include expenses incurred during the proceedings or in connection therewith.

2) Litigation costs shall also include the remuneration for work of attorneys and other persons whose right to remuneration is envisaged by law.

Article 384

Each party shall, individually and in advance, cover the costs incurred by his/her actions.

Article 385

1) When a party proposes the of evidence, s/he shall be obliged to, pursuant to court's order and in advance, deposit the amount required for covering the costs, incurred by the presentation of evidence.

tuženog zateci, te ce mu kod jedne od osoba navedenih u clanu 345. st. 2. i 3. ovog zakona ostaviti, ili, ako to nije moguće, na vrata stana ili prostorije gdje se dostava obavlja pribiti, pismenu obavijest da radi primanja tužbe bude u određeni dan i sat u svom stanu, odnosno na svom radnom mjestu.

(2) Ako dostavljač, i nakon što je postupio na način predviđen u stavu 1. ovog člana, u vrijeme određeno u obavijesti ne zatekne tuženog kojem se tužba ima dostaviti, dostava ce se obaviti prema odredbama cl. 345. i 346. ovog zakona.

(3) Druga pismena, osim tužbe, mogu se dostaviti prema odredbama st. 1. i 2. ovog člana, ako je to ovim zakonom izricito određeno ili ako sud smatra da je prilikom dostave potrebna veća opreznost.

Clan 348.

(1) Ako se utvrdi da je osoba kojoj se pismeno ima dostaviti privremeno odsutna i da joj osobe navedene u članu 345. st. 2. i 3. ovog zakona ne mogu pismeno na vrijeme predati, vratiti ce pismeno sudu uz naznaku gdje se odsutni nalazi, a dostava ce ponovo biti pokušana u odgovarajuće vrijeme.

(2) Ako dostavljač utvrdi da osoba kojoj se pismeno ima dostaviti ne stanuje na adresi na kojoj se dostava pokušava obaviti, ali istovremeno utvrdi tačnu adresu te osobe, dostava ce se obaviti na naknadno utvrđenoj adresi. Ako dostavljač ne može utvrditi tačnu adresu osobe kojoj se pismeno ima dostaviti, pismeno ce vratiti sudu, a sud ce od stranke, koja je prvobitno sud obavijestila o adresi te osobe, zatražiti da dostavi tačnu adresu.

(3) Ako je utvrđeno da tuženi kome se dostava ima obaviti ne stanuje na adresi svog posljednjeg poznatog boravišta ili prebivališta, a njegovo sadašnje boravište ili radno mjesto se ne mogu utvrditi, dostava pismena ce se obaviti istovremenim objavljuvanjem pismena na oglasnoj ploči suda i u najmanje jednim dnevnim novinama koje se distribuiraju u Federaciji.

2) When both parties propose the evidence, the court shall order them to deposit the amount necessary for covering the costs.

3) The court shall reject the application for the presentation of evidence if the amount required for covering the costs is not deposited within the time limit set by the court.

4) As an exception from the provision of paragraph 3 of this Article, if the court orders *ex officio* the presentation of evidence in order to establish facts referring to the application of Article 3, paragraph 2 of this Law and the parties do not deposit the amount set, the costs of the presentation of evidence shall be advanced from the court funds.

Article 386

1) The party that has lost the litigation in its entirety shall cover the winning party's costs.

2) If the party was partially successful, the court may, depending on the success in the proceedings, order each party to cover its own costs, or one party to cover a proportionate part of other party's costs.

3) The court may decide that a party covers all the costs of the adverse party, if the adverse party failed to succeed in a small part of his/her claim only and no separate costs were incurred in connection to that part of the claim.

4) On the basis of the outcome of the presentation of evidence, the court shall decide if the costs referred to in Article 385 paragraph 4 of this Law shall be covered by one or both parties or the court.

Article 387

1) When deciding on the costs which are to be compensated to the party, the court shall take into account only the costs necessary for conducting the litigation. When deciding which costs have been necessary and the amount thereof, the court shall evaluate all circumstances.

2) If there is a prescribed tariff for remuneration for the work of attorneys or for other costs, the costs shall be measured up according to the tariff.

Article 388

Regardless of the outcome of the proceedings, a party shall be obliged to reimburse the costs of the adverse party which have been incurred by his/her fault or incident that happened to him/her.

Article 389

(4) Dostava se smatra obavljenom protekom roka od 15 dana od dana objavlivanja.

(5) U objavi se, osim pismena koje se ima dostaviti, navodi i ime i prezime osobe kojoj se dostava obavlja, predmet spora i obavijest o tome kada se dostava pismena smatra obavljenom. Prilikom objave u dnevnim novinama, ako je pismeno koje se dostavlja predugo da bi bilo objavljeno u cjelosti, objavljuje se samo kratak sadržaj pismena.

(6) Osoba kojoj se dostava obavlja, bice obaviještena o objavi slanjem pismene obavijesti preko pošte, obicom pismonosnom pošiljkom, na adresu njenog posljednjeg poznatog boravišta.

(7) Troškove objave u dnevnim novinama predujmljuje tužilac.

b) Dostava pravnim osobama

Clan 349.

- 1) Ovlaštena pravna osoba registrovana za obavljanje poslova dostavljanja i ovlaštena službena osoba suda dostavu organima vlasti i pravnim osobama u pravilu, obavljaju predajom pismena jednoj od osoba iz clana 339. stav 2. ovog zakona.
- 2) Ako se dostava ne može obaviti prema odredbi stava 1. ovog clana, a dostavljac utvrdi da se sjedište organa vlasti odnosno ured ili poslovne prostorije pravne osobe nalaze na adresi na kojoj se dostava pokušava obaviti, na odgovarajuci nacin se primjenjuju odredbe clana 346. ovog zakona.
- 3) Ako se utvrdi da se ured ili poslovne prostorije pravne osobe ne nalaze na adresi koja je upisana kao sjedište te pravne osobe u odgovarajucem registru pravnih osoba, a njeno novo sjedište nije poznato, na odgovarajuci nacin se primjenjuju odredbe clana 348. st. 3. do 7. ovog zakona.

c) Odbijanje prijema pismena

Clan 350.

Kad osoba kojoj je pismeno upuceno, odnosno

If the defendant had already acknowledged his/her obligation disclosed in the complaint and was ready to fulfil it and, in these circumstances, the plaintiff filed the complaint, the latter's conduct shall be deemed to be unreasonable and s/he shall compensate the defendant's costs.

Article 390

The plaintiff who withdraws the complaint shall be obliged to compensate the litigation costs to the adverse party, except in case the withdrawal occurred after the defendant has met the plaintiff's claim.

The party who expressly waives the right to legal remedy shall compensate the costs to the adverse party incurred with regard to a legal remedy.

Article 391

1) Each party shall bear his/her own costs if the litigation has been terminated by a judicial settlement, and the settlement does not state otherwise.

2) The costs of attempted but unsuccessful settlement shall also be included in the litigation costs.

Article 392

If a complaint of a third party for the exclusion of his/her property from enforcement proceedings has been accepted in the civil proceedings and the court establishes that the defendant, as the judgment creditor, has had justified reasons for believing that there were no rights of third parties to that property, the court shall order that each party bears his/her own costs.

Article 393

- 1) Co-litigants shall bear the costs in equal shares.
- 2) If there is a considerable difference with respect to their share in the subject matter of the dispute, the court shall proportionally measure up the share of costs to be covered by each co-litigant.
- 3) Co-litigants jointly and severally liable in the subject matter shall be jointly and severally liable also for the costs imposed on the adverse litigant.
- 4) The costs incurred by the separate litigation actions of the individual co-litigant shall not be borne by other co-litigants.

Article 394

odrasli član njenog domaćinstva, odnosno ovlaštena osoba ili zaposlenik organa vlasti ili pravne osobe odbije da primi pismeno, dostavljač će pismeno ostaviti u prostoriji gdje se dostava obavlja ili će ga pribiti na vrata te prostorije. Na dostavnici će zabilježiti dan, sat i razlog odbijanja prijema, kao i mjesto gdje je pismeno ostavljeno, i time se smatra da je dostava obavljena.

d) Dostavnica

Član 351.

1. Potvrdu o obavljenoj dostavi (dostavnicu) potpisuju primalac i dostavljač. Primalac će na dostavnici citko, slovima, napisati dan prijema, svoje ime i prezime i u kom svojstvu prima pismeno.
2. Ako je primalac nepismen ili se nije u stanju potpisati, dostavljač će postupiti kao u stavu 1. ovog člana, te staviti napomenu zašto primalac nije stavio svoj potpis.
3. Ako primalac odbije potpisati dostavnicu, dostavljač će to zabilježiti na dostavnici i ispisati slovima dan predaje i time se smatra da je dostava obavljena.
4. Ako je dostava obavljena prema odredbi člana 347. stav 1. ovog zakona, na dostavnici će se pored potvrde o prijemu pismena naznačiti da je prethodila pismena obavijest.
5. Kad je prema odredbama ovog zakona pismeno predato drugoj osobi, a ne onoj kojoj se pismeno imalo dostaviti, na dostavnici će dostavljač naznačiti odnos tih dviju osoba.
6. Ako se dostava obavlja prema odredbama člana 346. ovog zakona, dostavljač će to naznačiti na dostavnici, kao i dan i sat kada je dostava pokušana i mjesto gdje je ostavljena pismena obavijest.

If an ombudsman participates in a dispute as a party, s/he shall be granted right to reimbursement of costs in accordance with provisions of this Law, but not the right to remuneration.

Article 395

Provisions on expenses shall apply to the parties represented by the Public Attorney's Office. In such cases, the costs of the litigation shall include the amount that could be granted to the party as the remuneration for attorney.

Article 396

- 1) At the specific request of the party, the court shall decide on the reimbursement of costs, without holding the hearing.
- 2) The party shall be obliged to specify the costs in the request for the reimbursement. The request shall be filed not later than upon the completion of the hearing, which precedes the ruling on costs. If the ruling is to be reached without a hearing, the party shall be obliged to include the claim for reimbursement of costs in the motion to be decided by the court.
- 3) The court shall decide on the reimbursement of costs in the judgment or decision, which concludes the proceedings before that court.
- 4) In the course of proceedings, the court shall decide on the reimbursement of costs by the separate decision only when the right to the reimbursement of costs does not depend on the ruling on the main matter.
- 5) In the case referred to in Article 390 of this Law, if the withdrawal of the complaint or the express waiver of a legal remedy has not been conducted at the hearing, the request for reimbursement of costs may be filed within fifteen (15) days upon the receipt of the notification on the waiver or the withdrawal of claim.

Article 397

- 1) When the court dismisses or rejects a legal remedy, it shall also decide on the costs incurred in the proceedings upon the legal remedy.
- 2) When the court alters the ruling against which the legal remedy has been filed or revokes that ruling and refuses the claim, it shall decide on the overall costs of the proceedings.
- 3) When the court revokes the ruling against which the legal remedy has been filed and remands the case, it shall also decide on the costs of the proceedings in the final ruling on legal remedy.

7. Ako je na dostavnici netacno ili necitko naznaceni datum dostave ili je dostavnica nestala, dostava se može dokazivati i na drugi nacin.

4. Promjena adrese

Clan 352.

