LAW ON PREVENTION AND SUPPRESSION OF THE ABUSE OF NARCOTIC DRUGS

CHAPTER I

GENERAL PROVISIONS

Article 1
Purpose of this Law

This Law is enacted in the implementation of the Single Convention on Narcotic Drugs 1961 as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs 1961, the Convention on Psychotropic Substances 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1998 (hereinafter: the international narcotic drug control conventions), aiming to prevent and suppress the abuse of narcotic drugs, especially of illicit manufacture and illicit traffic in narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained, and substances used in the manufacture of narcotic drugs or psychotropic substances (precursors).

Article 2
Scope of this Law

This Law shall regulate:

1. The establishment of special bodies for suppression of the abuse of narcotic drugs;

2. The classification of substances and plants as narcotic drug, psychotropic substance, plant from which a narcotic drug could be obtained or precursors, according to the regime of prohibition or control to which they are subject and according to their type and properties;

3. The purpose and conditions for licit cultivation of plants from which a narcotic drug could be obtained and conditions for manufacture, traffic and possession of narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained and precursors;

4. Supervision over the cultivation of plants from which a narcotic drug could be obtained, as well as over the manufacture, traffic and possession of narcotic drugs, psychotropic substances, plants from which narcotic drug could be obtained and precursors;

5. Framework measures for suppression of the abuse of narcotic drugs.

Article 3
Definition of Terms

The particular terms as used in this Law shall have the following meanings:

1. *Narcotic drug* means any substance, natural or synthetic, which is listed in the list of narcotic drugs in accordance with the international narcotic drug control conventions or pursuant to decisions of the competent authority in Bosnia and Herzegovina. The term “narcotic drug”, as used in this Law, includes psychotropic substances listed in the list of psychotropic substances, if psychotropic substances are not mentioned separately.

2. A *psychotropic substance* means any substance, natural or synthetic, which is listed in the list of psychotropic substances in accordance with the international narcotic drug control conventions or pursuant to decisions of the competent authority of Bosnia and Herzegovina.

3. A *plant from which narcotic drug could be obtained* (in a short form: plant) is any plant from which narcotic drug could be obtained which is listed in the list of these plants in accordance with the international narcotic drug control conventions or pursuant to decisions of the competent authority of Bosnia and Herzegovina or a part of such plat that could be used for manufacture of narcotic drug.

4. *Precursor* is a natural or synthetic substance that could be used for manufacture of narcotic drug, which is listed in the list of precursors in accordance with the international narcotic drug control conventions or pursuant to decisions of the competent authority of Bosnia and Herzegovina.

5. *Substances* are narcotic drugs, psychotropic substances and precursors listed in the list of narcotic drugs, psychotropic substances and precursors in accordance with the international narcotic drug control conventions or pursuant to decisions of the competent authority of Bosnia and Herzegovina.

6. *Preparation* is a solution or mixture, whether solid or liquid or of any other physical form, containing a narcotic drug, psychotropic substance or plant from which a narcotic drug could be obtained,

7. *Means for the manufacture of narcotic drugs* are devices or other objects intended or used for manufacture of narcotic drugs or psychotropic substances.

8. *The cultivation of the plant is* sowing, planting, growing or harvesting of the plant or otherwise taking of the parts of the plant from which a narcotic drug could be obtained.

9. *Manufacture* means the preparation, processing, mixing, purifying, production and any other action by which a narcotic drug, psychotropic substance or precursor or their preparation may be obtained or contribution to their obtaining may be made.

10. *Traffic* is any kind of putting into circulation of a narcotic drug, psychotropic substance, plant, part of the plant or precursor, such as import, export, transit, transport, supply, purchase, sale, exchange, transfer, storing, issuing by prescription and similar.

11. *Possession* stands for factual power over narcotic drug, psychotropic substance, plant or precursor.

12. *Dependence* is a state of irresistible need, psychical or physical, for the use of narcotic drug.

13. A *dependent on narcotic drug* is a person who, by using a narcotic drug, developed the state of dependence.

14. *Occasional user of narcotic drug* is a person who took narcotic drugs once or who takes narcotic drugs occasionally or periodically and who has not yet developed the state of dependence.

15. *Assistance given to the dependent on narcotic drugs and occasional user of narcotic drug* is the assistance by medical and social care measures, such as psychosocial rehabilitation, counselling and re-socializing of the dependent on narcotic drugs.

16. *Abuse of narcotic drug* or *illicit drug use* is the cultivation of the plant from which narcotic drug could be obtained, possession of the means for the manufacture of narcotic drug and manufacture, traffic in and possession of a narcotic drug, psychotropic substances, plants

or the part of the plant from which a narcotic drug could be obtained or precursors contrary to the provisions of this Law, as well as the use of narcotic drugs outside therapeutic indications, in excessive *dose* levels, or over an unjustified period of time.

17. *Police* stands for the competent police body in Bosnia and Herzegovina.

Article 4
General Prohibitions with the Exception for Precursors

(1) The cultivation of plants from which narcotic drugs could be obtained shall be prohibited as well as the manufacture, traffic in and possession of narcotic drugs, psychotropic substances and plants from which a narcotic drug could be obtained, except under the conditions and for the purposes prescribed by this Law.

(2) The possession of means for the manufacture of a narcotic drug shall be prohibited, except under the conditions and for the purposes prescribed by this Law.

(3) The use of a narcotic drug and psychotropic substance shall be prohibited, except under the conditions prescribed by this Law and regulations in the field of human and veterinary medicine, i.e. health and veterinary.

(4) Manufacture, traffic in and possession of precursors shall be allowed under the conditions prescribed by this Law.

(5) Direct or indirect advertising of the manufacture, traffic in, possession, and use of narcotic drug and psychotropic substance is forbidden as well as any propaganda of narcotic drugs and psychotropic substances in any manner other than in scientific or professional publications aimed at researchers or health professionals.

Article 5
Confiscation of Narcotic Drugs, Psychotropic Substances, Plants from Which a Narcotic Drug Could Be Obtained and Precursors

A narcotic drug, psychotropic substance, plant from which a narcotic drug could be obtained and precursor which are cultivated, manufactured, put into circulation or are in circulation or are possessed contrary to the provisions of this Law or the implementation regulations passed under this Law shall be confiscated.

Article 6
Estimates of Annual Requirements for Narcotic Drugs

(1) Estimates of annual requirements for narcotic drugs, which may be manufactured and which may be put into circulation within the territory of Bosnia and Herzegovina shall be established by the Managing Board of the Pharmaceutical Agency of Bosnia and Herzegovina (hereinafter: the Pharmaceutical Agency).

(2) The Managing Board of the Pharmaceutical Agency shall establish the estimates of annual requirements referred to in Paragraph 1 of this Article on the basis of the estimation of annual requirements for the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter: the Entities) and for the District of Brčko of Bosnia and Herzegovina (hereinafter: the District), as estimated by the ministry competent for health issues of the Federation of Bosnia and Herzegovina and of the Republika Srpska respectively and the competent body of the District.

(3) The estimation of annual requirements for the Entities and District shall be brought on the basis of applications of legal and natural persons authorized for the manufacture, traffic in and possession of narcotic drugs.

(4) The applications referred to in Paragraph 3 of this Article shall be submitted to the Entity ministries competent for health issues and to the competent body of the District by 15 February of the current year.

(5) The Entity ministries competent for health issues and the competent body of the District shall submit the estimations of annual requirements referred to in Paragraph 2 of this Article to the Pharmaceutical Agency by 1 March of the current year.

(6) The Pharmaceutical Agency shall deliver the data on the annual requirements for narcotic drugs for the territory of Bosnia and Herzegovina to the Commission and the Department for the Suppression of the Abuse of Narcotic Drugs (Article 8) by 31 March of the current year and to other administrative bodies, relevant agencies, services, institutions or other bodies in Bosnia and Herzegovina at their request.

(7) The data on the annual requirements for narcotic drugs for the territory of Bosnia and Herzegovina shall be submitted to the international bodies, and in particular to the International Narcotics Control Board, in accordance with the international conventions on narcotic drug control and other international instruments.

Article 7
The National Strategy and the National Action Plan

(1) The Parliamentary Assembly of Bosnia and Herzegovina, upon the proposal of the Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers), adopts the National Strategy of Supervision over Narcotic Drugs, Prevention and Suppression of the Abuse of Narcotic Drugs in Bosnia and Herzegovina, as the base for action of the governmental bodies, institutions, associations and other legal and natural persons.

(2) The Council of Ministers, upon the proposal of the Ministry of Security of Bosnia and Herzegovina (hereinafter: the Ministry of Security), adopts the National Action Plan for fight against the abuse of narcotic drugs.

CHAPTER II

COMPETENT BODIES

Article 8
Commission and Department for the Suppression of the Abuse of Narcotic Drugs

(1) In order to harmonise activities of the Ministries and autonomous administrative organisations in Bosnia and Herzegovina and of other agents involved in the implementation of the National Strategy of Supervision over Narcotic Drugs and Suppression of the Abuse of Narcotic Drugs in Bosnia and Herzegovina, and for the purpose of its promotion and control of its implementation, the Council of Ministers forms the Commission for the Suppression of the Abuse of Narcotic Drugs (hereinafter: the Commission on Narcotic Drugs).

(2) In order to systematically monitor the phenomena, collect and process data required for prevention and suppression of illicit traffic in narcotic drugs and other punishable acts concerning the abuse of narcotic drugs, as well as for co-ordination of the activities of the police, custom authorities and other authorities in fighting against the abuse of narcotic drugs, the Ministry of Security forms the Department for the Suppression of the Abuse of Narcotic Drugs (hereinafter: the Department on Narcotic Drugs).

(3) The members of the Commission on Narcotic Drugs shall ex officio be the minister of civil affairs, the entity ministers competent for health issues and the responsible person in the District, as well as the Head of the Department on Narcotic Drugs..

(4) Other issues of the composition of the Commission on Narcotic Drugs, as well as other important issues concerning its functioning shall be regulated by the Council of Ministers, and the Commission shall pass its Book of Rules. Professional and administrative tasks related to the work of the Commission on Narcotic Drugs shall be performed by the Department on Narcotic Drugs, which shall monitor the implementation of conclusions of the Commission on Narcotic Drugs.

