

Table of Articles

FBiH Law on Bankruptcy Proceedings

Part	Article	Provision
I	<u>BASIC PROVISIONS</u>	
	1	Subject of the Law
	2	Objectives of the Bankruptcy Proceeding
	3	Institutions of the Bankruptcy Proceeding
	4	Proposal for Opening Bankruptcy Proceeding
	5	Bankruptcy Debtor
	6	Reasons for Bankruptcy
II	<u>GENERAL PROCESSING PROVISIONS</u>	
	7	Authority
	8	Adequate Implementation of the Provisions of the Law on Legal Proceedings
	9	Principles of the Proceeding
	10	Obligatory Participations and Enforcement Measures
	11	Legal Resources
	12	Submissions, Public Announcements
III	<u>PRELIMINARY PROCEEDING</u>	
	13	Advance for the Expenses of the Preliminary Proceeding
	14	Ascertaining the Conditions for Opening Bankruptcy Proceeding
	15	Security Measures
	16	Interim Bankruptcy Trustee's Tasks and Legal Position
	17	Permanent Obligatory Relations During Provisional Administration, Public Claims and Employees' Claims
	18	Effect and Announcement of Security Measures
	19	Public Registers
	20	Responsibilities of the Interim Bankruptcy Trustee
	21	Discontinuation of the Service of an Interim Bankruptcy Trustee
IV	<u>BANKRUPTCY PROCEEDING</u>	
	1	<u>Institutions of the Bankruptcy Proceeding</u>
	22	Bankruptcy Judge
	23	Persons who can be Appointed as Bankruptcy Trustees
	24	(List of Trustees)
	25	Rights and Responsibilities of Bankruptcy Trustee
	26	Accountability and Insurance
	27	Supervision of the Bankruptcy Trustee
	28	Creditors' Assembly
	29	Board of Creditors
	2	<u>Bankruptcy Estate and the Grouping of Creditors</u>
	30	The Concept of the Bankruptcy Estate
	31	Payment Ranks of the Bankruptcy Creditors
	32	Bankruptcy Creditors of General Payment Rank
	33	Bankruptcy Creditors of Higher Payment Ranks
	34	Bankruptcy Creditors of Lower Payment Ranks

Part	Article	Provision
------	---------	-----------

- 35 [Sustenance of the Debtor](#)
- 36 [Undue, Conditional and Non-Cash Claims](#)
- 37 [Separate Recovery and Compensation for the Right to Separate Recovery](#)
- 38 [Creditors with the Right to Separate Settlement](#)
- 39 [Creditors with the Right to Separate Settlement as Bankruptcy Creditors](#)
- 40 [Creditors of the Bankruptcy Estate](#)
- 41 [Costs of the Bankruptcy Proceeding](#)
- 42 [Debts of the Bankruptcy Estate](#)
- 3 [Opening of the Bankruptcy Proceeding](#)**
 - 43 [Decision on the Proposal for the Opening of the Bankruptcy Proceeding](#)
 - 44 [Direct Opening of a Bankruptcy Proceeding](#)
 - 45 [Decision on the Opening of the Proceeding](#)
 - 46 [Summons of Creditors and Debtors](#)
 - 47 [Ascertaining the Hearings](#)
 - 48 [Proclamation of the Decision on the Opening of Bankruptcy](#)
 - 49 [Public Registers](#)
 - 50 [Appeal Against the Decision on the Opening of the Bankruptcy Proceeding](#)
- 4 [Legal Consequences of the Opening of the Bankruptcy Proceeding](#)**
 - a [General Effects of Opening Proceedings](#)***
 - 51 [Transfer of the Rights of Administration and Disposition](#)
 - 52 [Dispositions by the Bankruptcy Debtor](#)
 - 53 [Payments to the Bankruptcy Debtor](#)
 - 54 [Distribution of the Property of a Legal Corporation](#)
 - 55 [Takeover of Disputes](#)
 - 56 [Claims of the Bankruptcy Creditors](#)
 - 57 [Execution Prior to Opening Proceedings](#)
 - 58 [Prohibition of Execution and Safeguarding](#)
 - 59 [Prohibition of Execution in Order for the Claims on the Bankruptcy Estate \(Privileged Debts\) to be Settled](#)
 - 60 [Exclusion of any Further Acquisition of Title over the Property which Enters into the Bankruptcy Estate](#)
 - 61 [Suspension of Mail](#)
 - 62 [Bankruptcy Debtor's Duty to Provide Information and Co-Operate](#)
 - 63 [Representatives of the Organs; Employees](#)
 - 64 [Personal Liability of the Members of the Corporation and Partners](#)
 - b [Performance of Legal Transactions](#)***
 - 65 [Right of the Bankruptcy Trustee to Choose](#)
 - 66 [Fixed Transactions](#)
 - 67 [Divisible Performances](#)
 - 68 [Reservation of Title](#)
 - 69 [Maintaining Ownership Rights](#)
 - 70 [Lease and Tenancy Relations over Items of Real Estate](#)
 - 71 [Bankruptcy Debtor as a Lessor or a Landlord](#)
 - 72 [Bankruptcy Debtor as a Lessee or a Tenant](#)
 - 73 [Prohibition of the Termination of Leases and Leasehold Agreements](#)
 - 74 [Labor Contracts](#)