1. Ako stranka ili njen zastupnik u toku postupka ili prije isteka roka od šest mjeseci nakon pravomocnog okoncanja postupka promijene adresu na koju se dostava obavlja, dužni su o tome odmah obavijestiti sud.
2. Ako protiv pravomocne odluke, unutar roka iz stava 1. ovog clana bude izjavljena revizija, taj se rok produžava sve dok ne istekne šest mjeseci od dostave stranci odluke povodom revizije kojom se revizija odbacuje ili odbija ili pobijana odluka preinacuje.
3. Ako je protiv pravomocne odluke unutar roka iz stava 1. ovog clana, podnesen prijedlog za ponavljanje postupka, taj se rok produžava do isteka roka od šest mjeseci nakon pravomocnosti prvostepene odluke u tom postupku protiv kojeg nije izjavljena žalba, odnosno do isteka roka od šest mjeseci od dostave stranci odluke o žalbi kojom se postupak za ponavljanje postupka pravomocno završava.
4. Ako povodom vanrednog pravnog lijeka pravomocna odluka bude ukinuta i predmet vraćen na ponovno sudenje, smatrat će se da rok iz stava 1. ovog clana, nije ni počeo teći.
5. Ako stranka ili njen zastupnik ne obavijeste odmah sud o promjeni adrese, sud će odrediti da se daljnje dostave u parnici obavljaju objavljivanjem pismena na oglasnoj ploči suda, sve dok stranka ili njen zastupnik ne obavijeste sud o svojoj novoj adresi.
6. Dostava iz stava 5. ovog clana smatra se obavljenom nakon proteka 15 dana od dana objavljivanja pismena na oglasnoj ploči suda.

- 4) The court may act in accordance with the provision of paragraph 3 of this Article also in the case when the court only partially revokes the ruling against which a legal remedy has been filed.

Article 398

Ruling on costs included in the judgment may be challenged only by an appeal against the decision, provided that the ruling on the main subject matter is not challenged at the same time.

2. Costs Incurred in the Procedure on Preservation of Evidence

Article 399

- 1) The party who has filed the motion for preserving evidence shall reimburse the costs incurred in the procedure for preserving evidence. S/he shall also be obliged to compensate the costs to the adverse party or the temporary representative.
- 2) The party may subsequently recover those costs as the part of litigation costs, depending on the success in the litigation.

3. Exemption from Paying the Costs of the Proceedings

Article 400

- 1) The court shall exempt a party from paying the costs of the proceedings if, according to his/her general financial situation, the party cannot compensate the costs without jeopardizing the necessary support of him/herself and his/her family.
- 2) Exemption from paying the costs of the proceedings shall include exemption from paying court taxes and depositing advance payment for the costs of witnesses, experts, on-the-spot investigation, translation and interpretation and court advertisements.
- 3) The court may exempt a party from paying all or a part of costs of the proceedings.

Article 401

When making ruling on exemption from paying the costs of the proceedings, the court shall carefully consider all circumstances, especially the value of the dispute, number of persons supported by the party and income of the party and the family members.

Article 402

7. Kad punomoćnik za primanje pismena do isteka rokova iz st. 1. do 3. ovog člana promijeni svoju adresu, a o tome ne obavijesti sud, sud će stranci na njen trošak imenovati zastupnika za primanje pismena preko kojeg će obavljati sve dostave, dok ne primi obavijest stranke o postavljanju novog punomoćnika.

5. Punomoćnik i zastupnik za primanje pismena

Član 353.

1. Tužilac ili njegov zastupnik koji se nalaze u inostranstvu, a nemaju punomoćnika u Bosni i Hercegovini, dužni su već prilikom podnošenja tužbe imenovati punomoćnika za primanje pismena u Bosni i Hercegovini. Ako oni tako ne postupе, sud će ih pozvati da u određenom roku imenuju punomoćnika za primanje pismena, uz upozorenje da će u suprotnom sud tužbu odbaciti.
2. Tuženog ili njegovog zastupnika koji se nalaze u inostranstvu, a nemaju punomoćnika u Bosni i Hercegovini, sud će već prilikom dostave prvog pismena pozvati da u primjerenom roku postave punomoćnika za primanje pismena u Bosni i Hercegovini, uz upozorenje da će u suprotnom sud tuženom na njegov trošak postaviti zastupnika za primanje pismena i preko toga zastupnika obavijestiti tuženog odnosno njegovog zastupnika o tom postavljanju.
3. Stranci koja opozove punomoć punomoćniku za primanje pismena i istovremeno ne postavi drugog takvog punomoćnika, sud će dostavu obavljati objavljivanjem pismena na oglasnoj ploči suda, sve dok ta stranka ne postavi drugog punomoćnika za primanje pismena.
4. Ako punomoćnik za primanje pismena otkáže punomoć, a stranka ne imenuje drugog takvog punomoćnika u roku od 30 dana od dana kada je sud obaviješten o otkazu punomoći, sud će stranci na njen trošak

- 1) The ruling on exemption from paying the costs of the proceedings shall be rendered by first instance court at the party's motion.
- 2) The party shall be obliged to submit proof of financial situation, including means, with the motion.
- 3) When necessary, the court may *ex officio* obtain and provide the necessary information about the financial situation of a party requesting exemption and also it may hear the adverse party thereof.
- 4) No appeal shall be allowed against the court decision approving the party's request for exemption from paying the costs of the proceedings.

Article 403

The advance payment of those costs of the proceedings the party was exempt from paying shall be paid from the court funds.

Article 404

1) The first instance court may revoke the decision on exemption from paying the costs of the proceedings in the course of the proceedings if it establishes that the party is able to cover the costs of the proceedings. In such cases, the court shall decide whether the party shall entirely or partially compensate costs and fees, which the party has previously been exempted from.

2) The amounts advanced from the court funds shall be reimbursed first.

Article 405

- 1) Fees and costs advanced from the court funds shall form a part of litigation costs.
- 2) In accordance with provisions on reimbursement of costs, the court shall decide on the reimbursement of those costs by the adverse party of the party exempted from paying the costs of the proceedings.
- 3) The first instance court shall collect *ex officio* fees and costs paid from the court funds from the party obliged to reimburse those costs.
- 4) If the adverse party of the party exempted from paying the costs of the proceedings has been bound by the court ruling to reimburse the litigation costs, and it is established that s/he is not able to bear the costs, the court may subsequently order that the costs referred to in paragraph 1 of this Article be entirely or partially paid by the party who has been exempted from paying the costs of the proceedings from the part awarded. Thus the right of the party to request the compensation from the adversary for what s/he has already paid shall not be affected.

imenovati zastupnika za primanje pismena, te obavljati sve dostave preko imenovanoga zastupnika dok ne primi obavijest stranke o postavljanju novog punomocnika.

5. Sredstva za pokrice troškova postavljenoga zastupnika tuženog za primanje pismena dužan je predujmiti tužilac.

Clan 353

(1) Ako više osoba zajednicki tuže, a nemaju zajednickog zakonskog zastupnika, odnosno punomocnika, sud ih može pozvati da u određenom roku imenuju zajednickog punomocnika za primanje pismena. Ako sami tužioci u ostavljenom roku ne imenuju takvog punomocnika, sud ce jednog od njih odrediti za zajednickog punomocnika za primanje pismena i o tome obavijestiti stranke.

(2) Odredbe stava 1. ovog clana primjenjivat ce se i kad je više osoba tuženo, kao jedinstveni suparnicari.

6. Dostava od strane stranaka

Clan 355.

(1) Dostavu podneska protivnoj strani, osim tužbe, protivtužbe i pravnih lijekova, može obaviti i sama stranka.

(2) U slucaju iz stava 1. ovog clana, stranka ce jedan primjerak dostaviti osobno protivnoj strani, odnosno njenom zakonskom zastupniku, odnosno punomocniku, a jedan primjerak ce predati sudu uz napomenu i dokaz da je dostava drugoj strani vec izvršena.

(3) Na dostavu iz stava 2. ovog clana na odgovarajuci nacin se primjenjuju odredbe cl. 337. do 354. ovog zakona, osim odredbi clana 345. st. 2. do 6., cl. 346. do 348, clana 349. st. 2. i 3., clana 350. i clana 351. st. 2. do 6. ovog zakona.

(4) Dostava izvršena na nacin iz stava 2. ovog clana smatra se urednom dostavom.

XVIII – PREGLEDANJE I PREPISIVANJE SPISA

XXV - CONTEMPT OF COURT

Article 406

In the course of proceedings, the court shall impose a fine in the amount ranging from 100 KM up to 1,000 KM on the party, legal representative, agent or intervenient who has abused the rights recognized by this Law through his/her civil actions.

Article 407

1) The court shall impose a fine in the amount ranging from 100 up to 1,000 KM on a person who insults the court, a party or other participants in the proceedings in the Pleading.

2) If a person participating in the proceedings or a person attending the proceedings insults the court or other participants, impedes the work or fails to obey the orders of the court concerning maintenance of order, the court shall give a warning to such a person. In case the said warning is not successful, the court shall order the cautioned person to leave the courtroom or impose a fine in the amount ranging from 100 up to 1,000 KM and s/he may also do both.

3) If a party is removed from the courtroom, the hearing shall be held in his/her absence.

4) If an agent is removed from the courtroom, the court shall postpone the hearing at the request of the party, and if the party is not present at the hearing, the court shall always postpone the hearing and inform the party that his/her agent has been removed from the hearing because due to the disturbance of order.

5) When the court imposes a fine or removes an attorney or law trainee acting as an agent from the courtroom, s/he shall inform the Bar Association.

Article 408

The court shall impose a fine in the amount ranging from 100 up to 1,000 KM on the agent for the receipt of service of documents, who contrary to the provisions of Article 352 paragraph 7 of this Law, fails to inform the court about the change of address.

The court shall, at the request of the party, order the agent for the receipt of service of documents to compensate costs incurred by the failure to inform the court about the change of address.

Article 409

Clan 356.

(1) Stranke imaju pravo pregledati i prepisivati spise parnice u kojoj sudjeluju.

(2) Ostalim osobama koje imaju opravdan interes može se dopustiti pregledanje iprepisivanje pojedinih spisa.

(3) Kad je postupak u toku, dopuštenje za pregledanje i prepisivanje spisa daje sudija, a kad je postupak završen – predsjednik suda, odnosno zaposlenik u sudu koga odredi predsjednik suda.

XIX - IZUZECE

Clan 357.

Sudija ne može suditi:

- 1) ako je sam stranka, zakonski zastupnik ili punomocnik stranke, ako je sa strankom u odnosu suovlaštenika, suobveznika ili regresnog obveznika ili ako je u istom predmetu saslušan ili predložen kao svjedok ili vještak;
- 2) ako mu je stranka ili zakonski zastupnik ili punomocnik stranke srodnik po krvi u pravoj liniji do bilo kojeg stepena, a u pobocnoj liniji do cetvrtog stepena ili mu je bracni odnosno vanbracni drug ili srodnik po tazbini, odnosno srodnik vanbracnog druga, do drugog stepena, bez obzira na to jesu li brak odnosno vanbracna zajednica prestali ili ne;
- 3) ako je staralac, usvojitelj ili usvojenik stranke, njenog zakonskog zastupnika ili punomocnika;
- 4) ako je u istom predmetu sudjelovao u donošenju odluke nižeg suda ili drugog organa;
- 5) ako postoje druge okolnosti koje dovode u sumnju njegovu nepristrasnost.

Clan 358.

(1) Stranka podnosi zahtjev za izuzece sudije cim sazna da postoji koji od razloga za izuzece, a najkasnije do završetka rasprave, a ako nije bilo rasprave - do donošenja odluke.

1) The court shall impose a fine ranging from 100 up to 1,000 KM to the person who unjustifiably refuses to receive a document and the person who in some other way obstructs the service of documents, preventing or hampering the application of the provisions of this Law on service.

2) The court shall, at the request of the party, order a person mentioned in paragraph 1 of this Article to compensate costs incurred by the behavior described under that provision.

Article 410

1) If the duly summoned witness fails to appear as well as to justify his/her absence, or if s/he leaves the place of hearing without permission or justified reason, the court shall order that s/he be brought in by force, cover the costs of his/hers bringing in, and shall fine him/her with the amount ranging from 100 up to 1,000 KM.

2) If the witness comes, and refuses to testify or to answer a certain question in spite of the warning about the consequences, and the court determines that his/her reasons are unjustified, it shall fine him/her with the amount ranging from 100 up to 1,000 KM. If the witness still refuses to testify, s/he may be imprisoned. The imprisonment shall last until the witness consents to testify or until the interrogation of the witness becomes unnecessary, but no longer than fifteen (15) days.