Article 9
The Scope of Work of the Commission for Narcotic Drugs

In the performance of the functions referred to in Article 8, Paragraph 1 of this Law, the Commission on Narcotic Drugs shall:

a) Consider matters and make recommendations and proposals for the implementation of international narcotic drugs control conventions and other instruments;

b) Develop and ensure comprehensive and systemic implementation of the strategy of supervision of narcotic drugs, of prevention and suppression of the abuse of narcotic drugs;

c) Promote preventive actions and public awareness of the harmful effects of the use of narcotic drugs;

d) Establish a system of data collection concerning the nature and scope of the phenomenon of the abuse of narcotic drugs in Bosnia and Herzegovina and a system of processing such data;

e) Co-ordinate and support activities of non-governmental organisations and other associations in preventing and treating the harmful use of narcotic drugs;

f) Propose laws and other regulations as well as other action mechanisms pertaining to the issue of abuse and harmful use of narcotic drugs;

g) Carry out other tasks assigned by the Council of Ministers.

Article 10
Promotion of the Implementation of International Obligations

The Commission on Narcotic Drugs shall promote the effective implementation of international narcotic drugs control conventions, and in particular international co-operation in the control of narcotic drugs and preventive actions as well as the relations between states and international bodies in the control of narcotic drugs and precursors and in the prevention of their abuse.

Article 11
Representation in International Bodies and Submission of Reports and Data

In co-operation with competent Ministries and administrative organisations (Article 22) and the Department on Narcotic Drugs, the President of the Commission on Narcotic Drugs shall represent Bosnia and Herzegovina in the international bodies on narcotic drugs control, submit to the international bodies reports, data and information foreseen pursuant to the international narcotic drug control conventions and other reports and data required and shall ensure regular communication with domestic and foreign expert bodies and services.

Article 12
Submission of Reports

The Commission on Narcotic Drugs shall submit to the Council of Ministers and the Entity Governments and the competent body of the District an annual report on the situation and tendencies in Bosnia and Herzegovina in the field of supply of and demand for narcotic drugs, together with appropriate proposals for a response by the State.

Article 13
Responsibilities of the Department on Narcotic Drugs

In the performance of the functions referred to in Article 8, Paragraph 2 of this Law, the Department on Narcotic Drugs shall:

a) Receive and analyse information on reports of criminal offences and minor offences pertaining to narcotic drugs, on persons convicted by a final court decision for criminal offences and minor offences pertaining to narcotic drugs, on execution of the imprisonment sanctions and other sanctions against the offenders, on confiscated quantities of narcotic drugs, psychotropic substances, plants and precursors, moneys and other material gains acquired from illicit traffic in narcotic drugs and on reports of customs offences pertaining to narcotic drugs;

b) Collect and analyse data on annual requirements for narcotic drugs that may be manufactured and put into circulation in accordance with law, and shall monitor the cultivation of plants, import, export and transit of narcotic drugs and precursors on the basis of reports on permits issued by competent authorities;

c) Co-operate with bodies of all levels of government, social care institutions, educational, cultural, health care and other institutions, religious communities, associations, foundations, public media and legal and natural persons in order to prevent the abuse of narcotic drugs;

d) Co-operate with international bodies, institutions, associations and other legal and natural persons and shall ensure that effective international co-operation in prevention and suppression of the abuse of narcotic drugs, in particular of the illicit traffic in narcotic drugs be conducted;

e) Perform other tasks in regard with suppression of the abuse of narcotic drugs as entrusted by the Council of Ministers or the Commission on Narcotic Drugs.

Article 14
Competent Administrative Bodies

(1) The Ministry of Security shall, through its administrative organisations, offices, services, departments or other organisational units, co-operate with foreign bodies, institutions and organisations in the disclosure and prevention of criminal offences pertaining to narcotic drugs and other punishable offences in the area of application of this Law.

(2) The Ministry of Finance and Treasury of Bosnia and Herzegovina (hereinafter: the Ministry of Finance and Treasury) and the Customs Sector of the Indirect Tax Administration of Bosnia and Herzegovina, the Ministry of Security and police bodies of Bosnia and Herzegovina shall directly co-operate with foreign bodies in prevention and suppression of the illicit traffic in narcotic drugs and money laundering, or of concealment of illegally obtained other gain.

(3) The Ministry of Civil Affairs shall consolidate expertise and initiatives of the Entity Ministries competent for health issues and the competent body of the District in the area of application of this Law.

(4) The Ministry of Foreign Trade and Economic Relations shall perform tasks pertaining to foreign trade and economy in the area of application of this Law.

(5) The Minister of Foreign Affairs of Bosnia and Herzegovina, in co-operation with the Commission on Narcotic Drugs, the Department on Narcotic Drugs and the competent Ministries, shall ensure the implementation of international obligations of Bosnia and Herzegovina in the area of application of this Law.

(6) The Pharmaceutical Agency shall perform tasks of issuing permits envisaged by this Law and other duties and tasks envisaged by this Law from the area of medicines.

Article 15
Relationships Among the Administrative Bodies

(1) In accordance with the Law on Administration of Bosnia and Herzegovina, mutual relationships among the Ministries and other bodies competent under this Law shall be based on co-operation, exchange of information and consultation.

(2) In conducting mutual co-operation, the bodies referred to in Paragraph 1 of this Article shall have a duty to supply each other with data and information required for the performance of the tasks, to exchange information and experience and to set up joint expert commissions and other working bodies and to exercise other forms of mutual co-operation.

(3) The State bodies shall be entitled to request and receive from the Entity and District bodies reports, data and information as well as documents required for the performance of the tasks assigned to them by this Law.

(4) The State bodies shall have a duty to submit to the Entity and District bodies data and information required for the performance of the tasks under this Law.

CHAPTER III

CLASSIFICATION OF NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES, PLANTS AND PRECURSORS AND THEIR PROHIBITION OR CONTROL

Article 16
The List of Narcotic Drugs, Psychotropic Substances, Plants from which Narcotic Drugs could be Obtained and Precursors

(1) The List of Narcotic Drugs, Psychotropic Substances, Plants from which Narcotic Drugs could be Obtained and Precursors (hereinafter: the List) shall be issued by the Council of Ministers of Bosnia and Herzegovina.

(2) The List shall contain narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained and precursors as classified pursuant to the international narcotic drug control conventions.

(3) In addition to the obligatory content referred to in Paragraph 2 of this Article, the List may contain any other substance and plant declared as narcotic drug, psychotropic substance, plant from which narcotic drugs could be obtained or as a precursor, by the Council of Ministers.

(4) The Council of Ministers shall amend the List after consulting the Commission on Narcotic Drugs and the Pharmaceutical Agency, taking into account the modifications or additions pursuant to mechanisms established under international drug control conventions.

(5) The List shall be published in the “Official Gazette of Bosnia and Herzegovina”.

Article 17
Classification within the List

(1) Narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained, precursors and their preparations shall be classified within the List as Schedules (Tables) I, II, III, IV, depending on the measures of control applicable to them:

(2) Substances and plants listed as narcotic drugs or psychotropic substances and their preparations shall be classified in one of the following schedules (tables):

Schedule I: Prohibited substances and plants;

Schedule II: Strictly controlled substances and plants.

Schedule III: Controlled substances and plants.

(3) Precursors shall be classified in Schedule IV.

(4) An internationally controlled substance and plant may not be included in a schedule (table) subject to control measures less strict than those required under international narcotic drug control conventions for the substance or plant in question.

Article 18
Names of the Substances and Plants

(1) Substances and plants referred to in Article 17, Paragraph 1 of this Law shall be included in the List under their international non-proprietary name (INN), or, if that is not possible, under their scientific name.

(2) In addition to the listing under the name as prescribed in Paragraph 1 of this Article, the List shall also include the chemical composition of the substances referred to in Article 17, Paragraph 1 of this Law if possible.

Article 19
Prohibition of Narcotic Drugs, Psychotropic Substances and Plants Classified in Schedule I

(1) The cultivation, manufacture, traffic, possession and use of substances and plants classified in Schedule I and their preparations shall be prohibited, except for the purpose of medical or scientific research or forensic or teaching purposes, or police purposes, as prescribed by this Law (Chapter VIII).

(2) Notwithstanding Paragraph 1 of this Article, the cultivation of cannabis and poppy shall be allowed for the purpose and under the conditions prescribed by this Law (Chapter IV).

Article 20
Control of Narcotic Drugs, Psychotropic Substances and Plants Classified in Schedules II and III

(1) The cultivation, manufacture and traffic in substances and plants classified in Schedules II and III and their preparations shall be prohibited to any person not expressly licensed (authorised) for that activity and at any establishment and on any premises not expressly licensed for that purpose, except for the purpose of medical or scientific research or for forensic or teaching purposes, or for police purposes, as prescribed by this Law (Chapter VIII).

(2) Possession and use of substances and plants classified in Schedules II and III and their preparations shall be prohibited to any person not expressly authorised or prescribed.

Article 21
Classified Precursors (Schedule IV)

The manufacture, traffic in and possession of controlled precursors shall be allowed to persons licensed for that activity and at establishments or premises licensed for that purpose.

Article 22
Preparations of Substances and Plants

(1) The preparations (medicines or other preparations) shall be subject to the same measures as the substances that they contain.

(2) If the preparations contain two or more substances, they shall be subject to the measures governing the most strictly controlled substance.

Article 23
Decisions on Exempting Preparations from Certain Control Measures

(1) Preparations containing a substance classified in Schedules II, III and IV, that are compounded in such a way as to present no, or a negligible, risk of abuse and from which the substance cannot be recovered by readily applicable means in a quantity liable to illicit use or abuse, may be exempted from certain control measures provided for in this Law.

(2) The decision on exemption referred to in Paragraph 1 of this Article shall be passed by the Council of Ministers, after consulting the Commission on Narcotic Drugs and Pharmaceutical Agency.

(3) The decision on exemption shall specify the measures from which the preparations referred to in Paragraph 1 of this Article shall be exempted.

CHAPTER IV

CULTIVATION OF THE PLANTS FROM WHICH NARCOTIC DRUGS COULD BE OBTAINED

Article 24
Licit Cultivation of Plants or their Destruction

(1) Out of the plants from which a narcotic drug could be obtained, poppy and cannabis plant may be cultivated, for the purpose and under the conditions prescribed by this Law.

(2) A plant growing wild from which a narcotic drug could be obtained shall be destroyed.

(3) A plant referred to in Paragraph 2 of this Article shall be destroyed by the person who uses, under whatever title, the land on which such a plant was grown. If the plant is not destroyed within a reasonable deadline, it shall be destroyed by the body competent for inspection in the agriculture.

Article 25
Licit Cultivation of Cannabis Plant

(1) Cannabis plant (Cannabis sativa L.) may be cultivated only for the purpose of manufacture of fibres, grain for animal fodder, future reproduction and grain processing.

