



**Doing Business in Bosnia and Herzegovina (BiH):  
A Country Commercial Guide for U.S. Companies: 2015 Edition**

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## Chapter 1: Doing Business in BiH

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### Market Overview

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Bosnia and Herzegovina (BiH) is a transitional economy with a population of approximately 3.8 million. Per capita GDP in 2014 is estimated at \$4,780 with total nominal GDP of approximately \$18.4 billion. According to International Monetary Fund (IMF) estimates, GDP grew by approximately 0.7 percent in 2014, after a 0.7 percent decline in 2013. BiH has been a "potential candidate country" for European Union (EU) accession since 2003. Although BiH's progress towards EU accession has been slow, the country's Stabilization and Association Agreement (SAA) entered into force on June 1, 2015.

BiH consists of two entities: the Federation of BiH (the Federation) and the Republika Srpska (RS). A third, smaller area, the Brčko District, operates under a separate administration. The Federation is further divided into ten cantons, each with its own government and responsibilities. Both entities and the Brčko District are also comprised of municipalities. As a result, BiH has a multi-tiered legal and regulatory framework that is often duplicative and contradictory.

Bosnia and Herzegovina has a large gray economy, endemic corruption, high unemployment, a complicated regulatory framework, weak commercial law, and a high concentration of production under direct government control. According to BiH Central Bank data, from a high of \$2.1 billion in 2007, foreign direct investment (FDI) totaled \$295 million in 2013 and approximately \$350 million for the first nine months of 2014. Russia, Austria, Croatia, and Serbia account for the largest foreign investors in the 2012-2014 time period. Upon Croatia's European Union (EU) accession in 2013, BiH now shares a border with the EU.

Bosnia and Herzegovina imports almost twice as much as it exports: 2014 imports totaled \$10.9 billion with exports of \$5.9 billion. In 2014, U.S. exports to BiH totaled \$323 million with BiH exports to the U.S. valued at \$28 million. U.S. products and services held a 2.9 percent share of total BiH imports in 2014. U.S. exports to BiH are primarily in the areas of computer and electronic products, agricultural products, machinery and transport equipment, and raw materials for industrial processing. Primary BiH exports to the U.S. are leather products, apparel manufacturing products, furniture and fixtures, and petroleum and coal products.

BiH operates a currency board arrangement by which the Bosnian Convertible Mark (KM) is pegged to the euro (One Euro = KM 1.958). As a result, the convertible mark is one of the most stable currencies in Southeast Europe.

### Market Challenges

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The lack of a single economic space in BiH hinders companies trying to do business across the entire country. The country's political environment and complex government structure creates significant obstacles to economic development. According to the World Bank (WB), BiH ranks above only Tajikistan and Uzbekistan in the region of Europe and Central Asia in terms of the ease of doing business. The WB report ranks BiH particularly low for its lengthy and arduous processes to start a new business, obtain construction permits, and secure an electricity connection.

The myriad state, entity, and municipal administrations produce a heavily bureaucratic system that lacks transparency and creates opportunities for corruption. Government and public procurement tenders have been criticized for a lack of openness and transparency. Dispute resolution is also challenging as the judicial system moves slowly, often does not adhere to existing deadlines, and provides no recourse if the company in question re-registers under a different name. Arbitration and mediation of commercial disputes is infrequently used.

## **Market Opportunities**

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BiH offers opportunities to well-prepared and persistent exporters and investors. The country is open to foreign investment and offers a liberal trade regime. It is richly endowed with natural resources. The best opportunities are in the following sectors (discussed in detail later in the report):

- Materials for Industrial Processing to supply BiH's metal-based industrial sector.
- Energy Generation and Transmission Equipment for construction and upgrading of hydropower plants, thermal power plants, and electrical power distribution projects.
- Telecommunications Equipment and Services for the expansion of existing networks including mobile, fixed line, and broadband.
- Transport Infrastructure Engineering and Construction Services for the Corridor 5c highway construction project and upgrading of local road and railroad infrastructure.
- Construction Equipment to support commercial construction needs for infrastructure projects.
- Medical Equipment for the public health-care systems and private practices, to include sophisticated diagnostic equipment.
- Information Technology Equipment and Services to include computer software and IT equipment and services.
- Agricultural Sector products and services related to meat and livestock, milk and dairy, fruits and vegetables, and fisheries.

## **Market Entry Strategy**

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It is essential to visit the country early in the market-exploration phase in order to develop relevant industry contacts and understand BiH's multi-layered bureaucratic structure. New entrants to the market in established sectors will often be competing with nearby suppliers from Croatia, Serbia, and Slovenia, as well as other dominant EU member country exporters, who benefit from various trade preferences.

