



SERVICE PURSUANT TO LAW ON BANKRUTPCY

Article. 12

Service and Public Announcement

- (1) Bankruptcy court services orders in its official capacity.
- (2) Service is deemed completed after public announcement, including instances when this law stipulates particular service. Service is deemed completed two working days after announcement.



- How should court act when Law stipulates that court decision must be announced, but doesn't specify should it be announced on court announcement board or in official gazette?

Why is this question important?

- **Article 11.**
Legal Recourse

.....

(2) Period during which appeal may be filed is 8 days from the day the decision is announced, or from the day the decision is filed, if the decision is not announced...

- **Article 18.**
Effect and Announcement of Protective Measures

(1) The restriction of management ... and also the appointment of interim bankruptcy trustee, must be announced. The decision that establishes these measures is served on the debtor.

Clear determination of Legislator:

- Article 48

“(1) The Bankruptcy Court is required to announce the decision to open the bankruptcy publicly, on the day decision is made, on the Court’s notice board. The decision must be published in the FBiH Official Gazette.”

- Article 113. item 5

“(5) The Bankruptcy Judge shall make a decision on disregarding claims that were not filed in a timely manner as indicated in paragraphs 2 and 4 of this Article. The decision is announced on the notice board of the Court and submitted to.....

- **Article 206.**

Ascertaining provisional measures and Prohibition of Execution and Safeguarding

- (1) As soon as the petition for recognition is filed, bankruptcy...

- (2) After announcement is put on the notice board of the Court, pursuant to Article 207, par. 1 of this Law, it is not possible...

- **. Article 126.**

Order on concluding bankruptcy proceedings

(2) The order, as well as reasons for concluding bankruptcy proceedings are published in "FBIH Official Gazette".

- **Article 207.**

Announcement concerning petition for recognition

- (1) After it receives a petition for recognition, the bankruptcy court shall forthwith, publish a notice in the "Official Gazette of FBiH", and also on the notice board of the Court, on which the following shall be stated:...

- **Article 209.**

Decision on recognition

....

- (4) of a foreign decision on the opening of bankruptcy proceedings shall be published in the "Official Gazette of FBiH". The announcement should also be published on the notice board of the court....

■ Article 226.

....

(2) The petition referred to in Paragraph 1 of this Article may be filed within the deadline of 8 days from the day the decision on refusal of the petition for recognition is announced on the notice board of the court and in "FBiH Official Gazette"...

- Unclear provisions of Legislator:

Article 18

“(1) The restriction of management... and appointment of an interim trustee must be announced. The decision that establishes these measures is served on the debtor.

.....

- **Article 140.**

Public notice and the effect of closing and of discontinuance

(1) The decision in which bankruptcy proceedings are closed according to Article 132 and 136 of this Law, i.e.... must be publicly announced...

- **Article 113.**

Claims filed subsequently

- Invitation to separate examination hearing is publicly announced. The trustee and the individual debtor are separately invited to that examination.

- **Article 118.**

Separation balance

...The bankruptcy trustee must give public notice of the total claims and the amount available for distribution in the bankruptcy estate.

- **Article 124.**
Main distribution

...(7) The period between the announcement of invitation for the hearing on the main distribution and the hearing itself must be no less than 15 and no more than 30 days.

Text of the Law

- The Legislator uses in its text “announce” and “publish” for the court board and “publish” for the “Official Gazette”
- The legislator also mentions in several instances in a definite manner both the court board and the “Official Gazette”.

- Question:

When the Legislator says “announce” or “publish” without stating how to do this, does he have in mind putting the decision on the notice board of the court or publishing in the “Official Gazette” or some other way of “publishing” (via other media)?

- Answer:

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