3) The court shall, at the party's request, order the witness to reimburse the costs incurred by his/her unjustified absence or unjustified refusal to testify.

4) If the witness subsequently justifies his/her absence, the court shall revoke its decision on fine and may exempt the witness entirely or partially from the reimbursement of costs. The court may revoke its decision on fine also when the witness subsequently consents to testify.

Article 411

1) The court shall fine an expert with the amount ranging from 100 up to 1,000 KM when s/he fails to deliver findings and opinions within the set time limit or unjustifiably fails to appear at the hearing, although duly summoned.

2) The court shall impose the fine mentioned in paragraph 1 of this Article on the expert who refuses to perform expert evaluation without justified reason.

3) The court shall, at the request of the party, order the expert to reimburse the costs incurred by his/her failure to submit findings and opinions, unjustified absence or unjustified refusal to perform expert evaluation.

(2) Stranka može u pravnom lijeku ili u odgovoru na pravni lijek poimenočno navesti sudiju koji ne bi mogao sudjelovati u donošenju odluke zbog razloga iz člana 357. ovog zakona.

(3) Stranka može tražiti izuzeće samo poimenočno određenog sudije koji u predmetu postupa.

(4) Stranka je dužna u zahtjevu navesti okolnosti zbog kojih smatra da postoji neki od zakonskih osnova za izuzeće.

Član 359.

(1) O zahtjevu za izuzeće sudije odlučuje predsjednik suda.

(2) Ako stranka traži izuzeće predsjednika suda, odluku o izuzecu donosi predsjednik neposredno višeg suda.

(3) O zahtjevu stranaka za izuzeće predsjednika Vrhovnog suda Federacije, odlučuje opća sjednica tog suda.

(4) Prije donošenja rješenja o izuzecu uzet će se izjava od sudije čije se izuzeće traži, a prema potrebi obaviti će se i drugi izvidaji.

(5) Protiv rješenja kojim se zahtjev za izuzeće usvaja nije dopuštena žalba, a protiv rješenja kojim se zahtjev odbija, nije dopuštena posebna žalba.

Član 360.

Kad sudija sazna da je stavljen zahtjev za njegovo izuzeće ili čim sazna da postoji neki od razloga za izuzeće iz člana 357. ovog zakona, dužan je odmah o tome obavijestiti predsjednika suda, a postupak nastaviti bez odlaganja do donošenja odluke o izuzecu. Ako se radi o izuzecu predsjednika suda, on će sebi odrediti zamjenika iz reda sudija tog suda, a ako to nije moguće, postupiti će po članu 49. ovog zakona.

Član 361.

(1) Odredbe ovog zakona o izuzecu sudija, primjenjivat će se na odgovarajući način i na

4) The court may revoke the decision on fine under the conditions mentioned in Article 410, paragraph 5 of this Law.

5) The provisions of this Article shall be applied to court interpreters accordingly.

Article 412

If a person, fined under the provisions of this law, fails to pay the fine within the set time limit, the fine shall be replaced by prison sentence the duration of which the court shall determine in accordance with the amount of fine and pursuant to the provisions of the Criminal Code, but not longer than fifteen (15) days.

Article 413

1) The appeal against decision under Articles 406, 407, 408, paragraph 1, 410, paragraph 1 and 411, paragraph 1 of this Law shall not postpone the enforcement of the decision.

2) The appeal against the decision under Article 410, paragraph 2 and 411, paragraph 2 shall not stay the enforcement of the decision, unless the court ruling rejecting the reasons of the witness for failing to give testimony or the answer to the certain question is contested in that appeal.

XXVI - LEGAL ASSISTANCE

Article 414

1) The courts in the Federation are obliged to provide legal assistance to all courts in Bosnia and Herzegovina in civil proceedings.

2) If the court which was asked to provide legal assistance is not competent to conduct the action which it was asked to conduct, it shall pass the request to the competent court or other government organ and notify the court from which it had received the request. If the court is not familiar with the competent court or the governmental organ, it shall send the request back to the court that had filed it.

3) If in one town there are several courts with substantive competence to render legal assistance, the request for rendering legal assistance may be filed with any of those courts.

Article 415

1) Courts shall render legal assistance to foreign courts in cases envisaged by international treaty and when reciprocity on rendering legal assistance exists. In case of doubt regarding the existence of

zapisnicare.

(2) O izuzecu zapisnicara odlucuje sudija.

XX – SUPARNIČARI

Clan 362.

(1) Više osoba mogu jednom tužbom tužiti, odnosno biti tuženi (suparnicari):

1) ako su u pogledu predmeta spora u pravnoj zajednici ili ako njihova prava, odnosno obaveze proisticu iz iste cinjenicne i pravne osnove (materijalni suparnicari);

2) ako su predmet spora zahtjevi, odnosno obaveze iste vrste koji se temelje na bitno istovrsnoj cinjenicnoj i pravnoj osnovi, te ako postoji stvarna i mjesna nadležnost istog suda za svaki zahtjev i za svakog tuženog (formalni suparnicari);

4) ako je to drugim zakonom određeno.

1. Do zaključenja pripremnog ročišta, može, uz uvjete iz stava 1. ovog clana, uz tužioca pristupiti novi tužilac, ili tužba može biti proširena na novog tuženog s njegovim pristankom.

2. Osoba koja pristupa tužbi, odnosno na koju se tužba proširuje, mora primiti parnicu u onom stanju u kojem se ona nalazi kad ona u nju stupa.

Clan 363.

(1) Tužilac može tužiti dva ili više tuženih i tako što će tražiti da tužbeni zahtjev bude usvojen prema slijedecem tuženom u slučaju da bude odbijen prema onome koji je u tužbi naveden prije njega.

(2) Na način predviđen u stavu 1. ovog clana tužilac može tužbom obuhvatiti dva ili više tuženih samo ako prema svakom od njih istice isti zahtjev ili ako prema pojedinom od njih istice različite zahtjeve koji su u međusobnoj vezi, te ako je isti sud stvarno i mjesno nadležan za svaki od zahtjeva.

reciprocity, the Federation Ministry of Justice shall produce an explanation.

2) A court shall deny legal assistance to a foreign court if the performance of the action requested is contrary to the public order of Bosnia and Herzegovina or the Federation. In that case the court competent for rendering legal assistance shall *ex officio* submit the request for legal assistance to the Federation Supreme Court to reach the final ruling.

3) The provisions of Articles 414 Paragraphs 2 and 3 of this Law shall be applied when handling requests of the foreign court.

Article 416

The courts shall render legal assistance to foreign courts in the manner stipulated by the domestic law. The action, which is the subject of the petition of a foreign court, may also be exercised in the manner requested by the foreign court if such actions are not contrary to the public order of Bosnia and Herzegovina or the Federation.

Article 417

Unless otherwise specified by an international treaty, courts shall act on petitions of foreign courts for rendering legal assistance only if the petition and attachments are composed in the language officially used in the Federation, or if the certified translation in that language is enclosed.

Article 418

Unless otherwise specified by an international treaty, the petitions of the courts in the Federation for legal assistance shall be delivered to foreign courts through diplomatic channels via administrative organ competent for foreign affairs of Bosnia and Herzegovina. Petitions and attachments must be composed in the language of the country from which assistance is requested or certified translation in that language must be enclosed.

PART FIVE: SPECIAL PROCEEDINGS

XXVII - PROCEEDINGS IN LITIGATION CONCERNING LABOUR RELATIONS

Clan 364.

Osoba koja u cijelosti ili djelimicno traži stvar ili pravo o kojem između drugih osoba već teče parnica, može pred sudom pred kojim ta parnica teče tužiti obje stranke jednom tužbom, sve dok se postupak pravomoćno ne završi.

Clan 365.

Svaki je suparnicar u parnici samostalna stranka i njegove radnje ili propuštanja niti koriste niti štete drugim suparnicima.

Clan 366.

Ako se prema zakonu ili zbog prirode pravnog odnosa spor može riješiti samo na jednak način prema svim suparnicima (jedinstveni suparnicari) smatraju se oni kao jedna parnicna stranka, tako da ako pojedini suparnicari propuste koju parnicnu radnju učinak parnicnih radnji koje su poduzeli drugi suparnicari proteže se i na one koji te radnje nisu poduzeli.

Clan 367.

Ako rokovi za izvršenje određene parnicne radnje za pojedine jedinstvene suparnicare isticu u razno vrijeme, tu parnicnu radnju može svaki suparnicar poduzeti sve dok ma i za jednog od njih još teče rok za poduzimanje te radnje.

Clan 368.

Svaki suparnicar ima pravo podnositi prijedloge koji se tiču toka parnice.

XXI– SUDJELOVANJE TRECIIH OSOBA

U PARNICI

1. Sudjelovanje umješaca

Article 419

Other provisions of this Law shall apply in the litigation concerning the labor relations, unless this Chapter contains special provisions.

Article 420

In the litigation on labor relations, particularly when setting the time limits and hearings, the court shall always give expedited treatment to the labor disputes where it is necessary.

Article 421

The court shall, in the judgment ordering the performance of certain action, set a time limit of fifteen (15) days for the performance of that action.

Article 422

The time limit for filing an appeal against the judgment or decision passed in the proceedings concerning the labor relations shall be fifteen (15) days.

XXVIII - PROCEEDINGS IN LITIGATION CONCERNING TRESPASSING

Article 423

Other provisions of this Law shall apply in the litigation on trespassing, unless this Chapter contains special provisions.

Article 424

In setting the time limits and hearings on complaints for trespassing, the court shall always have due regard to the necessity of expedited treatment considering the nature of every single case. The court may set time limits shorter than those envisaged by the provisions of this law on regular procedure.

Clan 369.

(1) Osoba koja ima pravni interes da u parnici koja tece medu drugim osobama jedna od stranaka uspije, može se pridružiti toj stranci.

(2) Umješac može stupiti u parnicu u toku cijelog postupka sve do pravomocnosti odluke o tužbenom zahtjevu, te u toku postupka nastavljenog podnošenjem vanrednog pravnog lijeka.

(3) Izjavu o stupanju u parnicu umješac može dati na ročištu ili pismenim podneskom.

(4) Podnesak umješaca dostavlja se objema parnicnim strankama, a ako je izjava umješaca data na ročištu, prepis tog dijela zapisnika dostavit ce se samo onoj stranci koja je s ročišta izostala.

Clan 370.

(1) Svaka stranka može osporiti umješacu pravo da sudjeluje u postupku i predložiti da se umješac odbije.

(2) Do pravomocnosti rješenja kojim se odbija sudjelovanje umješaca, umješac može sudjelovati u postupku i njegove parnicne radnje ne mogu se isključiti.

(3) Protiv odluke suda kojom se usvaja sudjelovanje umješaca nije dopuštena posebna žalba.

Clan 371.

(1) Umješac mora primiti parnicu u onom stanju u kakvom se nalazi u trenutku kad se umiješa u parnicu. U daljem toku parnice on je ovlašten stavljati prijedloge i poduzimati sve ostale parnicne radnje u rokovima u kojima bi te radnje mogla poduzimati stranka kojoj se pridružio.

(2) Ako je umješac stupio u parnicu do pravomocnosti odluke o tužbenom zahtjevu, ovlašten je podnijeti i vanredni pravni lijek.

(3) Ako umješac podnese pravni lijek, primjerak njegovog podneska dostavit ce se istranci kojoj se pridružio.

(4) Parnicne radnje umješaca imaju za stranku kojoj se pridružio pravni ucinak ako nisu u protivnosti s radnjama stranke.

Article 425

The deliberation on the complaint for trespassing shall be limited to deliberation and the presentation of facts pertaining to the latest situation of possession and the disturbance thereof. The deliberation as to the right to real estate, legal basis, possession in good and in bad faith or compensation claims shall be excluded.