(2) Only legal and natural persons licensed by the Ministry of Foreign Trade and Economic Relations shall be allowed to cultivate cannabis plant.

(3) The licence referred to in Paragraph 2 of this Article may be issued only after a contract on manufacture and purchase of the cannabis plant has been concluded with a legal person

registered for purchase and manufacture of cannabis plant or for the activity referred to in Paragraph 1 of this Article.

(4) The licence referred to in Paragraph 2 of this Article may also be issued if the cultivator is also a legal person registered for purchase and manufacture of the cannabis plant or the activities referred to in Paragraph 1 of this Article

(5) The Minister of Foreign Trade and Economic Relations shall pass a rulebook to specify:

- the types of the cannabis plant legally permitted to be cultivated;
- the conditions to be fulfilled by a legal or natural persons in order to be issued a licence for the cultivation of the cannabis plant;
- the validity period of the licence, the manner of its issuance and the expenses of its issuance;
- other conditions, if necessary, of the licit cultivation of the cannabis plant.

(6) The cultivator of the cannabis plant is obliged to inform the police and the body competent for inspection in the agriculture on any circumstance which points to the suspicion that a cannabis plant or its part was used or could be used for illicit manufacture of narcotic drug.

Article 26
Cultivation of Poppy not intended for Manufacture of a Narcotic Drug

(1) Poppy (Papaver somniferum L) may be cultivated only for the alimentary purposes (poppy seed).

(2) Poppy may only be cultivated by legal and natural persons licensed by the Ministry of Foreign Trade and Economic Relations.

(3) The cultivator of poppy is obliged to register the cultivation of poppy with the body competent for inspection in the agriculture within the period of 30 days after the sowing.

(4) All issues pertaining to the issuance of a licence and the form and the content of the registration referred to in Paragraph 3 of this Article shall be regulated by the Minister of Foreign Trade and Economic Relations.

(5) The cultivator of poppy is obliged to inform the police and the body competent for inspection in the agriculture on any circumstance which points to the suspicion that a poppy or its part was used or could be used for illicit manufacture of narcotic drug (incising, picking of the green poppy-heads).

(6) The cultivator of poppy is obliged to destroy the remaining parts of the plant (poppy straw) that could be used for manufacture of narcotic drug immediately after the plants are sown or mowed, in the presence of an inspector of the body competent for the inspection in the agriculture.

(7) The body competent for inspection in the agriculture submits the annual report on performed supervision over the cultivation of the poppy, to the Ministry of Foreign Trade and Economic Relations.

CHAPTER V

SUBSTANCES AND PLANTS CLASSIFIED IN SCHEDULES II AND III

Article 27
Application of Regulation on Medicines

The substances and the plants classified in Schedules II and III and their preparations are subject to the regulation on medicines or on substances and preparations intended for the use in human or veterinarian medicine, to the extent not inconsistent with the provisions of this Law or if it envisages more stringent conditions or measures than laid down by this Law.

Article 28
Legal Persons Authorised for the Manufacture and Traffic in Narcotic Drugs and Psychotropic Substances

(1) The substances and plants classified in Schedules II and III and their preparations may only be manufactured and put into circulation by legal persons that fulfil the conditions for conducting that activity prescribed for legal persons that produce medicines or veterinary medicines and which have the licence for manufacture and traffic in the substances classified in Schedules II and III and their preparations.

(2) Licensing of the persons referred to in Paragraph 1 of this Article for the manufacture and traffic in the substances classified in Schedule II and III and their preparations shall be made by the Pharmaceutical Agency.

(3) A list of legal persons authorised for the manufacture and traffic in narcotic drugs, psychotropic substances and plants from which a narcotic drug may be obtained shall be published in the Official Gazette of Bosnia and Herzegovina.

Article 29
Licences to Engage in Manufacture and Traffic in Narcotic Drugs and Psychotropic Substances

(1) A licence to engage in the manufacture and traffic in substances and plants classified in Schedules II and III may be issued for medical, veterinary or scientific purposes.

(2) A licence for the industrial or economic use of substances and plants classified in Schedules II and III for the purposes other than medical, veterinary or scientific may be exceptionally issued if the applicant satisfactorily indicates that he can ensure that the products manufactured cannot be abused or produce ill effects, and that the controlled substances used in their composition cannot be easily recovered.

(3) The license shall list each activity for which the legal person is authorized as well as the purpose of conducting the activity and each substance and plant classified in Schedule II and III that the legal person is authorized to use for such activities.

(4) The licence for conducting the activities referred to in Paragraphs 1 and 2 of this Article shall mean that the possession of the substances and plants classified in Schedules II and III as specified in the licence is also authorised.

(5) A licence referred to in Paragraphs 1 and 2 of this Article may be issued only to a legal person whose management includes a person having the university degree from the area of pharmacy.

(6) General conditions for conducting an activity referred to in Paragraphs 1 and 2 of this Article shall be subject to relevant regulations.

Article 30
Licences for Establishments and Premises

(1) The manufacture and traffic in substances and plants classified in Schedules II and III shall be allowed only in establishments and premises expressly licensed (approved) for that purpose.

(2) A licence for establishments and premises may be granted only for establishments and premises used by a legal person licensed to engage in the manufacture and traffic in substances and plants classified in Schedules II and III.

(3) For each establishment and each premises used by the legal person referred to in Paragraph 2 of this Article for the purpose of the manufacture or traffic in substances and plants, a separate licence shall be issued.

(4) The licensing of the establishments and premises referred to in Paragraph 1 of this Article shall be subject to verification that said establishments and premises comply with the security standards which facilitate carrying out of control, in particular for the purpose of preventing illegal alienation or otherwise disappearance of substances and plants.

(5) The security standards (conditions) referred to in Paragraph 4 of this Article and the manner of compliance assessment shall be prescribed by the Pharmaceutical Agency, with the prior opinion of the Minister of Security.

(6) A licence for establishments and premises shall be issued by the Pharmaceutical Agency with the consent of the Minister of Security.

(7) The licence for establishments and premises shall list persons in charge of compliance with the security standards.

(8) The termination, for any reason, of the validity of a licence to engage in the manufacture and traffic in substances and plants classified in Schedules II and III shall automatically terminate the licence for establishments and premises.

Article 31
Common Provisions for Licences for Conducting the Activity and Licences for Establishments and Premises

(1) Licences referred to in Articles 29 and 30 of this Law shall be issued to a specifically named legal or natural person and shall not be transferable.

(2) The period of validity of the licences referred to in Articles 29 and 30 of this Law shall be specified thereon.

(3) On issuing of the licenses referred to in Articles 29 and 30 of this Law the Pharmaceutical Agency shall decide within 90 days from the date when a complete application was regularly submitted. The absence of a decision by the end of that period shall be deemed to mean rejection of the application.

(4) The person who submits the application bears the expenses of issuance of the licence, and the expenses shall be credited to the body that issued the licence. The expenses of issuance shall be collected when the licence is issued, except for the expenses of official person’s on the spot control of the compliance with conditions, which shall be collected in advance.

(5) Other issues related to issuance of a licence, except for those referred to in Article 30, Paragraph 5 of this Law shall be regulated in more detail by the Managing Board of the Pharmaceutical Agency, in particular the content and the form of the application for issuance

of a licence, the content and the form of the licence, the period of validity and the amount of expenses of issuance of a licence.

Article 32
Limitation of Stocks

(1) Legal persons authorised to manufacture and traffic in substances and plants classified in Schedules II and III may only possess such quantities of those substances, plants and preparations as are required for the regular business operation.

(2) The Pharmaceutical Agency may determine the largest quantity of substances and plants classified in Schedules II and III and their preparations that any individual legal person referred to in Paragraph 1 of this Article is authorised to hold in a calendar year.

Article 33
Annual Permits for the Manufacture

The Pharmaceutical Agency shall determine, on an annual basis and taking into consideration the market conditions, the largest quantities of the substances and plants classified in Schedules II and III and their preparations that any individual legal person is permitted to manufacture. Restrictions will be modified during the year if needed.

Article 34
Persons Authorised for Import, Export and Transit

Only legal persons licensed to engage in manufacture of and traffic in substances and plants classified in Schedules II and III shall be allowed to import, export and transit the substances and plants classified in Schedules II and III and their preparations.

Article 35
Special Permit for Import, Export and Transit

(1) Each import and export shall require a special permit issued by the Pharmaceutical Agency.

(2) A permit for import, export or transit shall not be transferable.

(3) A permit for import, export or transit shall have its period of validity specified thereon.

(4) The periods of validity and other issues related to issuance of the permit referred to in Paragraph 2 of this Article shall be prescribed by the Managing Board of the Pharmaceutical Agency. The prescribed form of the permit shall be the form established by the Commission on Narcotic Drugs of the United Nations Economic and Social Council.

(5) Exceptionally, the import permit shall not be necessary in the event of a natural or other catastrophe or emergency. In such case, an import may be urgently approved by the Head of the Pharmaceutical Agency or the Minister of Civil Affairs.

Article 36
Packaging and Labelling

(1) The substances classified in Schedules II and III and their preparations may not be circulated unless they are enclosed in wrappers or containers bearing their name and, in the case of consignments of the substances classified in Schedule II and their preparations, a double red band.

(2) The label under which a preparation is offered for sale shall indicate the names of the substances classified in Schedules II and III that it contains, together with their weight and percentage.

(3) Labels and notices accompanying packages for retail distribution shall indicate the directions for use as well as the cautions and warnings necessary for the safety of the user.

(4) If need be, additional requirements in respect of packaging and labelling shall be prescribed by the Managing Board of the Pharmaceutical Agency, after consulting the Minister of Security.

Article 37
Possession and Purchase for Medical Purposes

(1) Without a special licence specified by this Law, the substances classified in Schedules II and III and their preparations may be possessed and purchased by:

a) Health institutions for the sake of conducting their activities;

b) Veterinary institutions for the sake of conducting their activities;

c) Medical and dentistry doctors holding a license to practise, as a part of medicine in the quantity needed for providing direct medical assistance;

d) Veterinary doctors holding a licence to practise, as a part of veterinary preparation, for providing direct veterinary assistance.

(2) If licensed by the Pharmaceutical Agency, commanders of vessels and aeroplanes may possess and purchase the substances classified in Schedules II and III and their preparations as a part of medicine in the quantity necessary for the vessel or aeroplane's pharmacy.