Part	Article	Provision
------	---------	-----------

- 75 [Cancellation of Orders and Contracts on Service Provision](#)
- 76 [Revocation of Powers of Attorney](#)
- 77 [Disallowed Contractual Provisions](#)
- c** [***Setting-Off and Avoidance***](#)
 - 78 [Admissibility of Setting-Off Claims](#)
 - 79 [Inadmissibility of Setting-Off of Claims](#)
 - 80 [Basic Provisions for Avoidance](#)
 - 81 [General Reasons for Avoidance](#)
 - 82 [Avoidance of Legal Transactions without Compensation](#)
 - 83 [Directly Detrimental Legal Acts](#)
 - 84 [Capital Replacing Loans](#)
 - 85 [Initiation of the Avoidance Proceeding](#)
 - 86 [Counter-Claims of the Opposition to the Avoidance](#)
 - 87 [Associated Personae](#)
- 5** [**Administration and Realization of the Assets of the Bankruptcy Estate**](#)
 - a** [***Safeguarding the Bankruptcy Estate***](#)
 - 88 [Taking Over the Bankruptcy Estate](#)
 - 89 [Accounts of the Bankruptcy Debtor](#)
 - 90 [The Title of the Bankruptcy Debtor's Firm](#)
 - 91 [Objects of Value](#)
 - 92 [Sealing](#)
 - 93 [Inventory of the Items of the Bankruptcy Estate](#)
 - 94 [Inventory of Creditors](#)
 - 95 [Summary of Assets](#)
 - 96 [Deposit of the Inventory and the Review to be Considered](#)
 - 97 [Business Ledgers and Tax Liabilities](#)
 - b** [***Decision on the Realization of the Bankruptcy Estate***](#)
 - 98 [Reporting Hearing](#)
 - 99 [Decision on the Continuation of Business Activities of the Bankruptcy Debtor](#)
 - 100 [Termination of Business Activities Prior to the Decision of the Creditors](#)
 - 101 [Realization of the Bankruptcy Estate](#)
 - 102 [Realization of Immovable Property](#)
 - 103 [Realization of Movable Property and Rights](#)
 - 104 [Notification of the Intention to Dispose of Assets](#)
 - 105 [Distribution of the Sale Proceeds from Movable Property in Respect of which there is a Right to Separate Settlement](#)
 - 106 [Protection of the Creditor from a Delay in the Realization](#)
 - 107 [Realization by the Creditor](#)
 - 108 [Legal Actions of Special Importance](#)
 - 109 [Effectiveness of the Action](#)
- 6** [**Settlement of the Creditors**](#)
 - 110 [Notices of Claims](#)
 - 111 [Table](#)
 - 112 [The Structure of the Examination Hearing](#)
 - 113 [Claims Filed Subsequently](#)
 - 114 [Prerequisites and Effects of Officially Recognizing the Claim](#)

Part	Article	Provision
------	---------	-----------

- 115 [Contested Claims](#)
- 116 [Effect of the Decision](#)
- 117 [Settlement of the Bankruptcy Creditors](#)
- 118 [Distribution Schedule](#)
- 119 [Consideration of Contested Claims](#)
- 120 [Consideration of Creditors with the Right to Separate Settlement](#)
- 121 [Subsequent Consideration](#)
- 122 [Changes to the Distribution Schedule](#)
- 123 [Objections to the Distribution Schedules](#)
- 124 [Main Distribution](#)
- 125 [Depositing Retained Amounts](#)

7 [Conclusion of the Bankruptcy Proceeding](#)