Article 426

1) The court shall determine the time limit for the fulfillment of the obligations imposed on the parties in accordance with the circumstances of each respective case.

2) The time limit for filing an appeal shall be fifteen (15) days.

3) The court may decide where there are extraordinary circumstances that the appeal shall not stay the enforcement of the decision.

4) The request for revision shall not be allowed against the decisions passed in the litigation concerning the trespassing.

Article 427

The plaintiff shall lose the right to request in the enforcement proceedings the enforcement of the decision issued upon the complaint for the trespass, ordering the defendant to perform certain action, unless s/he requested the enforcement within the sixty (60) days upon the expiration of the time limit set by the decision for the performance of that action.

XXIX - SMALL CLAIM DISPUTES PROCEEDINGS

Article 428

Other provisions of this Law shall be applied in the small claim disputes proceedings, unless this Chapter contains special provisions.

Article 429

1) For the purposes of this Law, small claim disputes are those where the monetary claim does not exceed 3,000 KM.

(5) Nakon pristanka svih parnicnih stranaka, umješac može stupiti u parnicu kao stranka umjesto stranke kojoj se pridružio.

2. Obavijest treće osobe o parnici

Član 372.

(1) Ako tužilac ili tuženi treba treću osobu obavijestiti o otpocetoj parnici, da bi se time zasnovalo određeno građansko-pravno djelovanje, oni mogu, sve dok se parnica pravomocno ne dovrši, to učiniti podneskom preko parnicnog suda, u kojem će navesti razlog obavijesti i u kakvom se stanju nalazi parnica.

(2) Stranka koja je treću osobu obavijestila o parnici ne može zbog toga tražiti prekid otpocete parnice, produženje rokova, odgodu ili odlaganje ročišta.

XXII– ZAPISNICI

Član 373.

(1) Zapisnik se sastavlja o radnjama poduzetim na ročištu.

(2) Zapisnik se sastavlja i o važnijim izjavama ili saopćenjima koje stranke ili drugi sudionici daju izvan ročišta. O manje važnim izjavama ili saopćenjima neće se sastavljati zapisnik nego će se samo staviti službena bilješka u spis.

(3) Zapisnik piše zapisnicar.

Član 374.

(1) U zapisnik se unosi: naziv suda, mjesto gdje se obavlja radnja, dan i sat kad se obavlja radnja, naznaka predmeta spora i imena prisutnih stranaka, odnosno trećih osoba, i njihovih zakonskih zastupnika odnosno punomoćnika.

(2) Zapisnik treba da sadržava bitne podatke o

2) Small claim disputes shall also include disputes which are not of pecuniary nature but for which the plaintiff has stated in the complaint that s/he will accept certain monetary sum that does not exceed the amount referred to in paragraph 1 of this Article in lieu of the obligation disclosed in the complaint

3) Small claim disputes shall also include those disputes in which the main subject matter is not of pecuniary nature but the transfer of a moveable asset with value, as stated in the complaint by the plaintiff, that does not exceed the amount referred to under paragraph 1 of this Article.

Article 430

For the purposes of this Law, disputes concerning real estate, labor relations and trespassing shall not fall under the category of small claim disputes.

Article 431

1) In the small claim disputes an interlocutory appeal shall be allowed only against the decision concluding the proceedings.

2) Other decisions, against which an appeal is allowed in accordance with this Law, may be contested only by the appeal against the ruling concluding the proceedings.

3) The decisions referred to in paragraph 2 of this Law shall not be served on the parties but shall be pronounced at the hearing.

Article 432

1) If the plaintiff amends the claim so that the value of the dispute exceeds 3,000 KM, the proceedings shall be concluded in accordance with the provisions of this Law on regular procedure.

2) If, up to the conclusion of the main hearing conducted in accordance with the provisions on regular procedure of this Law, the plaintiff reduces his/her claim so that it does not exceed 3,000 KM, further proceedings shall be conducted in accordance with the provisions of this Law on the small claim disputes.

Article 433

1) The judgment or the decision concluding the small claim disputes proceedings may be contested only due to the Procedural Errors and to the misapplication of substantive law.

sadržaju poduzete radnje. U zapisnik o glavnoj raspravi, osobito ce se unijeti: je li rasprava bila javna ili je javnost bila isključena, sadržaj izjava stranaka, njihovi prijedlozi, dokazi koje su ponudile, dokazi koji su izvedeni, uz navodenje sadržaja iskaza svjedoka i vještaka, odluke suda donesene na ročištu, odnosno izvornik odluke nakon zaključenja glavne rasprave.

(3) Zapisnik se mora voditi uredno, u njemu se ne smije ništa brisati, dodati ili mijenjati. Prekrižena mjesta moraju ostati citljiva.

Clan 375.

(1) Zapisnik se sastavlja tako da sudija kazuje glasno zapisnicaru što ce se unijeti u zapisnik, a po ovlaštenju sudije, stranka ili njen punomocnik glasno kazuju što ce se unijeti u zapisnik.

(2) Stranke imaju pravo procitati zapisnik ili zahtijevati da im se procita, te staviti svoje prigovore na sadržaj zapisnika.

(3) To pravo imaju i druge osobe cija je izjava unesena u zapisnik, u vezi s onim dijelom zapisnika koji sadrži njihovu izjavu.

(4) Ispravci ili dodaci u pogledu sadržaja zapisnika koje treba obaviti u povodu prigovora stranaka ili drugih osoba ili po službenoj dužnosti unijet ce se na kraju zapisnika.

(5) Na zahtjev tih osoba unijet ce se i prigovori koji nisu usvojeni.

Clan 376.

(1) Zapisnik potpisuju sudija, zapisnicar, stranke, odnosno njihovi zakonski zastupnici ili punomocnici, kao i tumaci.

(2) Svjedok i vještak potpisuju svoj iskaz na zapisniku kad se saslušavaju pred zamoljenim sudom.

(3) Nepismena osoba ili osoba koja se ne može potpisati stavit ce na zapisnik otisak prsta, a zapisnicar ce ispod otiska upisati njeno ime i prezime.

2) The court shall be obliged to state reasons due to which the appeal may be lodged in the judgment or decision mentioned in the paragraph 1 of this Article.

3) Parties may lodge the appeal against the first instance judgment or decision mentioned in paragraph 1 of this Article within fifteen (15) days.

4) In the small claim disputes proceedings, the time limit referred to in Article 179, paragraph 2 and Article 192, paragraph 1 of this Law shall be fifteen (15) days.

XXX - ARBITRATION PROCEEDINGS

Article 434

Parties may agree to entrust the resolution of the disputes, not being non-dispositive cases falling with Article 3, paragraph 2 of this law, on to the arbitration.

Article 435

1) An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation. The arbitration agreement shall be valid only if it was concluded in writing and signed by the parties.

2) An arbitration agreement shall be considered concluded in writing also when concluded by means of exchanging letters, telegrams, telexes or other telecommunication means that may provide the written evidence of a concluded agreement. .

3) An arbitration agreement shall be considered concluded in writing also when concluded by means of exchanging the complaints in which the plaintiff asserts the existence of an arbitration agreement and in the response to the complaint the defendant does not contest the assertion.

4) The arbitration contract may be proved by documents only.

Article 436

An arbitration agreement shall be considered legitimately concluded also when the provision on jurisdiction of the arbitration board is embodied in the general requirements for the conclusion of legal business.

(4) Ako se koja stranka, njen zakonski zastupnik ili punomoćnik, svjedok ili vještak udalji prije potpisivanja zapisnika ili ne želi potpisati zapisnik, zabilježiti će se to u zapisnik i navesti razlog koji je iznesen.

Član 377.

(1) Ako se odluka donosi u vijeću, o vijećanju i glasanju sastavlja se poseban zapisnik. Ako je kod višeg suda u postupku u vezi s pravnim lijekom odluka donesena jednoglasno, neće se sastaviti zapisnik, nego će se u izvorniku odluke staviti bilješka o vijećanju i glasanju.

(2) Zapisnik o vijećanju i glasanju sadrži tok glasanja i odluku koja je donesena.

(3) Zapisnik potpisuju svi članovi vijeća i zapisničar. Zapisnik o vijećanju i glasanju zatvorit će se u poseban omot. Taj zapisnik može razgledati samo viši sud kad rješava o pravnom lijeku i u tom slučaju zapisnik će se ponovo zatvoriti u poseban omot i na omotu naznačiti da je zapisnik razgledan.

(4) Bilješku o glasanju potpisuju svi članovi vijeća.

XXIII – PREKID POSTUPKA

Član 378.

Postupak se prekida:

- 1) kad stranka umre ili izgubi parničnu sposobnost, a nema punomoćnika u toj parnici;
- 2) kad zakonski zastupnik stranke umre ili prestane njegovo ovlaštenje za zastupanje, a stranka nema punomoćnika u toj parnici;
- 3) kad stranka koja je pravna osoba prestane postojati, odnosno kad nadležni organ pravomoćno odluci o zabrani rada;
- 4) kad nastupe pravne posljedice otvaranja stečajnog postupka;
- 5) kad zbog rata ili drugih uzroka prestane rad u sudu;
- 6) kad je to drugim zakonom određeno.

Article 437

- 1) The number of arbitrators in the arbitration board must be odd.
- 2) Unless the number of the arbitrators is determined by the agreement, each party shall appoint one arbitrator and they shall elect the president among themselves.

Article 438

- 1) If the parties have agreed to entrust the resolution of the certain dispute to the arbitration, the court which received the complaint concerning the same dispute among the same parties shall proclaim itself incompetent upon the defendant's objection, revoke actions commenced in the proceedings and dismiss the complaint.
- 2) The objection referred to in paragraph 1 of this Article may be filed in the response to the complaint at the latest.

Article 439

- 1) A party, who is supposed to appoint the arbitrator on the basis of the arbitration agreement, may be summoned by the adverse party to perform the said appointment and notify the adverse party within fifteen (15) days.
- 2) The summons, in accordance with paragraph 1 of this Article, shall be valid only if the issuing party has appointed its arbitrator and informed the adverse party about it.
- 3) When, pursuant to the arbitration agreement, a third party is to perform the appointment of the arbitrator, each party may send the summons referred to in paragraph 2 of this Article to that person.
- 4) A person summoned to appoint the arbitrator of the arbitration board is bound to the appointment from the moment the adverse party or one of the parties has been notified on the appointment.

Article 440

- 1) If an arbitrator of the arbitration board has not been appointed on time, and the agreement does not state otherwise, the arbitrator shall be appointed by court upon a party's proposal.
- 2) If the arbitrators cannot agree as to the election of the president of the arbitration board, and the agreement does not require otherwise, the president shall be appointed by the court upon the proposal of each arbitrator or a party.

Clan 379.

(1) Osim slucajeva posebno predvidenih u ovom zakonu prekid postupka sud ce odrediti:

1. ako je odlucio da sam ne rješava o prethodno pitanju;
2. ako se stranka nalazi na području koje je zbog izvanrednih događaja, kao što su poplave slično, odsječeno od suda.

(2) Sud može odrediti prekid postupka ako se odluka o tužbenom zahtjevu ne može donijeti prije nego što bude donesena odluka u postupku povodom privrednog prestupa ili u krivičnom postupku.

Clan 380.

(1) Za vrijeme trajanja prekida postupka prestaju teći svi rokovi određeni za obavljanje parnicnih radnji.

(2) Za vrijeme trajanja prekida postupka sud ne može poduzimati nikakve radnje u postupku, ali ako je prekid nastupio poslije zaključenja glavne rasprave, sud može na osnovu te rasprave donijeti odluku.

(3) Parnicne radnje koje je stranka poduzela dok traje prekid postupka nemaju prema drugoj stranci nikakav pravni učinak. Njihov učinak pocinje tek nakon što postupak bude nastavljen.

Clan 381.