(3) On the basis of prescribed medical treatment, the substances classified in Schedules II and III may be possessed and purchased by sick persons who have reached eighteen years of age, parents or guardians of sick persons who have not reached eighteen years of age, as a part of medicine in a quantity determined by the medical or dentistry doctor holding a license to practise.

(4) The Managing Board of the Pharmaceutical Agency shall prescribe conditions under which the persons referred to in Paragraph 1 of this Article may possess and purchase the substances classified in Schedules II and III and their preparations.

(5) The Managing Board of the Pharmaceutical Agency shall prescribe conditions under which commanders of vessels and aeroplanes referred to in Paragraph 2 of this Article may possess and purchase the substances classified in Schedules II and III and their preparations.

Article 38
Wholesale and Retail

(1) Wholesale of substances classified in Schedules II and III and their preparations may be conducted by the legal persons engaged in manufacture of such substances and legal persons engaged in wholesale of medicines.

(2) Retail of substances classified in Schedules II and III and their preparations may be conducted by legal and natural persons engaged in retail of medicines – pharmacies.

Article 39
Prescribing and Dispensing to Individuals

(1) Substances and plants listed in Schedules II and III may be prescribed to individuals only in the form of pharmaceutical preparations and only on prescription issued by a:

a) Medical doctor holding a licence to practise;

b) Dentistry doctor holding a licence to practise, for treatment of a dental nature;

c) Veterinary surgeon holding a licence to practise, for treatment in veterinary medicine.

(2) Substances and plants listed in Schedules II and III may only be dispensed to individuals by the institutions and persons referred to in Article 37, Paragraph 1 and 2 and Article 38, Paragraph 2 of this Law.

(3) The rules concerning the writing and filling of prescriptions for pharmaceutical preparations referred to in Paragraph 1 of this Article shall be regulated by the Managing Board of the Pharmaceutical Agency.

(4) Notwithstanding Paragraphs 1 through 3 of this Article, the Managing Board of the Pharmaceutical Agency, after notifying the Commission on Narcotic Drugs and the Department on Narcotic Drugs, if the situation so requires and under such conditions as it may determine, may authorize licensed pharmacists or any other licensed retail distributors to supply, without prescription, for use for exclusively medical purposes by individuals and in exceptional cases, small quantities of therapeutic doses of pharmaceutical preparations containing psychotropic substances classified in Schedules III.

Article 40
Possession While Crossing the State Border

(1) Persons crossing the State border may only possess a medicine containing a psychotropic substance classified in Schedules II and III if it is supported by medical documentation and in such a quantity as is necessary for the personal use for the duration of no longer than seven days.

(2) Persons undergoing a substitution therapy of dependency illness or symptomatic therapy in the terminal stage of a malignant illness may exceptionally, while crossing the State border, possess a medicine containing a substance classified in Schedules II and III if it is supported by medical documentation and in such a quantity as is necessary for the personal use for the duration of no longer than seven days.

(3) While crossing the State border, the person must report to the customs the name and the quantity of the medicines referred to in Paragraph 1 and 2 of this Article and must present the medical documentation.

Article 41
Use of Psychotropic Substances in Catching Animals

The list of psychotropic substances classified in Schedules II and III and their preparations that are legal to be used in catching animals shall be determined by the Veterinary Office of Bosnia and Herzegovina, which shall also set the conditions of their use.

CHAPTER VI

PRECURSORS CLASSIFIED IN SCHEDULE IV

Article 42
Persons Authorised for Manufacturing, Possessing and Traffic in Precursors

(1) Precursors may be manufactured, put in circulation and possessed by legal and natural persons that are registered for conducting this activity and which fulfil the special conditions for conducting such activity prescribed by this Law and by other regulations and are licensed by the Minister of Foreign Trade and Economic Relations.

(2) Licences for engaging in manufacture or traffic in precursors are issued for the industrial, medical, veterinary, scientific-research, teaching, alimentary or other economic purposes.

(3) Licences for the use of precursors in industry or economy for purposes other than the medical, veterinarian or scientific ones shall be issued after the applicant has satisfied that he or she may ensure that the goods manufactured will not be able to be abused and that it may not produce detrimental effects and that the controlled substance used as an ingredient may not be easily extracted.

(4) Licences for conducting the activities referred to in Paragraphs 2 and 3 of this Article shall be issued by the Minister of Foreign Trade and Economic Relations.

(5) The licence shall list each activity for which the legal or natural person is authorised, the purpose of the conduct of the activity and each precursor which the legal or natural person is authorised to use for such activities.

(6) The licence for the conduct of the activities referred to in Paragraphs 2 and 3 of this Article shall mean that the possession of the substances listed in the licence is also permitted.

(7) A list of legal persons authorised for manufacture and traffic in precursors shall be published in the Official Gazette of Bosnia and Herzegovina.

(8) General conditions for the conduct of the activities referred to in Paragraphs 1 and 2 of this Article shall be subject to relevant regulations.

(9) Legal and natural persons referred to in Paragraph 1 of this Article are obliged to inform the police of any circumstance which points to the suspicion that the precursor is used or could be used for illicit manufacture of narcotic drugs (rerouting).

Article 43
Persons Authorised to Import, Export or Transit Precursors

(1) Precursors may be imported, exported or transited by legal or natural persons that are technically equipped and registered for conducting that activity and that have the licence for import, export or transit of the Ministry of Foreign Trade and Economic Relations.

(2) Precursors that are medicines or poisons may be imported, exported or transited by legal or natural persons that are technically equipped and registered for traffic in medicines or poisons and that for conducting that activity have the licence of the Pharmaceutical Agency.

(3) The conditions regarding technical equipment of the legal and natural persons referred to in this Article are subject to relevant regulations.

Article 44
Permit for Import, Export or Transit of Precursors

(1) Permit for import, export or transit of precursors may be issued for a certain consignment (individual permit) or for a certain type and quantity of substance in a certain period (collective permit).

(2) Which substance may be put into circulation based only on an individual permit and which substance and in which quantity may be put into circulation without a permit, shall be established in the List (Article 16) by the Council of Ministers, on the basis of the prior opinion of the Minister of Civil Affairs and the Minister of Foreign Trade and Economic Relations.

(3) The permit referred to in Paragraph 1 of this Article shall be issued by the Ministry of Foreign Trade and Economic Relations, upon a request of the person referred to in Article 43, Paragraph 1 of this Law, within eight days after the receipt of the request. The content of the request shall be prescribed by the Minister of Foreign Trade and Economic Relations.

(4) For the precursors that are medicines or poisons, the permit referred to in Paragraph 1 of this Article shall be issued by the Pharmaceutical Agency, within eight days after the receipt of the request. The content of the request for the substances that are medicines or poisons shall be prescribed by the Managing Board of the Pharmaceutical Agency.

CHAPTER VII

COMMON PROVISIONS FOR SUBSTANCES CLASSIFIED IN SCHEDULES II, III AND IV

1. Licence for Conducting the Activity

Article 45
Verification of the Characteristics of the Applicant

(1) A licence for conducting the activity of manufacture or traffic in substances and plants classified in Schedules II, III and IV may only be issued after the verification of the characteristics and professional qualifications of an applicant and the person employed with the applicant who is responsible to fulfil the obligations specified by this Law and the licence.

(2) The licence referred to in Paragraph 1 of this Article shall not be issued to a person who has been convicted by a final verdict for the criminal offence of illicit manufacture or putting into circulation of a narcotic drug, of illicit traffic in a narcotic drug, of possession or allowing the use of a narcotic drug or money laundering concerning the criminal offences related to narcotic drugs or to a person who employs a person who has been convicted by a final verdict for such criminal offences.

(3) The final verdict for the criminal offences referred to in Paragraph 2 of this Article shall automatically produce a legal effect of revocation of the licence referred to in Paragraph 1 of this Article.

Article 46
Business Operation with Other Authorised Persons Exclusively

Persons authorised for manufacture or traffic in substances and plants classified in Schedules II, III and IV may buy from, sell, transfer or otherwise put into circulation the substances and plants classified in Schedules II, III and IV in the territory of Bosnia and Herzegovina only to other persons authorised for manufacture, traffic in or purchase and possession of such substances and plants.

Article 47
Transfer of Operations

Persons authorised for manufacture or traffic in substances and plants classified in Schedules II, III and IV may only transfer their operations to persons licensed for conducting the same activity.

2. Import, Export and Transit

Article 48
Specific Border-Crossing Points and Customs Offices

(1) Substances and plants classified in Schedules II, III and IV may be imported or exported only through especially designated border-crossing points and customs offices.

(2) The Council of Ministers shall specify border-crossing points and customs offices that may deal with the import or export of substances and plants classified in Schedules II and III and substances classified in Schedule IV.

Article 49
Contents of a Request for Import or Export Permit

(1) A request for an import or export permit for substances and plants classified under Schedules (Tables) II, III, and IV must contain:

a) The names and addresses of the importer and exporter and, if known, those of the consignee;

b) The international non-proprietary name (INN) of each substance or, failing this, the name of the substance in the List, its pharmaceutical form and, in the case of a preparation, its trade name, if it has one, and the quantity of each substance, plant or preparation;

c) The period during which the operation shall take place, the mode of transport to be used, and the border-crossing point in the territory of Bosnia and Herzegovina.

(2) The import permit of the State to which the substance, plant or preparation is being imported must be attached to the export permit request.

Article 50
Contents of an Import or Export Permit

(1) An import or export permit shall contain the same data as the request for its issuance (Article 49, Paragraph 1) and the name of the issuing authority.

(2) The import permit shall specify whether the import is to be effected in a single consignment or may be effected in more than one consignment.

(3) The export permit shall also contain the number and date of the import permit affirming that the import has been permitted.

Article 51
Obligations during Import or Export

(1) A specimen or an authenticated copy of the export permit shall be attached to each consignment, and the permit issuing authority shall send a copy to the State of import.

(2) If the quantity of the substance, plant or preparation that has actually been imported is smaller than that indicated on the export permit, the customs office shall note that fact on the permit and all authenticated copies and also on the customs document.

(3) Once the consignment has entered the territory of Bosnia and Herzegovina or when the period stipulated in the import permit expires, the customs office shall send a copy of the export permit to the authority referred to in Paragraph 4 of this Article, with an endorsement specifying the quantity of each substance, plant and preparation actually imported.

(4) In case of import of substances and plants classified in Schedules II and III, the customs office shall send to the Pharmaceutical Agency the export permit, with an endorsement specifying the quantity of each substance, plant or preparation actually imported, whereas in case of import of substances classified in Schedule IV it shall deliver them to the Ministry of Foreign Trade and Economic Relations.