- 126 [Conclusion of Bankruptcy Proceedings](#)
- 127 [Rights of Creditors After the Bankruptcy Proceedings are Concluded](#)
- 128 [Subsequent distribution](#)
- 129 [Legal Remedies](#)
- 130 [Carrying Out a Subsequent Distribution](#)
- 131 [The Exclusion of Creditors of the Bankruptcy Estate](#)
- 132 [Termination Due to Insufficient Bankruptcy Estate](#)
- 133 [Notification of Insufficient Assets in the Bankruptcy Estate](#)
- 134 [Settlement of the Creditors of the Bankruptcy Estate in the Event of the Bankruptcy Estate Having Insufficient Assets](#)
- 135 [Prohibition on Execution](#)
- 136 [Termination Upon Notification of Insufficient Assets in the Bankruptcy Estate](#)
- 137 [Discontinuation Due to the Absence of Grounds to Institute Proceedings](#)
- 138 [Discontinuation with the Consent of the Creditors](#)
- 139 [Procedure for the Discontinuation](#)
- 140 [Public Notification and Effect of the Termination and Discontinuation](#)
- 141 [Legal Remedies](#)

V [REORGANIZATION](#)

1 [Preparation of the Reorganization of the Debtor](#)

- 142 [Basic Provision](#)
- 143 [Submitting a Plan](#)
- 144 [Contents of the Plan](#)
- 145 [Preparatory \(Declaratory\) Part](#)
- 146 [Implementation \(Contents\) Part](#)
- 147 [Grouping of the Creditors in the Reorganization Plan](#)
- 148 [Creditors with a Right to Separate Settlement](#)
- 149 [Rights of Creditors in the Bankruptcy Proceeding](#)
- 150 [Rights of Lower Priority Creditors in the Bankruptcy Proceeding](#)
- 151 [Principle of Equal Treatment of All Participants](#)
- 152 [Responsibility of the Bankruptcy Debtor](#)
- 153 [Ownership and Other Property Rights](#)
- 154 [Review of the Estate, Financial Plan, and Plan of Results](#)
- 155 [Future Contributions](#)
- 156 [Rejection of the Plan](#)

Part	Article	Provision
------	---------	-----------

- 157 [Opinions on the Plan](#)
- 158 [Suspension of the Realization and of Settlement of the Creditors](#)
- 159 [Depositing of the Plan](#)

2 Acceptance and Approval of the Plan

- 160 [Hearing for Discussion and Voting Upon the Plan](#)
- 161 [Integration with the Investigation \(Verification\) Hearing](#)
- 162 [Voting Rights of the Bankruptcy Creditors](#)
- 163 [Voting Rights of the Creditors with the Right to Separate Settlement](#)
- 164 [List of Voting Rights](#)
- 165 [Changes of the Plan](#)
- 166 [Separate Hearing for Voting](#)
- 167 [Voting in Written Form](#)
- 168 [Voting by Groups](#)
- 169 [Necessary Majority](#)
- 170 [Prohibition of Obstruction](#)
- 171 [Consent of the Creditors of Lower Rank in the Bankruptcy Proceeding](#)
- 172 [Consent of the Debtor](#)
- 173 [Approval of the Plan](#)
- 174 [Conditional Plan](#)
- 175 [Infringement of Procedural Provisions](#)
- 176 [Protection of Creditors](#)
- 177 [Announcement of the Decision](#)
- 178 [Legal Remedy](#)

3 Legal Effect of the Approved Plan and the Supervision over the Implementation of the Plan

- 179 [Basic Legal Effects of the Plan](#)
- 180 [The Cessation of the Provision on the Postponement of the Settlement and the Release of the Debt](#)
- 181 [Disputed Claims and Separate Settlement](#)
- 182 [Execution of the Decision on the Approval of the Reorganization Plan](#)
- 183 [Conclusion of the Bankruptcy Proceeding](#)
- 184 [Legal Effect of the Conclusion of the Bankruptcy Proceeding](#)
- 185 [Supervision over the Implementation of the Plan](#)
- 186 [Rights and Obligations of the Bankruptcy Trustee](#)
- 187 [Submission of the Report](#)
- 188 [Legal Actions that Require Prior Authorization](#)
- 189 [Credits](#)
- 190 [Lower Payment Rank Status of the Claims of the New Creditors](#)
- 191 [Consideration of the Lower Payment Rank Status](#)
- 192 [Announcement of the Supervision](#)
- 193 [Termination of Supervision](#)
- 194 [Expenses of the Supervision](#)