(1) Postupak koji je prekinut iz razloga navedenih u clanu 378. tac. 1. do 4. ovog zakona nastaviti ce se kad nasljednik ili staralac ostavštine, novi zakonski zastupnik, stecajni upravitelj ili pravni sljedbenici pravne osobe preuzmu postupak ili kad ih sud na prijedlog protivne strane pozove da to ucine.

(2) Ako je sud prekinuo postupak iz razloga navedenih u clanu 379. stav 1. tacka 1. i stav 2. ovog zakona, postupak ce se nastaviti kad se pravomocno završi postupak pred sudom ili drugim nadležnim organom ili kad sud ustanovi da više ne postoje razlozi da se čeka na njegov završetak.

3) The court that would have been competent for the first instance proceedings if the arbitration contract had not been made shall be competent for the appointment of an arbitrator or the president of the arbitration board.

4) No appeal shall be allowed against the court decision.

5) A party that does not want to use the authorization referred to in the paragraphs 1 and 2 of this Article may request in the complaint that the court competent for the appointment proclaims the contract on arbitration terminated.

Article 441

Except for the case referred to in Article 440 of this Law, any party may request in the complaint that the court terminates the arbitration agreement if:

1. the parties cannot agree on the appointment of arbitrators who they need to elect;
2. a person who has been appointed arbitrator in the agreement does not want to or is not able to perform that duty.

The Court foreseen in Article 440, paragraph 3 of this Law shall decide on the request.

The court shall summon the parties to the hearing for the deliberation upon the request.

Article 442

1) The arbitrator of the arbitration body shall be obliged to exempt him/herself from the duty of the arbitrator when the grounds for exemption stipulated in Article 357 of this Law exist. The parties may request the exemption of the arbitrator of the arbitration board for the same reasons.

2) A party who has individually or together with the adverse party appointed an arbitrator may demand his/her exemption only if that reason occurred, or the party learnt about it, after the appointment of the arbitrator.

3) The Court shall decide on the exemption foreseen in Article 440, paragraph 3, unless the parties have agreed otherwise.

Article 443

The arbitrator shall order the arbitration proceedings unless the parties have agreed otherwise.

(3) U svim ostalim slučajevima prekinuti postupak nastaviti će se na prijedlog stranke čim prestanu razlozi prekida.

(4) Rokovi koji su zbog prekida postupka prestali teći počinju za zainteresovanu stranku teći u cijelosti iznova od dana kada joj sud dostavi rješenje o nastavljanju postupka.

(5) Stranci koja nije stavila prijedlog za nastavljanje postupka, rješenje o nastavljanju postupka dostavlja se prema odredbama člana 347. ovog zakona.

Član 382.

(1) Žalba protiv rješenja kojim se utvrđuje (član 378.) ili određuje (član 379.) prekid postupka ne zadržava izvršenje rješenja.

(2) Ako je sud na ročištu odbio prijedlog za prekid postupka i odlučio da se postupak odmah nastavi, protiv tog rješenja nije dopuštena posebna žalba.

XXIV – TROŠKOVI POSTUPKA

1. Parnični troškovi

Član 383.

(1) Parnične troškove čine izdaci učinjeni u toku ili u povodu postupka.

(2) Parnični troškovi obuhvaćaju i nagradu za rad advokata i drugih osoba kojima zakon priznaje pravo na nagradu.

Član 384.

Svaka stranka prethodno sama podmiruje troškove koje je prouzrokovala svojim radnjama.

Član 385.

(1) Kad stranka predloži izvođenje dokaza,

Article 444

1) The arbitration board cannot impose coercive measures or penalties on witnesses, parties and other participants in the proceedings.

2) The arbitration board may request the court territorially competent for providing legal assistance pursuant to the provisions of Article 414 to hear evidence that the board cannot hear on its own.

3) The provisions of this Law on presentation of evidence before the court carrying out functions on behalf of another court at its request shall be applied in the procedure on presentation of evidence.

Article 445

The arbitration board may pass the judgment *ex aequo et bono* only if empowered to do so by the parties.

Article 446

1) When the arbitration board is comprised of more than one arbitrator, the judgment shall be reached by majority of votes, unless otherwise stipulated by the arbitration contract.

2) The arbitration board is obliged to notify the parties if they cannot reach a required majority of votes.

3) Unless the parties have otherwise agreed on the case referred to in paragraph 2 of this Article, each party may request the termination of the arbitration agreement in its complaint to the court authorized in Article 440 paragraph 3 of this Law.

Article 447

1) The arbitration award has to be explained unless the parties have agreed otherwise.

2) All arbitrators shall sign the original and all transcripts of the arbitration award. The arbitration award shall be deemed valid if one of the arbitrators refuses to sign it, provided that the award has been signed by the majority of arbitrators and it has been indicated on the award itself that one signature is missing.

3) The copies of the arbitration award shall be served on parties through the court as set forth in Article 440, paragraph 3 of this Law.

dužna je po nalogu suda unaprijed položiti iznos potreban za podmirenje troškova koji će nastati u povodu izvođenja dokaza.

(2) Kad izvođenje dokaza predlože obje stranke, sud će odrediti da iznos potreban za podmirenje troškova položi obje stranke na jednake dijelove.

(3) Sud će odustati od izvođenja dokaza ako iznos potreban za podmirenje troškova ne bude položen u roku koji odredi sud.

(4) Izuzetno od odredbe stava 3. ovog člana, ako sud po službenoj dužnosti odredi izvođenje dokaza radi utvrđivanja činjenica u vezi s primjenom člana 3. stav 2. ovog zakona, a stranke ne položi određeni iznos, predujam troškova za izvođenje dokaza isplatit će se iz sredstava suda.

Član 386.

(1) Stranka koja u cijelosti izgubi parnicu dužna je protivnoj stranci nadoknaditi troškove.

(2) Ako stranka djelimično uspije u parnici, sud može s obzirom na postignuti uspjeh, odrediti da svaka stranka podmiruje svoje troškove ili da jedna stranka nadoknadi drugoj razmjere ran dio troškova.

(3) Sud može odlučiti da jedna stranka naknadi sve troškove koje je druga stranka imala, ako protivna stranka nije uspjela samo u razmjerno neznatnom dijelu svog zahtjeva, a zbog toga dijela nisu nastali posebni troškovi.

(4) Prema rezultatu dokazivanja sud će odlučiti hoće li troškove iz člana 385. stav 4. ovog zakona, podmiriti jedna ili obadvije stranke ili će ti troškovi pasti na teret troškova suda.

Član 387.

(1) Pri odlučivanju koji će se troškovi stranci nadoknaditi, sud će uzeti u obzir samo troškove koji su bili potrebni radi vodenja parnice. O tome koji su troškovi bili potrebni, te o visini troškova odlučuje sud ocjenjujući brižljivo sve okolnosti.

(2) Ako je propisana tarifa za nagrade advokata ili za druge troškove, odmjerit će se takvi

Article 448

The original copy of the arbitration award and the Acknowledgment of Service shall be kept in the court as set forth in Article 440, paragraph 3 of this Law.

Article 449

1) Unless the possibility of contesting the arbitration award before a higher instance arbitration board has been envisaged by the arbitration agreement, the arbitration award shall be considered final for the parties.

2) At the request of the party, the court set forth in Article 440, paragraph 3 of this Law shall put a note on the copy of arbitration on its finality and enforceability.

Article 450

1) An arbitration award may be annulled upon the party's complaint.

2) The court as set forth in Article 440, paragraph 3 of this Law shall decide on that complaint.

Article 451

The annulment of the arbitration award may be requested in the following cases:

1) if an arbitration agreement has not been concluded at all, or if the agreement is not valid ;

2) if in a view of composition of the arbitration board or in relation with the decision making, a provision of this Law or arbitration agreement has been violated;

3) if an explanation of the arbitration award has not been given pursuant to Article 447, paragraph 1 of this Law, or if the original copy of the arbitration award or other copies have not been signed in the manner stipulated by Article 447, paragraph 2 of this Law;

4) if the arbitration board has exceeded the limits of its competence;

5) if the operative part of the award is illegible or contradictory;

6) if the arbitration award is in conflict with the Constitution of Bosnia and Herzegovina and the Constitution of the Federation;

7) if any of the reasons exist for reopening of the proceedings referred to in Article 255 of this Law.

Article 452

1) A complaint requesting the annulment of the arbitration award may be filed with the competent court within thirty (30) days.

troškovi prema tarifi.

Clan 388.

Stranka je dužna neovisno o ishodu parnice nadoknaditi protivnoj stranci troškove koje je prouzročila svojom krivnjom ili slučajem koji se njoj dogodio.

Clan 389.

Ako nije bilo povoda za podnošenje tužbe, zbog toga što je tuženi već priznao svoju obavezu i bio je spreman ispuniti, ili zbog drugih razloga, tužilac će nadoknaditi tuženom parnicne troškove.

Clan 390.

(1) Tužilac koji povuce tužbu dužan je protivnoj stranci nadoknaditi parnicne troškove, osim ako je povlacenje tužbe uslijedilo nakon udovoljenja zahtjevu od tuženog.

(2) Stranka koja odustane od pravnog lijeka dužna je protivnoj stranci nadoknaditi troškove nastale u povodu pravnog lijeka.

Clan 391.

(1) Svaka stranka podmiruje svoje troškove ako je parnica završena sudskom nagodbom, a u nagodbi nije drugacije ugovoreno.

(2) Troškovi nagodbe koja je pokušana, ali nije uspjela, ulaze u parnicne troškove.

Clan 392.

Ako u izlucnoj parnici bude usvojen tužbeni zahtjev za izlucenje stvari, a sud utvrdi da je tuženi kao vjerovnik u izvršnom postupku imao opravdanih razloga da smatra da ne postoje prava trecih osoba na tim stvarima, odredit ce da svaka stranka podmiruje svoje troškove.

Clan 393.

(1) Suparnicari podmiruju troškove na jednake

2) If the annulment of the arbitration award is requested due to reasons stated in Article 451 sub-paragraphs 1 to 6 of this Law, the time limit for filing the complaint shall be calculated from the day of serving the award on the party, and if a party has learnt the reason later, the period shall be calculated from that day.

3) In calculating the time limit for the annulment due to the reasons stated in Article 451, sub-paragraph 7 of this Law, the corresponding provisions of Article 257, paragraphs 1 and 2 of this Law shall be applied.

4) The annulment of an arbitration award may not be requested one year after the finality of the arbitration award.

Article 453

Parties may not by agreement waive the application of the provisions of Article 442, paragraphs 1 and 2, Article 447 paragraphs 2 and 3 and Articles 450-452 of this Law.

PART SIX

XXXI - TRANSITIONAL AND FINAL PROVISIONS

Article 454

1) If the first instance proceedings have been initiated before the coming into force of this Law, the further proceedings shall be conducted in accordance with the provisions of this Law.

2) In the cases referred to in paragraph 1 of this Article where the preparatory hearing or the main hearing have already been scheduled, but have not yet been opened, the court shall revoke its decision on scheduling the hearing, notify the parties accordingly and request the defendant to submit the response to the complaint in accordance with the provisions of this Law.

3) In the cases referred to in paragraph 1 of this Article where the main hearing has already been opened, the court shall, at the first following hearing, conduct all actions that, under this Law, should be conducted at the preparatory hearing. The holding of that hearing shall have the

dijelove.

(2) Ako postoji znatna razlika u pogledu njihovog udjela u predmetu spora, sud će prema razmjeru tog udjela odrediti koliki će dio troškova nadoknaditi svaki od suparnicara.

(3) Suparnicari koji su solidarno odgovorni u glavnoj stvari, odgovaraju solidarno i za troškove dosudene protivnoj strani.

(4) Za troškove prouzrokovane posebnim parničnim radnjama pojedinih suparnicara, ostali suparnicari ne odgovaraju.

Clan 394.