(5) The Pharmaceutical Agency or the Ministry of Foreign Trade and Economic Relations shall send the export permit to the importing country, with an endorsement specifying the quantity of each substance, plant and preparation actually imported.

Article 52
Content of Commercial Documents

Commercial documents, such as invoices, cargo manifests, customs or transport documents and other shipping documents shall contain:

a) The name of the substance or plant as set out in the List and the trade name of the preparation, if it has one;

b) The quantities exported from the territory of Bosnia and Herzegovina or to be imported into it;

c) The names and addresses of the exporter and the importer, as well as the consignee where available.

Article 53
Prohibited Imports and Exports

(1) Imports into or exports from the territory of Bosnia and Herzegovina of consignments of substances and plants classified in Schedules II, III and IV and their preparations to a post office box or bank to the account of a party other than the party named in the export permit shall be prohibited.

(2) Imports to the territory of Bosnia and Herzegovina of consignments of substances and plants classified in Schedules II, III and IV and their preparations to a bonded warehouse shall be prohibited, unless the Ministry of Foreign Trade and Economic Relations with the prior opinion of the Pharmaceutical Agency certifies on the import permit that it approves such a consignment.

(3) In the case referred to in Paragraph 2 of this Article, any withdrawal from the bonded warehouse shall require a permit from the Ministry of Foreign Trade and Economic Relations, issued with the prior opinion of the Pharmaceutical Agency. In the case of a consignment to a foreign destination, such withdrawal shall be treated as if it were a new export. The substances and plants classified in Schedules II, III and IV and their preparations stored in the bonded warehouse may not be subjected to any process that might modify their nature, nor may their packaging be altered without the permission of the authorities with jurisdiction over the warehouse.

(4) Exports from the territory of Bosnia and Herzegovina of consignments of substances and plants classified in Schedules II, III and IV and their preparations to a bonded warehouse shall be prohibited, unless the State of import certifies on the import permit that it has approved such a consignment.

(5) The issuing authority shall immediately notify the Department on Narcotic Drugs of the permits referred to in Paragraphs 2 and 3 of this Article. The Department on Narcotic Drugs shall be immediately notified of the permit referred to in Paragraph 4 of this Article as well.

Article 54
Detention of Consignment

A consignment of substances and plants classified in Schedules II, III and IV and their preparations entering or leaving the territory of Bosnia and Herzegovina, which is not accompanied by a proper import or export permit or does not comply with the limits of the permit shall be detained by the customs office or other competent body, until the legitimacy of the consignment is confirmed or until the seizure/confiscation of the consignment is ordered.

Article 55
Transit

(1) The transit of substances and plants classified in Schedules II, III and IV and their preparations is allowed only if the following was issued for the consignment:

a) An export permit of the State from which the substance or plant is being exported;

b) An import permit of the State to which the substance or plant is being imported;

c) A permit for transit of the narcotic drug through the territory of the third State until the ultimate destination, or a certificate of the competent body of that State that the transit of such substance or plant through that State is not conditioned by a special permit.

(2) Any unauthorized rerouting of a consignment in transit through the territory of Bosnia and Herzegovina to a destination other than that named in the export permit shall be prohibited.

(3) A request for the permit to change the itinerary or the consignee shall be treated as if the export in question were from the territory of Bosnia and Herzegovina to the new State concerned.

(4) The carrier is obliged to take care that, during the transit, the nature of the substance or plant remains unchanged and that the substance or plant is not exposed to influences that could change its nature, and to assure that the original packaging and seals remain unchanged.

(5) The Ministry of Security may determine an increased supervision over the consignment, if it deems it necessary.

Article 56
Transit by Air

The provisions of Article 55 of this Law shall not apply where the consignment in question is transported by air to another State. If the aircraft stops over, including an emergency landing, in the territory of Bosnia and Herzegovina, the consignment shall be treated as an export from the territory of Bosnia and Herzegovina to the State of destination only if it is removed from the aircraft and if the circumstances so require.

Article 57
Obligations of Customs Office

(1) On a permit for import, export or transit of a substance or plant referred to in Article 35 of this Law, the customs office is obliged to write down a date and a place of customs clearance as well as the name of a person who cleared through customs.

(2) A customs office is obliged to deliver a copy of the permit referred to in Paragraph 1 of this Article, to the issuing authority and the Department on Narcotic Drugs within eight days from customs clearance.

(3) In case of the transit of a substance or plant (Article 55), the customs office is obliged:

a) To establish for each consignment the type and the quantity of substance, plant or their preparations;

b) To mark, at the customs document, the State of the consignment's origin and the State of the consignment's destination;

c) To inform the Department on Narcotic Drugs about the consignment immediately.

Article 58
Transfer not considered as Import, Export, or Transit

The transfer of medicine containing a substance classified in Schedules II and III, which is intended for providing urgent medical help on board a vessel or aircraft in international traffic and in quantities necessary for that purpose, shall not be considered as import, export or transit, under the condition that together with the document of the registration of the vessel or aircraft, there is an licence for possession of determined type and quantity of medicine, issued by a competent body of the State of registration.

Article 59
Free Trade Zones and Customs Storage

On narcotic drugs, plants from which a narcotic drug could be obtained or precursors, which are imported into free trade zones or customs storage, the provisions of this Law on import of narcotic drugs or precursors shall apply, with same measures as for other parts of the territory of Bosnia and Herzegovina.

3. Other Provisions

Article 60
Special Conditions for Manufacture or Traffic

Legal and natural persons engaged in the manufacture or traffic of substances and plants classified in Schedules II, III, and IV must:

a) Have the adequate equipment for storing, keeping and issuing of narcotic drugs, psychotropic substances and precursors;

b) Keep narcotic drugs, psychotropic substances and precursors in special premises, where other products are not stored, or in strongboxes with special keys, restricted from the presence of unauthorized persons;

c) Maintain registry books of narcotic drugs, psychotropic substances and precursors, certified by the Pharmaceutical Agency for narcotic drugs, psychotropic substances and precursors that are medications or poisons, whereas by the Ministry of Foreign Trade and Economic Relations for other precursors.

Article 61
Security Measures Regarding Storing

(1) Premises or strongboxes where narcotic drugs, psychotropic substances and precursors are kept have to be locked and secured from the presence of unauthorized persons.

(2) The keys of the premises or of the strongbox where narcotic drugs and psychotropic substances are kept, must in any moment be preserved by the employee having the university degree from the area of pharmacy, who is in charge of keeping, selling or issuing narcotic drugs and psychotropic substances.

(3) The keys of the premises or strongboxes where precursors are kept must in any moment be preserved by the employee who is in charge of keeping, selling or issuing precursors.

Article 62
Recording of Operations

(1) All imports, exports, transfers, purchases, selling or any other disposing of substances and plants classified in Schedules II, III and IV must, at the time of the operation, be documented.

(2) Types and contents of the documents referred to in Paragraph 1 of this Article for the substances and plants classified in Schedules II, III and IV shall be prescribed by the Managing Board of the Pharmaceutical Agency, whereas for the substances classified in Schedule IV by the Minister of Foreign Trade and Economic Relations.

(3) Legal and natural persons engaged in the activities referred to in Paragraph 1 of this Article are obliged to keep the documents referred to in Paragraph 2 of this Article for a period of not less than five years.

Article 63
Periodic Returns

(1) Legal and natural persons engaged in the manufacture or traffic of substances or plants classified under Tables II, III, and IV are obliged to deliver to the export/import permit issuer a quarterly report on the quantities of each substance and each preparation imported or exported, indicating the State of origin and the State of destination, not later than 15 days after the end of each quarter.

(2) Legal and natural persons referred to in Paragraph 1 of this Article are obliged to deliver to the permit issuing authority, not later than 15 February of each year, a report for the previous calendar year indicating:

a) The type and quantity of each substance and each preparation manufactured;

b) The type and quantity of each substance used to manufacture other substances and preparations, including preparations exempted from the application of control measures (Article 22, Paragraph 3);

c) The quantity of each substance and each preparation supplied or delivered for circulation or medical, veterinary, scientific research referred to in Article 66, or teaching or forensic medicine purposes referred to in Article 67 of this Law;

d) The quantities of each substance and each preparation in stock as at 31 December of the year to which the information refers;

e) The quantities of each substance deemed necessary for the current year;

f) Any other circumstance important for the monitoring over substances.

(3) The authority referred to in Paragraphs 1 and 2 of this Article and the Department on Narcotic Drugs may require interim summaries during the year from the legal and physical persons referred to in Paragraphs 1 and 2 of this Article.

Article 64
Inventories and Balances

(1) The persons holding the substances or plants classified in Schedules II, III and IV, shall be required, at the beginning of each year, to make an inventory of the substances, plants and preparations held by them and to compare the total quantities in stock at the time of the previous inventory, calculated together with those procured over the previous year and the total quantities withdrawn during the year, with those held at the time of the current inventory.

(2) Licensed persons, pharmacists and persons authorized to dispense drugs, which transfer their business and clientele shall, in the presence of the transferee, be required to make an inventory and calculate the balance as stipulated in the Paragraph 1 of this Article.

(3) In the cases referred to in Paragraphs 1 and 2 of this Article, any discrepancies noted in a

balance or between the results of the balance and those of the inventory should be immediately reported by the licensed person, pharmacist or person authorized to dispense drugs to the permit issuing authority and the Department on Narcotic Drugs, which shall acknowledge receipt of the information.

Article 65
Obligations of Carriers

(1) Carriers are obliged to take reasonable precautions to ensure that their means of transport are not used for illicit traffic in narcotic drugs, psychotropic substances, or plants from which narcotic drug could be obtained and precursors.

(2) When carriers operate on the territory of Bosnia and Herzegovina, they shall, in particular, be required:

a) To submit cargo manifests in advance, whenever possible;

b) To enclose the products in containers having tamper-resistant, individually verifiable seals;

c) To immediately inform the police of any circumstance which points to the suspicion of illicit traffic.

CHAPTER VIII

SCIENTIFIC AND POLICE PURPOSES

Article 66
Medical or Scientific Research

(1) The institutions performing medical research or scientific research activities shall be allowed to cultivate, procure, import, possess and use substances and plants classified in Schedules I, II and III and their preparations for the purposes of medical or scientific research and so in quantities required for the particular purpose, provided that they have obtained the permit for such activities from the Pharmaceutical Agency.

(2) The Managing Board of the Pharmaceutical Agency shall, with the prior of opinion of the Security Minister, regulate all conditions under which the institutions referred to in Paragraph 1 of this Article are issued such permits.