VI INTERNATIONAL BANKRUPTCY PROCEEDINGS

1 International Authority of the FBiH Courts

- 195 [Exclusive International Authority](#)
- 196 [International Authority Towards Business Units, i.e., Property of foreign Debtor in](#)

Part	Article	Provision
------	---------	-----------

2 General Provisions

- 197 [Basic Principle](#)
- 198 [Rights to Separate Recovery and Rights to Separate Settlement](#)
- 199 [Labor Contract](#)
- 200 [Inclusion](#)
- 201 [Cooperation of Bankruptcy Trustees](#)

3 Prerequisites and Proceedings on the Recognition of a Foreign Decision on the Opening of a Bankruptcy Proceeding

- 202 [Application of General Rules on the Recognition of Foreign Court Decisions](#)
- 203 [Local Authority and the Composition of the Court](#)
- 204 [Proposal for the Recognition of a Foreign Decision on the Opening of a Bankruptcy Proceeding](#)
- 205 [Prerequisites for the Recognition of a Foreign Decision on Opening a Bankruptcy Proceeding](#)
- 206 [Ascertaining Provisional Measures and the Prohibition of Execution and](#)
- 207 [Announcement Concerning the Proposal for Recognition](#)
- 208 [Examination of the Prerequisites for the Recognition](#)
- 209 [Decision on the Recognition](#)
- 210 [Appeal Against the Decision on the Recognition](#)
- 211 [Recognition of a Foreign Decision on the Opening of a Bankruptcy Proceeding as a Prior Issue](#)

4 Legal Effects of the Recognition of a Foreign Decision on the Opening of a Bankruptcy Proceeding

1 Recognition after the Opening of a Bankruptcy Proceeding in the FBiH

- 212 [Recognition of a Foreign Decision in Case Bankruptcy Proceedings were Opened Prior to Trial](#)

2 Recognition without the Consequence of Opening a Bankruptcy Proceeding in the FBiH

- 213 [General Rule](#)
- 214 [Execution and Safeguarding](#)
- 215 [Management of the Bankruptcy Debtor](#)
- 216 [Actions on Behalf of the Bankruptcy Debtor](#)
- 217 [Setting Off](#)
- 218 [Privileged Claims, Creditors with the Right to Separate Recovery and Creditors with the Right to Separate Settlement](#)

3 Recognition with the Consequence of Opening the Bankruptcy Proceeding in the FBiH

- 219 [Recognition of a Foreign Decision with the Consequence of Opening the Bankruptcy Proceeding in the FBiH](#)

4 Opening a Special Bankruptcy Proceeding in the FBiH as a Consequence of the Recognition of a Foreign Decision on the Opening of a Bankruptcy Proceeding

- 220 [Opening a Bankruptcy Proceeding in the FBiH upon a Proposal of a Creditor](#)
- 221 [Authorities of the Foreign Bankruptcy Trustee](#)
- 222 [Settlement of the Creditors](#)
- 223 [Special Bankruptcy Proceeding in a Third Country](#)
- 224 [Registration of Claims in a Foreign Bankruptcy Proceeding](#)

Part	Article	Provision
------	---------	-----------

225 [Cooperation of Bankruptcy Trustees](#)

5 ***Non-Recognition of a Foreign Decision on the Opening of Bankruptcy Proceedings***

226 [Refusal of the Proposal for the Recognition](#)

227 [Appeal](#)

228 [Proposal for Opening Bankruptcy Procedure when the Foreign Decision on the Opening of the Bankruptcy Procedure can not be Recognized](#)

6 ***Foreign Coercive Agreement and other Bankruptcy Procedures***

229 [Foreign Decision on the Approval of Coercive Settlement or of a Foreign Reorganization Plan](#)

VII PUNITIVE PROVISIONS

230 [\(Debtor\)](#)

231 [\(Interim Bankruptcy Trustee\)](#)

232 [\(Trustee\)](#)

VIII TRANSITIONAL AND FINAL PROVISIONS

233 [\(Proceedings Instituted Before Effective Date of this Law\)](#)

234 [\(Avoidance of Legal Actions Commenced Prior to Effective Date of this Law\)](#)

235 [\(Proceedings Initiated by SPP but not Opened Prior to Effective Date of this Law\)](#)

236 [\(Certification of Bankruptcy Trustees\)](#)

237 [\(Compensation of Experts, Trustees, and Members of Board of Creditors\)](#)

238 [\(Termination of Implementation of Prior Law on Effective Date of this Law\)](#)

239 [\(Effective Date of this Law\)](#)