Kad ombudsman sudjeluje u postupku kao stranka, on ima pravo na naknadu troškova prema odredbama ovog zakona, ali ne i pravo na nagradu.

Clan 395.

Odredbе o troškovima primijenjuju se i na stranke koje zastupa pravobranilaštvo. U tom slučaju troškovi postupka obuhvaćaju i iznos koji bi se stranci priznao na ime nagrade advokatu.

Clan 396.

(1) O naknadi troškova odlučuje sud na određen zahtjev stranke bez raspravljanja.

(2) Stranka je dužna u zahtjevu određeno navesti troškove za koje traži naknadu. Zahtjev za naknadu troškova stranka je dužna staviti najkasnije do završetka raspravljanja koje prethodi odlučivanju o troškovima, a ako je riječ o donošenju odluke bez prethodnog raspravljanja, stranka je dužna zahtjev za naknadu troškova staviti u prijedlogu o kojem sud treba odlučiti.

(3) O zahtjevu za naknadu troškova sud će odlučiti u presudi ili rješenju kojim se završava postupak pred tim sudom.

(4) U toku postupka sud će posebnim rješenjem odlučiti o naknadi troškova samo kad pravo na naknadu troškova ne zavisi o odluci o glavnoj stvari.

(5) U slučaju iz člana 390. ovog zakona, ako povlačenje tužbe ili odustanak od pravnog lijeka

same legal effect, with regard to rights and obligations of the parties, as the preparatory hearing has under the provisions of this Law.

4) The court shall warn the parties that, after the hearing referred to in paragraph 3, they will no longer be able to take actions that, under the provisions of this Law, can be taken until the conclusion of the preparatory hearing.

Article 455

In cases in which the temporary stay of proceedings occurred before the coming into force of this law, legal consequences referred to in Article 20 paragraph 3 of the Law on Civil Procedure (“Official Gazette of the Federation of Bosnia and Herzegovina no. 42/98”) shall take effect upon the expiration of the temporary stay of proceedings.

Article 456

1) If a first instance ruling concluding the proceedings before the first instance court has been issued prior to the coming into force of this Law, further proceedings shall be conducted in accordance with regulations which were in force so far.

2) In the proceedings upon legal remedies, in the cases where the first instance decision was rendered before the coming into force of this Law, exceptionally from paragraph 1 of this Article, the provisions of Articles 217-220, 227-229, 249-251 of this Law shall be applied instead of the provisions of Articles 344-346, 351-355, and 377-379 of the Law on Civil Procedure (“Official Gazette of the Federation of Bosnia and Herzegovina” no. 42/98).

3) If a first instance ruling referred to in paragraph 1 of this Article has been revoked after the coming into force of this Law, further proceedings shall be conducted in accordance with this Law.

Article 457

The application of the provisions of Article 86 of this Law shall be suspended until such time as a separate law regulating mediation proceedings has come into full force and effect.

Article 458

1) Until a separate law is enacted, in proceedings to which this law applies, the courts shall apply provisions of Articles 46-68 and 79-101 of the Law on Resolving Conflict of Laws with Regulations of Other Countries for Certain Relations (“Official Gazette of SFRY” No. 43/82

nisu obavljani na raspravi, zahtjev za naknadu troškova može se staviti u roku od 15 dana nakon prijema obavijesti o odustanku, odnosno povlacenju tužbe.

Clan 397.

(1) Kad sud odbaci ili odbije pravni lijek, odlucit ce i o troškovima nastalim u postupku u povodu tog pravnog lijeka.

(2) Kad sud preinaci odluku protiv koje je podnesen pravni lijek ili ukine tu odluku i odbaci tužbu, odlucit ce o troškovima cijelog postupka.

(3) Kad se ukine odluka protiv koje je podnesen pravni lijek i predmet vrati na ponovno sudenje, ostavit ce da se o troškovima postupka u povodu pravnog lijeka odluci u konacnoj odluci.

(4) Sud može postupiti prema odredbi stava 3. ovog clana i kad odluku protiv koje je podnesen pravni lijek samo djelimicno ukine.

Clan 398.

Odluka o troškovima sadržana u presudi može se napadati samo žalbom na rješenje ako se istovremeno ne napada i odluka o glavnoj stvari.

2. Troškovi u postupku za osiguranje dokaza

Clan 399.

(1) Troškove postupka za osiguranje dokaza podmiruje stranka koja je podnijela prijedlog za osiguranje dokaza. Ona je dužna nadoknaditi i troškove protivnoj stranci odnosno postavljenom privremenom zastupniku.

(2) Te troškove stranka može naknadno ostvarivati kao dio parnicnih troškova, prema uspjehu u parnici.

and 72/82), taken over by the Decree ("Official Gazette of SR BiH", no. 2/92).

2) In the provisions of Articles stated in paragraph 1. of this Article the words: "Socialist Federative Republic of Yugoslavia" shall be replaced by the words "Bosnia and Herzegovina" in the appropriate grammatical case form.

Article 459

On the day of this Law coming into full force and effect, the Law on Civil Procedure ("Official Gazette of the Federation of Bosnia and Herzegovina" no. 42/98) shall cease to be applicable, with the exception of the provisions of Articles 404 – 424 of that Law, which shall apply until a separate law is enacted.

Article 460

During the period of three (3) months after the coming into force of this Law, the time limits prescribed by Articles 75 paragraph 4, Article 94 paragraph 2 and Article 217 paragraph 3 of this Law may be extended exceptionally for a maximum of 30 days, if due to the existing schedule of hearings of each particular judge, it would be impossible to schedule hearings within these time limits.

Article 461

This Law shall come into full force and effect on June 1, 2003.

3. Oslobodenje od plaćanja troškova postupka

Član 400.

(1) Sud će osloboditi plaćanja troškova postupka stranku koja prema svom općemimovnom stanju ne može podmiriti te troškove bez štete za nužno izdržavanje svoje i svoje porodice.

(2) Oslobodenje od plaćanja troškova postupka obuhvaća oslobodenje od plaćanja taksa i oslobodenje od polaganja predujma za troškove svjedoka, vještaka, uvidaja, prevodenja i sudskih oglasa.

(3) Sud može osloboditi stranku plaćanja svih troškova ili jednog dijela troškova postupka.

Član 401.

Pri donošenju odluke o oslobodenju od plaćanja troškova postupka sud će brižljivo ocijeniti sve okolnosti, a osobito će uzeti u obzir vrijednost predmeta spora, broj osoba koje stranka izdržava i prihode koje imaju stranka i članovi njene porodice.

Član 402.

(1) Odluku o oslobodenju od plaćanja troškova postupka donosi prvostepeni sud na prijedlog stranke.

(2) Stranka je dužna uz prijedlog podnijeti dokaze o imovnom stanju.

(3) Kad je to potrebno, sud može po službenoj dužnosti pribaviti potrebne podatke i obavijesti o imovnom stanju stranke koja traži oslobodenje, a može o tome saslušati i protivnu stranku.

(4) Protiv rješenja suda kojim se usvaja prijedlog stranke za oslobodenje od plaćanja troškova postupka nije dopuštena žalba.

Član 403.

Predujam za troškove od kojeg je plaćanja stranka oslobodena isplatit će se iz sredstava

suda.

Clan 404.

(1) Rješenje o oslobodenju od plaćanja troškova postupka prvostepeni sud može tokom postupka ukinuti ako utvrdi da je stranka u stanju podmirivati troškove postupka. Tom prilikom sud će riješiti hoće li stranka potpuno ili djelimično nadoknaditi i one troškove i takse od kojih je prije bila oslobođena.

(2) U prvom redu imaju se nadoknaditi iznosi isplaćeni iz sredstava suda.

Clan 405.

(1) Takse i troškovi isplaćeni iz sredstava suda čine dio parnicnih troškova.

(2) O naknadi tih troškova od strane protivnika stranke koja je oslobođena plaćanja troškova postupka sud će odlučiti prema odredbama o naknadi troškova.

(3) Takse i troškove isplaćene iz sredstava suda naplaćuje po službenoj dužnosti prvostepeni sud od stranke koja je dužna nadoknaditi te troškove.

(4) Ako je protivnik stranke koja je oslobođena plaćanja troškova postupka odlukom suda obavezan da nadoknadi parnicne troškove, a utvrdi se da on nije u stanju te troškove platiti, sud može naknadno odrediti da troškove iz stava 1. ovog člana plati u cijelosti ili djelimično stranka koja je oslobođena plaćanja troškova postupka iz onog što joj je dosuđeno. Time se ne dira u pravo te stranke da za ono što je platila traži naknadu od protivnika.

XXV – NEPOŠTIVANJE SUDA

Clan 406.

Sud će u toku postupka kazniti novčanom kaznom od 100 do 1.000 KM stranku,

zakonskog zastupnika, punomocnika ili umješaca koji su svojim parničnim radnjama teže zloupotrijebili prava priznata ovim zakonom.

Clan 407.

(1) Novčanom kaznom od 100 do 1.000 KM sud će kazniti osobu koja u podnesku vrijeđa sud, stranku ili drugog sudionika u postupku.

(2) Ako osoba koja sudjeluje u postupku ili osoba koja je kao slušatelj prisutna raspravi vrijeđa sud ili druge sudionike u postupku, ometa rad ili se ne pokorava naredbama suda za održavanje reda, sud će je opomenuti. Ako opomena bude bezuspješna, sud će opomenutu osobu udaljiti iz sudnice ili kazniti novčanom kaznom od 100 do 1.000 KM, a može je i udaljiti i kazniti novčanom kaznom.

(3) Ako stranka bude udaljena iz sudnice, ročište će se održati i bez njenog prisustva.

(4) Ako iz sudnice bude udaljen punomocnik, sud će na zahtjev stranke odložiti ročište, a ako stranka nije prisutna na ročištu, sud će uvijek odložiti ročište i obavijestiti stranku da je njen punomocnik udaljen s ročišta zbog narušavanja reda.

(5) Kad sud kazni novčanom kaznom ili udalji iz sudnice advokata ili advokatskog pripravnika kao punomocnika, obavijestit će o tome advokatsku komoru.

Clan 408.

(1) Sud će novčanom kaznom od 100 do 1.000 KM kazniti punomocnika za primanje pismena koji protivno odredbama člana 352. stav 7. ovog zakona ne obavijesti sud o promjeni adrese.

(2) Sud će na zahtjev stranke narediti punomocniku za primanje pismena da nadoknadi troškove koje je prouzrokovao neopravdanim nedostavljanjem obavijesti o promjeni adrese.

Clan 409.

(1) Osobu koja neosnovano odbije primiti

pismeno, te osobu koja na koji drugi način ometa dostavu pismena, svjesno onemogućavajući ili otežavajući primjenu odredaba ovog zakona o dostavi, sud će kazniti novčanom kaznom od 100 do 1.000 KM.

(2) Sud će na zahtjev stranke narediti osobi iz stava 1. ovog člana, da naknadi troškove što ih je svojim ponašanjem opisanim u stavu 1. ovog člana prouzrokovala.

Član 410.

(1) Ako svjedok koji je uredno pozvan ne dode, a izostanak ne opravda ili se bez odobrenja ili opravdanog razloga udalji s mjesta gdje treba da bude saslušan, sud će narediti da se prisilno dovede i podmiri troškove dovođenja i kazniti ga novčanom kaznom od 100 do 1.000 KM.

(2) Ako svjedok dode i nakon što je upozoren na posljedice uskrati svjedočenje ili odgovor na pojedino pitanje, a sud ocijeni da su razlozi uskracivanja neopravdani, kaznit će ga novčanom kaznom od 100 do 1.000 KM, a ako i poslije toga odbije da svjedoči, može ga zatvoriti. Zatvor traje sve dok svjedok ne pristane svjedočiti ili dok njegovo saslušanje ne postane nepotrebno, ali najduže 15 dana.