(3) The institutions referred to in Paragraph 1 of this Article must keep the records on the quantities of plants, substances and preparations cultivated, manufactured, procured, imported, used, possesses and destroyed by them.

(4) The records referred to in Paragraph 3 of this Article shall contain the dates when operations referred to in Paragraph 3 of this Article are performed and the corporate or personal names of the suppliers.

(5) The institutions referred to in Paragraph 1 of this Article shall deliver to the Pharmaceutical Agency and the Department on Narcotic Drugs an annual report about the used or destroyed quantities of plants, substances and preparations and the quantities they hold in store.

(6) The records referred to in Paragraph 3 of this Article shall be kept for the period of five years.

Article 67
Teaching, Professional and Forensic Purposes

Possession of samples of substances and plants classified in Schedules I, II and III, and of their preparations in quantities required for the purposes of teaching and professional education, forensic medicine and analysis, and training of animals used in detecting narcotic drugs, the Pharmaceutical Agency may allow to the legal and physical persons performing these activities, under the conditions prescribed by the Managing Board of the Pharmaceutical Agency with the consent of the Security Minister.

Article 68
Possession in Police Work

A police official may, with an aim of detecting a criminal offence and a perpetrator, possess the substances and plants classified in Schedules I, II, and III and preparations thereof, for the purpose of simulated purchase and controlled delivery, in accordance with applicable regulation.

CHAPTER IX

GENERAL MEASURES FOR SUPPRESSION OF THE ABUSE OF NARCOTIC DRUGS

Article 69
Prevention and Other Measures

The general measures for suppression of the abuse of narcotic drugs shall be:

a. Systematic researches, disclosure and monitoring of all phenomena related to abuse of narcotic drugs;

b. Continued implementation of organized preventive educational programs, through family, school, health institutions, associations, religious communities and public media (primary prevention);

c. Early disclosures and monitoring of occasional users of narcotic drugs (secondary prevention);

d. Early disclosure, treatment, rehabilitation and re-socialization of the narcotic drugs addicts (secondary prevention);

e. Other measures in accordance with the State Strategy of Supervision over the Narcotic Drugs and Suppression of the Abuse of Narcotic Drugs in Bosnia and Herzegovina.

Article 70
Obligation of Parents, Teachers and Other Persons

Parents, tutors, guardians, teachers, pedagogues, health employees, employees in social institutions, employers and sports employees are obliged and responsible to undertake measures necessary for prevention and suppression of the abuse of narcotic drugs by children and youth, in accordance with the State Strategy of Supervision over the Narcotic Drugs and Suppression of the Abuse of Narcotic Drugs in Bosnia and Herzegovina.

Article 71
Obligation to Inform the Police

(1) In order to suppress the abuse of narcotic drugs, competent bodies of the State, Entities and District, cantons, cities and municipalities, as well as responsible persons in these bodies, cantons, cities and municipalities, are obliged to immediately inform the police about any circumstance causing suspicion about the legality of procedure with the narcotic drug, and which they come to know about in carrying of their duties and tasks.

(2) Educational, cultural, scientific and other institutions and associations as well as responsible persons in these institutions and associations, as well as legal persons, responsible persons in legal persons and natural persons engaged in catering industry, in conducting of cultural and entertainment events, sports events, performances or tourist or similar activity are obliged to immediately inform the police about any circumstance causing suspicion about the legality of procedure with the narcotic drug, and which they come to know about in carrying of their activity.

(3) Natural persons, responsible persons in legal persons, employees of the post offices and other persons that take part in transfer and delivery of goods, shipping and other agents, transport and storage workers and all other persons that take part in the transport of persons and goods are obliged to immediately inform the police in a case of suspicion that anything was done contrary to the provisions of this Law.

(4) The vessel or aircraft crew, as well as the passengers on vessels or aircrafts are obliged to immediately inform the commander of the vessel or the aircraft, who shall immediately inform the police, in a case of discovery of a narcotic drug, plant or part of the plant from which a narcotic drug could be obtained or in a case of a suspicion that anything was done contrary to the provisions of this Law.

Article 72
Prohibition of Exposing a Person to the Effect of Narcotic Drug

Except for the purpose of medical treatment, it is forbidden to expose another person to the effect of narcotic drug, by placing the narcotic drug, plant or its parts in the food, drinks or in any other way.

Article 73
Prohibition of Disposing of Needles and Syringes

It is forbidden to dispose of, or to leave the used needles or syringes at the places, which are not especially designated for such a purpose pursuant to the regulations applicable on handling dangerous waste.

CHAPTER X

REGISTRIES

Article 74
Registries on Cultivation and Disposal of Narcotic Drugs

(1) The registry on cultivation of plants from which narcotic drugs could be obtained, on manufacture, type and quantity, keeping, selling, processing, handing over and putting into circulation or any other disposal of narcotic drug and psychotropic substance shall be kept by legal or natural persons engaged in that activity pursuant to this Law.

(2) The data referred to in Paragraph 1 of this Article shall be delivered to the permit issuing authority and the Department on Narcotic Drugs, in deadlines prescribed pursuant to Paragraph 4 of this Article, but at least once per year.

(3) The form and the content of the registry referred to in Paragraph 1 of this Article, the deadlines and the way of delivery shall be prescribed by the Managing Board of the Pharmaceutical Agency, with the prior opinion of the Defence Minister.

Article 75
Registries on Precursors

(1) The registry on manufacture, processing, possession, traffic, handing over, disappearance or destroying of precursors shall be kept by manufacturers, processors, participants in the traffic and users of precursors.

(2) The data referred to in Paragraph 1 of this Article shall be delivered to the Ministry of Foreign Trade and Economic Relations, and for precursors that are poisons or medications to the Pharmaceutical Agency, within the deadlines prescribed pursuant to Paragraph 3 of this Article, but at least once per year.

(3) The form and the content of the registry referred to in Paragraph 1 of this Article, the deadlines and the way of delivery of data shall be prescribed by the Minister of Foreign Trade and Economic Relations, whereas for precursors that are poisons or medicals the Managing Board of the Pharmaceutical Agency.

Article 76
Registries on Dependants and Occasional Users of Narcotic Drugs

(1) The registry on dependents on narcotic drug and occasional users of narcotic drug, who are undergoing the procedure of curing from a habit after the detoxification or whom the assistance was provided, shall be kept by a body, institution for detoxification or other institution, religious community, association or other legal or natural person that engages in providing assistance or care.

(2) Persons referred to in Paragraph 1 of this Article are obliged to keep the data on a personality of dependent on narcotic drug or of an occasional user of narcotic drug, his or her private and family life, content of the measures and the circumstances of assistance as a secret information. Secret information may be revealed only when prescribed by the law, and only to the extent necessary for achieving the purpose that justifies the revealing of the secret. Such data may not be used for any other purpose.

(3) The statistical data referred to in Paragraph 1 of this Article shall be delivered to the institutes for protection of public health in Bosnia and Herzegovina, the Entity ministries competent for health issues or the competent body of the District and to the Ministry for Civil Affairs at the end of each three months during a calendar year, whereas to the Commission on Narcotic Drugs and the Department on Narcotic Drugs whenever necessary, and at least twice per year.

(4) The obligation of keeping secret shall be applied to all persons that come to know the data referred to in Paragraph 1 of this Article and to persons that use that data for reports, scientific and professional research, informing or for other purposes.

(5) The form and the content of the registry referred to in Paragraph 1 of this Article shall be prescribed by the Entity minister competent for health issues or the competent body of the District.

Article 77

Registries kept by the Ministries, the Pharmaceutical Agency, and Customs Department of the Indirect Taxation Authority of Bosnia and Herzegovina

(1) The Ministry of Security shall keep the registry on criminal and minor offences' reports related to narcotic drugs, about which it shall provide reports for the Commission on Narcotic Drugs at least twice per year.

(2) The Ministry of Justice of Bosnia and Herzegovina shall keep the registry on persons who were finally sentenced for criminal and minor offences related to narcotic drugs, on execution of the punishment of imprisonment and other sanctions and measures passed towards these perpetrators, about which it shall provide reports to the Commission on Narcotic Drugs and the Department on Narcotic Drugs at least twice per year.

(3) The Ministry of Finance and Treasury shall keep the registry on confiscated quantities of narcotic drug, money resources and other property that has the origin from illicit traffic in narcotic drugs, about which they shall provide reports for the Commission on Narcotic Drugs and the Department on Narcotic Drugs at least twice per year.

(4) The Ministry of Civil Affairs shall keep the registry on dependents on narcotic drug and occasional users of narcotic drug, about which it shall provide reports to the Commission on Narcotic Drugs and to the Department on Narcotic Drugs at least once per year.

(5) The Pharmaceutical Agency shall keep the registry of permits issued in accordance with this Law.

(6) The Customs Department of the Indirect Taxation Authority of Bosnia and Herzegovina shall keep the registry on reports of the customs violations related to narcotic drugs, about which it shall provide reports to the Commission on Narcotic Drugs and the Department on Narcotic Drugs at least twice per year.

CHAPTER XI

ADMINISTRATIVE SUPERVISION OVER THE APPLICATION OF THE LAW

Article 78
The Responsible Ministries and Inspection

(1) The administrative supervision over the implementation of this Law and regulations passed pursuant to this Law shall be carried out by the Pharmaceutical Agency, the Ministry of Foreign Trade and Economic Relations, the Ministry of Defence, the Ministry for Civil Affairs, the Ministry of Finance and Treasury and the competent Entity ministry or competent body of the District, each within its scope of duty, as prescribed by this Law and other regulations.

(2) The inspection supervision over the implementation of this Law shall be carried out by the inspectors of the Pharmaceutical Agency and the inspectors of the ministries and bodies referred to in Paragraph 1 of this Article, each within its scope of duty as prescribed by the law.

(3) In performance of the duties of direct inspection supervision over the implementation of this Law and regulations passed pursuant to this Law, the bodies referred to in Paragraphs 1 and 2 of this Article, have the right and duty to conduct the regular inspection control of the legal and natural persons engaged in cultivation or traffic of plants from which narcotic drug could be obtained or in manufacture, possession or traffic of narcotic drugs or precursors.

CHAPTER XII

PROCEDURE WITH THE CONFISCATED NARCOTIC DRUG, PLANTS AND PRECURSORS

Article 79
Handing Over or Destruction

(1) Narcotic drug, psychotropic substances, plants from which narcotic drug could be obtained and precursors confiscated or forfeited in accordance with this Law or other regulation, which can be licitly used as raw material or otherwise, shall be handed over as provided by the enforcement procedure law regulating the procedure of sale movable property to legal persons that have the licence for manufacture or trade of substances classified in Schedules II, III and IV.