(3) Sud će na zahtjev stranke narediti svjedoku da nadoknadi troškove što ih je uzrokovao svojim neopravdanim izostankom odnosno neopravdanim odbijanjem da svjedoči.

(4) Ako svjedok naknadno opravda svoj izostanak sud će opozvati svoje rješenje o kazni, a može svjedoka sasvim ili djelimično osloboditi naknade troškova. Sud može opozvati svoje rješenje o kazni i kad svjedok naknadno pristane svjedočiti.

Član 411.

(1) Sud će novčanom kaznom od 100 do 1.000 KM kazniti vještaka koji ne dostavi nalaz i mišljenje u ostavljenom roku ili ne dode na ročište iako je uredno pozvan, a izostanak ne opravda.

(2) Sud će novčanom kaznom iz stava 1. ovog člana, kazniti i vještaka koji bezopravdanog razloga odbije vještaciti.

(3) Sud će na zahtjev stranke narediti vještaku da nadoknadi troškove što ih je uzrokovao svojim neopravdanim nedostavljanjem nalaza i mišljenja, neopravdanim izostankom, odnosno neopravdanim odbijanjem da vještaci.

(4) Rješenje o kazni sud može opozvati uz uvjete iz člana 410. stav 4. ovoga zakona.

(5) Odredbe ovog člana na odgovarajući se način primjenjuju i na tužace.

Član 412.

Ako osoba koja je novčano kažnjena po odredbama ovog zakona ne plati tu kaznu u određenom roku, ona će se zamijeniti kaznom zatvora, čije trajanje odmjerava sud srazmjerno visini izrecene kazne u skladu s odredbama krivičnog zakona, ali koje ne može biti duže od 15 dana.

Član 413.

(1) Žalba protiv rješenja iz čl. 406., 407., člana 408. stav 1., člana 410. stav 1. i člana 411. stav 1. ovog zakona ne odlaže izvršenje rješenja.

(2) Žalba protiv rješenja iz člana 410. stav 2. i člana 411. stav 2. ne zadržava izvršenje rješenja, osim ako se u toj žalbi pobija i odluka suda kojom nisu usvojeni razlozi svjedoka za uskracivanje svjedocenja ili odgovora na pojedino pitanje, odnosno razlozi vještaka za uskracivanje vještacenja.

XXVI - PRAVNA POMOĆ

Član 414.

(1) Sudovi u Federaciji dužni su u parničnom postupku pružati pravnu pomoć svim sudovima u Bosni i Hercegovini.

(2) Ako zamoljeni sud nije nadležan da obavi radnju za koju je zamoljen, ustupit će molbu nadležnom sudu, odnosno drugom organu vlasti i o tome obavijestiti sud od koga je primio molbu, a ako mu nadležni sud, odnosno organ vlasti nije poznat, vratit će molbu sudu koji je podnio molbu.

(3) Ako u jednom mjestu postoji više sudova stvarno nadležnih za davanje pravne pomoći, molba za davanje pravne pomoći može se podnijeti bilo kojem od tih sudova.

Član 415.

(1) Sudovi će ukazivati pravnu pomoć inostranim sudovima u slučajevima predviđenim međunarodnim ugovorom, kao i kad postoji uzajamnost u ukazivanju pravne pomoći. U slučaju sumnje o postojanju uzajamnosti objašnjenje daje Federalno ministarstvo pravde.

(2) Sud će uskratiti pravnu pomoć inostranom sudu ako se traži izvršenje radnje koja je protivna javnom poretku Bosne i Hercegovine, odnosno Federacije. U takvom će slučaju sud nadležan za davanje pravne pomoći po službenoj dužnosti dostaviti predmet Vrhovnom sudu Federacije, radi donošenja konačne odluke.

(3) Odredbe člana 414. st. 2. i 3. ovog zakona važe i za postupanje s molbom inostranog suda.

Član 416.

Sudovi ukazuju pravnu pomoć inostranim sudovima na način predviđen u domaćem zakonu. Radnja koja je predmet molbe inostranog suda može se obaviti i na način koji zahtijeva inostrani sud, ako takav postupak nije protivan javnom poretku Bosne i Hercegovine, odnosno Federacije.

Član 417.

Ako međunarodnim ugovorom nije što drugo određeno, sudovi će uzimati u postupak molbe za pravnu pomoć inostranih sudova samo ako su molba i prilozi sastavljeni na jeziku u službenoj upotrebi u Federaciji, ili ako je priložen ovjereni prijevod na tom jeziku.

Član 418.

Ako međunarodnim ugovorom nije što drugo određeno, molbe sudova iz Federacije za pravnu pomoć dostavljaju se inostranim sudovima

diplomatskim putem preko organa uprave nadležnog za inostrane poslove Bosne i Hercegovine. Molbe i prilozi moraju biti sastavljeni na jeziku zamoljene države ili uz njih mora biti priložen njihov ovjereni prijevod na tom jeziku.

Dio peti

POSEBNI POSTUPCI

XXVII – POSTUPAK U PARNICAMA IZ RADNIH ODNOSA

Clan 419.

Ako u glavi XXVII ovog zakona ne postoje posebne odredbe, u parnicama iz radnih odnosa primjenjivat će se ostale odredbe ovog zakona.

Clan 420.

U postupku u parnicama iz radnih odnosa, a osobito pri određivanju rokova i ročišta, sud će uvijek obracati osobitu pažnju na potrebu hitnog rješavanja radnih sporova.

Clan 421.

Sud će u presudi kojom nalaže izvršenje neke cinidbe odrediti rok od 15 dana za njeno izvršenje.

Clan 422.

Rok za podnošenje žalbe na presudu odnosno rješenje iz radnih odnosa je 15 dana.

XXVIII - POSTUPAK U PARNICAMA

ZBOG SMETANJA POSJEDA

Clan 423.

Ako u glavi XXVIII ovog zakona ne postoje posebne odredbe, u parnicama zbog smetanja posjeda primjenjivat ce se ostale odredbe ovog zakona.

Clan 424.

Pri odredivanju rokova i rocišta po tužbama zbog smetanja posjeda sud ce uvijek obracati osobitu pažnju na potrebu hitnog rješavanja prema prirodi svakoga pojedinog slucaja. Pri tome, sud može odrediti i rokove krace od onih predvidenih odredbama ovog zakona o redovnom postupku.

Clan 425.

Raspravljanje o tužbi zbog smetanja posjeda ogranicit ce se samo na raspravljanje i dokazivanje cinjenica posljednjeg stanja posjeda i nastalog smetanja. Iskluceno je raspravljanje o pravu na posjed, o pravnoj osnovi, savjesnosti ili nesavjesnosti posjeda ili o zahtjevima za naknadu štete.

Clan 426.

(1) Rok za udovoljenje dužnostima koje su naložene strankama sud ce odrediti prema okolnostima pojedinog slucaja.

(2) Rok za podnošenje žalbe je 15 dana.

(3) U izuzetnim okolnostima sud može odluciti da žalba ne zadržava izvršenje rješenja.

(4) Protiv rješenja donesenih u parnicama zbog smetanja posjeda revizija nije dopuštena.

Clan 427.

Tužilac gubi pravo da u izvršnom postupku zahtijeva izvršenje rješenja kojim se tuženom po

tužbi zbog smetanja posjeda nalaže izvršenje određene radnje, ako nije zahtijevao izvršenje u roku od 60 dana nakon proteka roka koji je rješenjem određen za izvršenje te radnje.

XXIX– POSTUPAK U SPOROVIMA

MALE VRIJEDNOSTI

Clan 428.

Ako u glavi XXIX ovog zakona ne postoje posebne odredbe, u postupku u sporovima male vrijednosti primjenjivat će se ostale odredbe ovog zakona.

Clan 429.

(1) Sporovi male vrijednosti, u smislu odredaba ovog zakona, jesu sporovi u kojima se tužbeni zahtjev odnosi na potraživanje u novcu koje ne prelazi iznos od 3.000 KM.

(2) Sporovima male vrijednosti smatraju se i sporovi u kojima se tužbeni zahtjev ne odnosi na potraživanje u novcu, a tužilac je u tužbi naveo da pristaje da umjesto udovoljenja određenom zahtjevu primi određeni novčani iznos koji ne prelazi iznos iz stava 1. ovog clana. (clan 321. stav 1.).

(3) Sporovima male vrijednosti smatraju se i sporovi u kojima predmet tužbenog zahtjeva nije novčani iznos, već predaja pokretne stvari čija vrijednost, koju je tužilac u tužbi naveo, ne prelazi iznos iz stava 1. ovog clana. (clan 321. stav 2.).

Clan 430.

Ne smatraju se sporovima male vrijednosti, u smislu odredaba ovog zakona, sporovi o nekretninama, sporovi iz radnih odnosa i sporovi zbog smetanja posjeda.

Clan 431.

(1) U postupku u sporovima male vrijednosti dopuštena je posebna žalba samo protiv rješenja kojim se završava postupak.

(2) Ostala rješenja protiv kojih je po ovom zakonu dopuštena žalba mogu se pobijati samo

žalbom protiv odluke kojom se postupak završava.

(3) Rješenja iz stava 2. ovog clana ne dostavljaju se strankama vec se objavljuju na rocištu.

Clan 432.

(1) Ako tužilac preinaci tužbeni zahtjev tako da vrijednost predmeta spora prelazi iznos od 3.000 KM, postupak ce se dovršiti prema odredbama ovog zakona o redovnom postupku.

(2) Ako tužilac do zaključenja glavne rasprave koja se vodi prema odredbama ovog zakona o redovnom postupku smanji tužbeni zahtjev tako da više ne prelazi iz nos od 3.000 KM

Clan 433.

(1) Presuda ili rješenje kojim se završava spor male vrijednosti može se pobijati samo zbog povrede odredaba parnicnog postupka i zbog pogrešne primjene materijalnog prava.

(2) U presudi odnosno rješenju iz stava 1. ovog clana, sud je dužan navesti razloge iz kojih se može izjaviti žalba.

(3) Protiv prvostepene presude odnosno rješenja iz stava 1. ovog clana, stranke mogu podnijeti ti žalbu u roku od 15 dana.

(4) U postupku u sporovima male vrijednosti, rok iz clana 179. stav 2. i clana 192. stav 1. ovog zakona, je 15 dana.

XXX – POSTUPAK PRED ARBITRAŽOM

Clan 434.

Stranke se mogu sporazumjeti da rješavanje spora povjere arbitraži, osim ako se radi o zahtjevu kojim stranke ne mogu raspolagati u smislu c lana 3. stav 2. ovog zakona.

Clan 435.

(1) Ugovor o arbitraži može se sklopiti u

pogledu određenog spora i u pogledu budućih sporova koji mogu proizaći iz određenog pravnog odnosa. Ugovor o arbitraži pravovaljan je samo ako je sklopljen u pismenom obliku i ako su ga potpisale sve stranke.

(2) Ugovor o arbitraži sklopljen je u pismenom obliku i kada je sklopljen razmjenom pisama, telegrama, telexa ili drugih telekomunikacijskih sredstava koja omogućuju pisani dokaz o sklopljenom ugovoru.

(3) Ugovor o arbitraži sklopljen je u pismenom obliku i kada je sklopljen razmjenom tužbe u kojoj tužilac navodi postojanje tog ugovora i odgovora na tužbu u kojem tuženi to ne osporava.

(4) Ugovor o arbitraži može se dokazivati samo ispravama.

Član 436.

Ugovor o arbitraži pravovaljano je sklopljen i kad je odredba o nadležnosti arbitraže sadržana u općim uvjetima za sklapanje pravnog posla.

Član 437.

(1) Broj arbitara arbitraže mora biti neparan.

(2) Ako ugovorom stranaka nije određen broj arbitara, svaka stranka postavlja po jednog arbitra, a oni biraju predsjednika.

Član 438.

(1) Ako su stranke za rješavanje određenog spora ugovorile nadležnost arbitraže, sud kojem je podnesena tužba u istom sporu i među istim strankama, na prigovor tuženog oglasit će se nenadležnim, ukinuti provedene radnje u postupku i odbaciti tužbu.

(2) Prigovor iz stava 1. ovog člana, tuženi može staviti najkasnije u odgovoru na tužbu.

Clan 439.

(1) Stranku koja na temelju ugovora o arbitraži treba da postavi arbitra može pozvati protivna stranka da u roku od 15 dana obavi to postavljanje i da je o tome obavijesti.

(2) Poziv prema stavu 1. ovog clana pravovaljan je samo ako je stranka koja ga upucuje postavila svog arbitra i o tome obavijestila protivnu stranku.

(3) Kad na temelju ugovora o arbitraži postavljanje arbitra treba obaviti treća osoba, svaka stranka može uputiti poziv iz stava 2. ovog clana toj osobi.

(4) Osoba koja je pozvana da postavi arbitra arbitraže vezana je za postavljanje koje je obavljeno cim je to postavljanje saopćeno protivniku, odnosno jednoj od stranaka.

Clan 440.

(1) Ako arbitar ne bude na vrijeme postavljen, a iz ugovora ne proizilazi što drugo, arbitra će na prijedlog stranke postaviti sud.

(2) Ako se arbitri ne mogu složiti o izboru predsjednika, a iz ugovora ne proizilazi što drugo, predsjednika će na prijedlog svakog arbitra ili stranke, postaviti sud.

(3) Za postavljanje arbitra, odnosno predsjednika arbitraže, nadležan je sud koji bi za spor bio nadležan u prvom stepenu da nije sklopljen ugovor o arbitraži.

(4) Protiv rješenja suda nije dopuštena žalba.

(5) Stranka koja se ne želi koristiti ovlaštenjem iz stava 1. ili stava 2. ovog clana može tužbom zahtijevati da sud nadležan za postavljanje proglaš prestanak važenja ugovora o arbitraži.

Clan 441.

(1) Osim slucaja iz clana 440. ovog zakona,

svaka stranka može tužbom zahtijevati da sud proglasi prestanak važenja ugovora o arbitraži:

- 1) ako se stranke ne mogu složiti o izboru arbitara koje one zajednicki trebaju postaviti;
- 2) ako osoba koja je u samom ugovoru o arbitraži postavljena za arbitra arbitraže neće ili ne može obavljati tu dužnost.

(2) O zahtjevu odlucuje sud predviden u clanu 440. stav 3. ovog zakona.

(3) Na rocište za raspravljanje po zahtjevu sud će pozvati stranke.

Clan 442

(1) Arbitar arbitraže dužan je da se izuzme kad postoje razlozi za izuzece iz clana 357. ovog zakona. Iz istih razloga mogu stranke zahtijevati izuzece arbitra arbitraže.

(2) Stranka koja je sama ili zajedno s protivnom strankom postavila arbitra može zahtijevati njegovo izuzece samo ako je razlog za izuzece nastao ili je stranka za njega saznala nakon što je arbitar postavljen.

(3) Ako se stranke nisu drugacije sporazumjele, o izuzecu odlucuje sud predviden u clanu 440. stav 3. ovog zakona.

Clan 443.

Ako se stranke nisu drugacije sporazumjele, arbitri arbitraže će odrediti postupak pred arbitražom.

Clan 444.

(1) Prema svjedocima, strankama i drugim osobama koje sudjeluju u postupku, arbitraža ne može upotrijebiti prisilna sredstva niti izricati kazne.

(2) Arbitraža može zatražiti od suda mjesno nadležnog za davanje pravne pomoci da se pred njim izvedu pojedini dokazi koji se pred arbitražom ne mogu izvesti.

(3) Na postupak za izvođenje dokaza

primjenjivat će se odredbe ovog zakona o izvodenju dokaza pred zamoljenim sudom.

Član 445.

Arbitraža može donijeti presudu po pravici samo ako su joj stranke dale takvu ovlast.

Član 446.

(1) Kad se arbitraža sastoji od više od jednog arbitra, presuda se donosi većinom glasova, ako u ugovoru o arbitraži nije drugačije određeno.

(2) Ako se ne može postići potrebna većina glasova, arbitraža je dužna o tome obavijestiti stranke.

(3) Ako se za slučaj iz stava 2. ovog člana stranke nisu drugačije sporazumjele, svaka od stranaka može tužbom zahtijevati da sud predviđen u članu 440. stav 3. ovog zakona, izrekne prestanak važenja ugovora o arbitraži.

Član 447.

(1) Presuda arbitraže mora biti obrazložena, ako stranke nisu što drugo ugovorile.

(2) Izvornik presude i sve prepise potpisuju svi arbitri. Presuda važi i kad koji arbitar uskrati da je potpiše, ako je presudu potpisala većina arbitara i na presudi utvrdila to uskracivanje potpisa.

(3) Strankama se dostavljaju prepisi presude preko suda predviđenog u članu 440. stav 3. ovog zakona.

Član 448.

Izvornik presude i potvrde o obavljenoj dostavi čuvaju se kod suda predviđenog u članu 440. stav 3. ovog zakona.

Član 449.

(1) Presuda arbitraže ima prema strankama snagu pravomoćne presude, ako ugovorom nije predviđena mogućnost pobijanja presude pred arbitražom višeg stupnja.

(2) Na zahtjev stranke sud predviđen u članu 440. stav 3. ovog zakona, stavit će na prepisu presude potvrdu o pravomoćnosti i izvršnosti.

Član 450.

(1) Presuda arbitraže može se poništiti po tužbi stranke.

(2) Za rješavanje o tužbi nadležan je sud predviđen u članu 440. stav 3. ovog zakona.

Član 451.

Poništaj presude arbitraže može se zahtijevati:

1) ako uopće nije sklopljen ugovor o arbitraži ili ako taj ugovor nije pravovaljan;

2) ako je u pogledu sastava arbitraže ili u vezi s odlučivanjem povrijeđena koja odredba ovog zakona ili ugovora o arbitraži;

3) ako presuda nije obrazložena prema članu 447. stav 1. ovog zakona ili ako izvor nik i prepisi presude nisu potpisani na način određen u članu 447. stav 2. ovog zakona;

4) ako je arbitraža prekoracila granicu svog zadatka;

5) ako je izreka presude nerazumljiva ili je sama sebi protivrječna;

6) ako je presuda arbitraže u protivnosti s Ustavom Bosne i Hercegovine ili Ustavom Federacije Bosne i Hercegovine;

7) ako postoji koji od razloga za ponavljanje postupka iz člana 255. ovog zakona.

Član 452.

(1) Tužba za poništaj presude arbitraže može se podnijeti nadležnom sudu u roku od 30 dana.

(2) Ako se poništaj presude zahtijeva iz razloga navedenih u članu 451. tac. 1. do 6. ovog zakona, rok za tužbu se racuna od dana kada je presuda dostavljena stranci, a ako je stranka za razlog saznala kasnije, rok se racuna od dana saznanja.

(3) U pogledu racunanja roka, kad se poništaj zahtijeva iz razloga navedenog u članu 451. tacka 7. ovog zakona, primjenjivat ce se odgovarajuće odredbe člana 257. st. 1. i 2. ovog zakona.

(4) Nakon proteka jedne godine od pravomocnosti presude arbitraže ne može sezahiti vati poništaj presude.

Član 453.

Stranke se ne mogu sporazumno odreći primje odredbi člana 442. stav 1. i 2, člana 447. stav 2. i i člana 450. do 452. ovog zakona.

Dio šesti

XXXI - PRIJELAZNE I ZAVRŠNE ODREDBE

Član 454.

(1) Ako je prije dana stupanja na snagu ovog zakona zapocet postupak pred prvostepenim sudom, daljnji postupak provest ce se prema odredbama ovog zakona.

(2) U predmetima iz stava 1. ovog člana u kojima je već zakazano pripremno ročište ili ročište za glavnu raspravu, ali rasprava još uvijek nije otvorena, sud ce opozvati svoje rješenje o odredivanju ročišta i o tome obavijestiti stranke, a tuženog pozvati da dostavi odgovor na tužbu u skladu s odredbama ovog zakona.

(3) U predmetima iz stava 1. ovog člana u kojima je već otvorena glavna rasprava, sud je dužan na prvom slijedećem ročištu za glavnu raspravu provesti sve radnje koje bi prema odredbama ovog zakona bio dužan provesti na pripremnom ročištu. Održavanje tog ročišta imaće, u pogledu prava i obaveza stranaka, sve pravne posljedice koje, prema odredbama ovog zakona, ima održavanje pripremnog ročišta.

(4) Sud će upozoriti stranke u postupku da nakon održavanja ročišta iz stava 3. ovog člana neće moći poduzimati radnje za koje je odredbama ovog zakona predviđeno da se mogu poduzeti najkasnije do zaključenja pripremnog ročišta.

Član 455.

U predmetima u kojima je do dana stupanja na snagu ovog zakona nastupilo mirovanje postupka, istekom mirovanja nastupaju pravne posljedice iz člana 201. stav 3. Zakona o parničnom postupku ("Službene novine Federacije BiH", br. 42/98 i 3/99).

Član 456.

(1) Ako je prije stupanja na snagu ovog zakona donesena prvostepena odluka kojom se postupak pred prvostepenim sudom završava, daljnji postupak provest će se prema dosadašnjim propisima.

(2) Izuzetno od odredbe stava 1. ovog člana, u postupku po pravnim lijekovima upredmetima u kojima je donesena prvostepena odluka prije stupanja na snagu ovog zakona, umjesto odredbi čl. 344. do 346, čl. 351. do 355. i čl. 377. do 379. Zakona o parničnom postupku ("Službene novine Federacije BiH", br. 42/98 i 3/99) primjenjivat će se odredbe čl. 217. do 220,

čl. 227. do 229. i čl. 249. do 251. ovog zakona.

(3) Ako nakon stupanja na snagu ovog zakona bude ukinuta prvostepena odluka iz stava 1. ovog člana, daljnji postupak provest će se prema ovom zakonu.

Clan 457.

Odredbe clana 86. ovog zakona pocet ce se primjenjivati nakon stupanja na snagu posebnog zakona kojim se ureduje postupak medijacije .

Clan 458.

(1) Do dana donošenja posebnog zakona sudovi ce u parnicnom postupku primjenjivati odredbe cl. 46. do 68 i cl. 79. do 101. Zakona o rješavanju sukoba zakona s propisima drugih zemalja u određenim odnosima ("Službeni list SFRJ", br. 43/82 i 72/82) preuzetog Uredbom sa zakonskom snagom o preuzimanju i primjenjivanju saveznih zakona koji se u Bosni i Hercegovini primjenjuju kao republicki propisi ("Službeni list R BiH", broj 2/92).

(2) U odredbama clanova navedenih u stavu 1. ovog clana rijeci: "Socijalisticka Federativna Republika Jugoslavija" zamjenjuju se rijecima "Bosna i Hercegovina" u odgovarajucem padežu.

Clan 459.

Danom stupanja na snagu ovog zakona prestaje važiti Zakon o parnicnom postupku ("Službene novine FBiH", br. 42/98 i 3/99), osim odredbi cl. 404. do 424. tog zakona, koje ce se nastaviti primjenjivati do donošenja posebnog zakona.

Clan 460.

U periodu od tri mjeseca nakon stupanja na snagu ovog zakona , rokovi iz clana 75. stav 4., clana 94. stav 2. i clana 217. stav 3. ovog zakona, mogu se izuzetno produžiti za najduže 30 dana, ako, s obzirom na postoje ci raspored rocišta svakog pojedinacnog sudije , zakazivanje rocišta u navedenim rokovima ne bi bilo moguće.

Clan 461.

Ovaj zakon stupa na snagu osmog dana od dana objavljanja u "Službenim novinama

Federacije BiH".