(2) Narcotic drugs, psychotropic substances, and plants from which narcotic drug could be obtained, classified in Schedule I and confiscated on the basis of this Law or other regulation may be handed over to the persons referred to in Articles 66 through 68 of this Law, under the conditions determined by the Security Minister with the prior opinion of the Pharmaceutical Agency.

(3) The proceeds obtained through the sale referred to in Paragraph 1 of this Article shall be credited as the revenue of "the Budget of the Institutions of Bosnia and Herzegovina and International obligations of Bosnia and Herzegovina" (hereinafter referred to as: the State Budget), intended for implementation of measures for prevention of narcotic drugs abuse.

(4) If the narcotic drug, psychotropic substance, plant from which narcotic drug could be obtained or precursors cannot be licitly used as raw material, they shall be destroyed.

(5) The decisions referred to in Paragraphs 1 and 3 of this Article shall be passed by the body that passed the decision on confiscation of narcotic drug, psychotropic substance, plant or part of plant from which a narcotic drug could be obtained or precursor, following the prior opinion of the Pharmaceutical Agency.

(6) The body referred to in Paragraph 4 of this Article shall keep the registry on the type and quantity of confiscated narcotic drugs, psychotropic substances, plants from which narcotic drug could be obtained and precursors, as well as on legal persons referred to in Paragraph 1 of this Article to which narcotic drugs, psychotropic substances, plants or precursors were handed over and with which compensation.

(7) The data from the registry referred to in Paragraph 5 of this Article shall be delivered to the Pharmaceutical Agency, the Commission for Narcotic Drugs and the Department on Narcotic Drugs, whereas the those of relevance for precursors shall be delivered to the Ministry of Foreign Trade and Economic Relations, once a year or at the request of those bodies.

Article 80
The Commission Supervising the Destruction

(1) Narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained and precursors shall be destroyed under the supervision of a Commission of five members appointed by the Council of Ministers.

(2) The Destruction Supervision Commission referred to in Paragraph 1 of this Article is made of one representative of each: the Commission, the Ministry of Security, the Pharmaceutical Agency, the Ministry of Justice and the Ministry of Finance and Treasury.

(3) The Destruction Supervision Commission referred to in Paragraph 1 of this Article shall submit quarterly reports on its operations to the Council of Ministers.

Article 81
Rulebook Concerning the Keeping and Destruction of Confiscated Narcotic Drugs, Psychotropic Substances, Plants from which Narcotic Drugs could be obtained and Precursors

The Council of Ministers shall determine the location of safekeeping of confiscated narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained and precursors as well as the method of safekeeping and procedure with the confiscated narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained and precursors including their destruction, by way of a Rulebook on the safekeeping and destruction of confiscated narcotic drugs, psychotropic substances, plants from which narcotic drugs could be obtained and precursors.

Article 82
Financial Means for Destruction

The financial means for destruction of narcotic drug, psychotropic substances, plants from which narcotic drug could be obtained and precursors, shall be secured within the State Budget.

CHAPTER XIII

MINOR OFFENCE PROVISIONS

Article 83
Violations of Provisions of Articles 25, 28, 30, 35 and 55 of this Law

(1) A legal person shall be punished for a minor offence by a fine of not less than 30.000 up to 100.000 KM if it:

1. Cultivates the cannabis plant without the previous permit of the Minister of Foreign Trade and Economic Relations (Article 25, Paragraph 2); or if it does not inform the police or local body competent for inspection in the agriculture on any circumstance which points to the suspicion that a cannabis plant or its part was or could be used for illicit manufacture of narcotic drugs (Article 25, Paragraph 6);

2. Manufactures or puts into circulation substances and plants classified in Schedules II and III or preparations thereof without the licence for manufacture and traffic of these substances, plants or preparations thereof, or if it conducts the same activity without fulfilling the conditions prescribed for legal persons that produce medicines (Article 28, Paragraph 1);

3. Manufactures or puts into circulation substances and plants classified in Schedules II and III or preparations thereof, without the licence for use of establishments and premises (Article 30);

4. Conducts import, export, or transit of substances or plants classified in Schedules II and III or preparations thereof without the permit of the Managing Board of the Pharmaceutical Agency (Article 35, Paragraph 1);

5. Conducts the transit of substances classified in Schedules II, III and IV without the prescribed import or export permit or transit permit, or without the certificate certifying that no transit permit is required (Article 55, Paragraph 1), or if the change in the nature of substance or plant, the original packaging or the seal occurs during the transit, or if the

substance or plant was exposed to the influences that could change their nature during the transit (Article 55, Paragraph 4).

(2) For the minor offences referred to in Paragraph 1 of this Article, a responsible person in a legal person shall also be punished, by a fine of not less than 5.000 up to 15.000 KM.

(3) A natural person shall be punished by a fine of not less than 5.000 up to 10.000 KM for the minor offences referred to in Paragraph 1, items 1 through 7 and 10 of this Article.

Article 84
Violations of Provisions of Articles 42, 43, 46 and 66 of this Law

(1) A legal person shall be punished for a minor offence by a fine of not less than 20.000 up to 50.000 KM if it:

1. Manufactures or puts into circulation precursors without being registered for conducting such activities or without the license of the minister of foreign trade and economic relations (Article 42, Paragraph 1)

2. Imports, exports or transits precursors without the license of the minister of foreign trade and economic relations (Article 43, Paragraph 1), whereas for the precursors which are medications or poisons without the license of the Managing Board of the Pharmaceutical Agency (Article 43, Paragraph 2), or without being technically equipped and registered for conducting such activities;

3. Acts contrary to the provisions of Article 46 of this Law;

4. For scientific purposes, cultivates, manufactures, procures, imports, possesses and uses the substances and plants classified in Schedules I, II and III or preparations thereof, without the licence of the Pharmaceutical Agency or if it conducts the same activity without fulfilling the prescribed conditions (Article 66, Paragraph 1).

(2) For the minor offence referred to in Paragraph 1 of this Article, a responsible person in a legal person shall also be punished, by a fine of not less than 3.000 up to 10.000 KM.

(3) A natural person shall be punished by a fine of not less than 3.000 up to 7.000 KM for the minor offences referred to in Paragraph 1 of this Article.

Article 85
Violations of Provisions of Articles 4, 26, 36, 37, 62 and 63 of this Law

(1) A legal person shall be punished for a minor offence by a fine of not less than 10.000 up to 20.000 KM if it:

1. Possesses a narcotic drug or plant or part of a plant from which a narcotic drug could be obtained in violation of Article 4, Paragraph 1 of this Law;

2. Possesses means for the manufacture of narcotic drug in violation of Article 4, Paragraph 2 of this Law;

3. Advertises the manufacture, traffic, possession or use of narcotic drug or makes any propaganda of narcotic drug in violation of Article 4, Paragraph 5 of this Law;

4. Fails to report to an agricultural inspection authority the poppy intended for manufacture of narcotic drug within the period of 30 days after the sowing (Article 26, Paragraph 3), or fails to inform the police and the local body competent for inspection in the agriculture on any circumstance which points to the suspicion that a poppy or its part was used or could be used for illicit manufacture of narcotic drugs (Article 26, Paragraph 5), or fails to destroy the remaining parts of the plant (poppy straw) that could be used for

manufacture of narcotic drug immediately after the plants are harvested (Article 25, Paragraph 6);

5. Does not package and label the substances classified in Schedules II and III and preparations thereof, in a way prescribed by Article 20 of this Law, before putting them into circulation;

6. Possesses or procures, as a health care or veterinary institution or referred to in Article 37, Paragraph 1, sub-Paragraphs a) and b) of this Law, the substances classified in Schedules II and III of preparations thereof, without fulfilling the prescribed conditions (Article 37, Paragraph 4);

7. Does not document, as prescribed, the actions of putting into circulation of a substance and plant classified in Schedules II, III and IV (Article 62, Paragraph 1), or does not keep the prescribed documents for a period not less than five years (Article 62, Paragraph 3);

8. Does not deliver to the body that issued the import or export permit the quarterly report on the quantities of each substance and each preparation imported or exported, indicating the State of origin and the State of destination, not later than 15 days after the end of each three months, while being engaged in the manufacture or traffic of substances or plants classified in Schedules II, III and IV (Article 62, Paragraph 1), or does not deliver the report, with the prescribed content, for the previous calendar year to the permit issuing authority, not later than 15 February of the current year (Article 63, Paragraph 2);

(2) For the minor offences referred to in Paragraph 1 of this Article, a responsible person in a legal person shall also be punished, by a fine of not less than 2.000 up to 7.000 KM.

(3) A natural person shall be punished by a fine of not less than 1.000 up to 3.000 KM for the minor offences referred to in Paragraph 1 of this Article.

Article 86
Violations of Provisions of Articles 32, 33, 42, 58, 60, 67, 71, 74, 75 and 76 of this Law

(1) A legal person shall be punished for a minor offence by a fine of not less than 5.000 up to 15.000 KM if it:

1. Keeps the larger quantities of substances or plants classified in Schedules II and III or preparations thereof, of those kinds the person requires for its proper business operations (Article 32, Paragraph 1) or keeps the larger quantities of these substances, plants and preparations of those kinds designated to the person in a calendar year (Article 32, Paragraph 2);

2. Manufactures the larger quantities of substances classified in Schedules II and III or preparations thereof, of those kinds the person is allowed to manufacture (Article 33).

3. Fails to inform the police of any circumstance which points to the suspicion that the precursor was used or could be used for illicit manufacture of narcotic drugs, while being engaged in the manufacture and traffic in precursors (Article 42, Paragraph 6);

4. Conducts the transfer of medicines containing a substance classified in Schedules II and III, which is intended for providing urgent medical help on board a vessel or aircraft in international traffic and in quantities necessary for that purpose, while if along with the document of the registration of the vessel or aircraft, there is no licence for possession of determined type and quantity of medicine, issued by a competent body of the State of registration, or if conducts such transfers beyond the scope of the existing licence (Article 58);

5. Fails to keep narcotic drugs, psychotropic substances and precursors in special premises, where other products are not stored, or in strongboxes with special keys, restricted from the presence of unauthorized persons (Article 60, sub-Paragraph b);

6. Does not maintain certified registry books of narcotic drugs, psychotropic substances and precursors as provided by Article 60, sub-Paragraph c). :

7. Possesses the substance or plant samples classified in Schedule I, II and III and preparations thereof for the purpose of conducting educational and vocational training activities, forensics and analyses or training of animals in finding of narcotic drugs, without the permit of the Pharmaceutical Agency, or if it does not handle the samples in a prescribed way (Article 67);

8. Fails to immediately inform the police about any circumstance causing any suspicion in legality of procedure with the narcotic drug, which it came to know about in carrying of its activity (Article 71, Paragraphs 1 and 2);

9. Does not keep the prescribed registries or keeps them incorrectly, out of order or with delay, or does not deliver the prescribed data to the competent ministry (Articles 74 and 75);

10. Discloses data that is secret information, without authorisation (Article 76, Paragraph 2).

(2) For the minor offence referred to in Paragraph 1 of this Article, a responsible person in a legal person shall also be punished, by a fine of not less than 3.000 up to 6.000 KM.
(3) For the minor offence referred to in Paragraph 1, item 2 of this Article, a natural person shall also be punished by a fine of not less than 2.000 up to 5.000 KM.

Article 87
Violation of Provision of Article 72 of this Law

A natural person shall be punished for a minor offence by a fine of not less than 6.000 up to 10.000 KM if that person, by placing in the food, drinks or in any other way, exposes another to the effect of narcotic drug, except for the purposes of prescribed medical treatment (Article 72).

Article 88
Violation of Provisions of Article 71 of this Law

A natural person shall be punished for a minor offence by a fine of not less than 3.000 up to 10.000 KM if that person, while taking part in the transfer, delivery or transport of persons and goods, does not immediately inform the police in a case of suspicion that anything was done contrary to the provisions of this Law (Article 71, Paragraph 2 and 3).

Article 89
Violations of Provisions of Article 57 of this Law

An official or responsible person in the customs office shall be punished for a minor offence by a fine of not less than 1.500 up to 3.000 if that person:

1. Does not write down a date and a place of customs clearance on a permit referred to in Article 35 of the Law for import, export or transit of a substance or plant (Article 57, Paragraph 1);

2. Does not deliver a copy of the permit to the permit issuing authority and the Department on Narcotic Drugs within eight days from customs clearance (Article 57, Paragraph 2);

3. Does not establish, in a case of transit of a substance or plant, the type and the quantity

of substance or plant or preparations thereof, for each consignment, or does not mark at the customs document the State of the consignment's origin and the State of the consignment's destination, or does not immediately inform the Department on Narcotic Drugs about the consignment (Article 57, Paragraph 3).

Article 90
Violations of Provisions of Articles 40 and 73 of this Law

A natural person shall be punished for a minor offence by a fine of not less than 300 up to 3.000 KM if that person:

1. Possesses, while crossing the state border, a medicine containing a psychotropic substance classified in Schedules II and III without the medical documentation or in a quantity larger than necessary for personal use in a period of maximum seven days (Article 40, Paragraph 1);

2. Possesses, while crossing the state border, a medicine containing a substance classified in Schedules II and III, being on substitute therapy because of the dependence sickness or on symptomatic therapy in the final phase of malignant disease, without the medical documentation or in a quantity larger than necessary for personal use in a period of maximum fifteen days (Article 40, Paragraph 2);

3. Does not report the name and the quantity of the medicine referred to in Article 37, Paragraphs 1 and 2 of this Law to the customs while crossing the state border (Article 40, Paragraph 3);

4. Disposes or leaves used needles or syringes outside of the places especially designated for such a purpose pursuant to the regulations applicable on handling dangerous waste (Article 73).

Article 91
Protective Measures

(1) Narcotic drug, psychotropic substance, plant, parts of a plant from which narcotic drug could be obtained and precursor, as well as the means for manufacture of narcotic drug, referred to in Articles 83 through 90 of this Law, shall be forfeited.

(2) For the minor offences prescribed by this Law (Articles 83 through 90), in addition to the protective measure of forfeiture of items referred to in Paragraph 1 of this Article, the following protective measures may be imposed:

a) Prohibition to conduct the activity;

b) Mandatory treatment of dependence on narcotic drug.

(3) The protective measures referred to in Paragraph 2, items a and b of this Article may be imposed in the duration from three months to one year from the date of entry into force of the decision by which the protective measure has been imposed.

CHAPTER XIV

TRANSITIONAL AND FINAL PROVISIONS

Article 92
On the Commission for the Suppression of the Abuse of Narcotic Drugs

(1) The Council of Ministers shall establish the Commission on Narcotic Drugs referred to in Article 8 (*Commission and Department for the Suppression of the Abuse of Narcotic Drugs*)

of this Law within one month following the entry into force of this Law. The Commission on Narcotic Drugs shall issue the Rules of Procedure within the following period of 30 days.

(2) Until such time as the Commission on Narcotic Drugs has been established, the tasks from the scope of work of that Commission envisaged under this Law and, in particular, the submission of reports and provision of data to international bodies, shall be performed by the Ministry of Civil Affairs.

Article 93
On the Department for the Suppression of the Abuse of Narcotic Drugs

(1) The Ministry of Security shall establish the Department on Narcotic Drugs referred to in Article 8 (*Commission and Department for the Suppression of the Abuse of Narcotic Drugs*) of this Law within one month following the entry into force of this Law.

(2) Until such time as the Department on Narcotic Drugs has been established, the tasks from the scope of work of that Department envisaged under this Law shall be performed by the Ministry of Security.

Article 94
On the National Strategy and on the Nationwide Action Plan of Combat Against the Abuse of Narcotic Drugs in Bosnia and Herzegovina

(1) The Council of Ministers shall make a proposal of National Strategy of Supervision over the Narcotic Drugs and Suppression of the Abuse of Narcotic Drugs in Bosnia and Herzegovina within six months following the entry into force of this Law.

(2) The Council of Ministers issue the Nationwide Action Plan of Combat Against the Abuse of Narcotic Drugs within eight months following the entry into force of this Law.

(3) The tasks and duties entrusted by this Law to the Pharmaceutical Agency or the Managing Board of the Pharmaceutical Agency, shall until the establishment of the Pharmaceutical Agency be carried out by the Ministry of Civil Affairs.

(4) Where this Law envisages for the competent minister or the Managing Board of the Pharmaceutical Agency to pass the implementing regulation of this Law, the competent minister shall pass that regulation within three months from the entry into force of this Law.

Article 95
First List of Narcotic Drugs, Psychotropic Substances, Plants from which Narcotic Drugs could be Obtained and Precursors

As an exemption to the provision of Article 16 (*The List of Narcotic Drugs, Psychotropic Substances, Plants from which Narcotic Drugs could be Obtained and Precursors*), Paragraph 1 of this Law, the first List of Narcotic Drugs, Psychotropic Substances, Plants from which Narcotic Drugs could be Obtained and Precursors envisaged under this Law shall be passed by the Parliamentary Assembly of Bosnia and Herzegovina, together with the passing of this Law.

Article 96
Transitional Provision for Duties and Tasks Entrusted by this Law to the Pharmaceutical Agency of Bosnia and Herzegovina

(1) The duties and tasks entrusted by this Law to the Pharmaceutical Agency, until such time as it has been established shall be performed by the Ministry of Civil Affairs.

(2) The duties and tasks entrusted by this Law to the Managing Board of the Pharmaceutical Agency, until such time as that agency has been established shall be performed by the minister of civil affairs.

(3) As an exemption to the provisions of Article 6 (*Estimates of Annual Requirements for Narcotic Drugs*) of this Law, the estimates of annual requirements for narcotic drugs, which may be manufactured and which may be put into circulation within the territory of Bosnia and Herzegovina for the current year shall be established in an appropriate way as determined by the minister of civil affairs in consultation with the entity ministers competent for health issues and the competent body of the District.

Article 97
Implementing Regulations

(1) In cases where this Law envisages that the competent minister passes regulations for the implementation of this Law, the competent minister shall pass those regulations within three months from the date of entry into force of this Law.

(2) In cases where this Law envisages that the Managing Board of the Pharmaceutical Agency passes regulations for the implementation of this Law, those regulations shall be passed within six months from the date of entry into force of this Law.

(3) The Veterinary Office of Bosnia and Herzegovina shall determine the list referred to in Article 41 (*Use of Psychotropic Substances in Catching Animals*) of this Law and set the conditions for the use of psychotropic substances in catching animals, within three months from the date of entry into force of this Law.

Article 98
Obligation of Legal and Natural Persons to Harmonise Activities with this Law

Legal and natural persons that within the territory of Bosnia and Herzegovina conduct activities regulated by this Law are obliged to harmonise those activities with this Law within six months following its entry into force.

Article 99
Cessation of Application of the Provisions of Other Laws

(1) By the entry into force of this Law, the provisions of the laws in the Federation of Bosnia and Herzegovina, of the Republika Srpska and the District of Brčko of Bosnia and Herzegovina, regulating the matters regulated by this Law or being contrary to this Law, shall all cease to apply.

(2) The relevant laws and other regulations in the Federation of Bosnia and Herzegovina, of the Republika Srpska and the District of Brčko of Bosnia and Herzegovina shall be harmonized with this Law within one year for the date of entry into force of this Law.

Article 100
Regulations to be applied in the Transitional Period

Until the entry into force of the implementing regulations referred to in Article 97 (*Implementing Regulations*), the regulations passed on the basis of the laws referred to in Article 99 (*Cessation of Application of the Provisions of Other Laws*) of this Law shall be applied, if not contrary to the provisions of this Law.

Article 101
Persons Authorised for Conducting the Activity According to the Previous Regulations

Legal and physical persons referred to in Article 98 (*Obligation of Legal and Natural Persons to Harmonise Activities with this Law*), which conduct activity of cultivation, manufacture and traffic of narcotic drugs, psychotropic substances, plants from which a narcotic drug could be obtained and precursors pursuant to the permit of the competent entity minister or the competent body of the District, issued on the basis of the laws referred to in Article 99 (*Cessation of Application of the Provisions of Other Laws*) Paragraph 1 or regulations referred to in Article 100 (*Regulations to be Applied in the Transitional Period*), may continue their registered activity under the conditions of Article 98 of this Law.

Article 102
Delivery of Regulations to the Secretary General of the United Nations

The Ministry if Foreign Affairs shall deliver the text of this Law to the Secretary General of the United Nations within eight days from the date of entry into force of this Law. The Ministry of Foreign Affairs shall deliver the texts of other applicable regulations to the Secretary General of the United Nations within eight days from the date of their respective entry into force.

Article 103
Entry into Force of This Law

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