For a new-to-market company, the identification of a local partner is key. Selection should be based on a potential partner's knowledge of the local market and a thorough check of its reputation. Sales agents, representatives, and distributors all have important roles to play in this market. Regardless of which channel is selected, sales support and after-sales service are critical. Financing is a key consideration for Bosnian companies when considering whether to take on a new U.S. product line.

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## **Chapter 2: Political and Economic Environment**

For background information on the political and economic environment of the country, please click on the link below to the U.S. Department of State Background Notes.

<http://www.state.gov/r/pa/ei/bgn/2868.htm>

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### Using an Agent or Distributor

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Finding a good agent and/or distributor is the most effective means of market entry in BiH. Reliable and capable partners can be found, but it may take some time and effort to locate them. It is recommended that a confirmed letter-of-credit be used when conducting business with a new local partner. Local partners can be located through the Foreign Trade Chamber of BiH (<http://www.komorabih.ba>), which maintains a business registry and features an electronic goods and services exchange. It is strongly recommended that the creditworthiness and local reputation of your future partner be verified before signing legal documents or conducting any business transactions.

U.S. Embassy Sarajevo can assist in locating potential partners and assessing their creditworthiness. Through a partnership with the U.S. Foreign Commercial Service, the Embassy provides the International Partner Search (IPS) and the International Company Profile (ICP) services to U.S. companies.

### Establishing an Office

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Establishing a business in BiH can be an extremely burdensome and time-consuming process for investors. In its “2015 World Bank Doing Business” report, the World Bank ranked BiH 107 out of 189 countries, down three spots from its ranking the previous year. In 2014, BiH improved in only two out of the ten areas covered in the report: registering property (up by one place to 88th) and accessing credit (up by nine places to 36th). In terms of starting a business, BiH dropped from 142nd to 147th. The World Bank estimates there is an average of 11 procedures, taking a total of 37 days, to complete registration of a new business in the capital city, Sarajevo. Certain administrative procedures can be especially time-consuming; for example, obtaining a construction permit can take as long as one year. In 2013, the RS established a one-stop-shop for business registration in the RS. This reduces the required processes dramatically and the time to register a business in the RS is down to an average of

one to two weeks. Registration in BiH can sometimes be expedited if a local lawyer is retained to follow up at each step of the process. Investors in the Federation may register their business as a branch in the RS and vice versa.

All three sub-national levels of government (entity, cantonal, municipal) establish laws and regulations affecting businesses, creating redundant and inconsistent procedures that encourage corruption. It is often difficult to understand all the laws and rules that might apply to certain business activities, given overlapping jurisdictions and the lack of a central information source. It is therefore critical that foreign investors obtain local assistance and advice.

The most common U.S. business presence found in BiH is the representative office. A representative office is not considered to be a legal entity and its activities are limited to market research, contract or investment preparations, technical cooperation, and similar business facilitation activities. The BiH Law on Foreign Trade Policy governs the establishment of a representative office. To open a representative office, a company must register with the Registry of Representative Offices, maintained by the BiH Ministry of Foreign Trade and Economic Affairs (MoFTER) and the appropriate entity's ministry of trade. Applications must contain the following information:

- 1) A document indicating the decision of the founding or parent company to establish a representative office, to include:
  - Name and address of the founder
  - Name and address of the office (in BiH)
  - Name and address of the branch office (if such exists)
  - Scope of activities of the office
  - Terms of reference of the office
  - Names of persons managing the office
- 2) A certified document proving registration of the parent company in the home country;
- 3) A certified statement of liability for all liabilities that stem from activities of the office;
- 4) Appointment of the person in charge of the office (in BiH); and
- 5) Employment information including the number of employees in the local office and a list of foreign employees.

All documents must be originals and an authorized court translator must translate the documents into the local language. If the documentation is complete and correct, the registration procedure should be completed within 30 days. The BiH Ministry of Foreign Trade and Economic Relations (MoFTER) will appoint the office by a decree published in the Official Gazette. After receiving the decree, the new representative office must notify MoFTER within 90 days of the beginning of operations. If the representative office fails to do so, the appointment will be cancelled.

A representative office is allowed to have both foreign and local currency accounts with local banks. Office equipment can be imported free of customs duties, based on a temporary permit with the possibility for extensions. Office vehicles may be imported but only for expatriates. Expatriates are required to obtain residence and work permits and to pay local income taxes.

Other forms of establishing a business in BiH include:

#### Unlimited Joint Liability Company

An Unlimited Joint Liability Company is a company of at least two persons who bear unlimited mutual liability of the company. The company is founded by a founding contract of two or more domestic/foreign legal entities. Every member has the right and obligation to manage the company. The company has no statute and no management bodies because members manage the company directly, including representation of the company.

#### Limited Liability Company

A Limited Liability Company (LLC) is founded by an establishment act or establishment contract by one or more domestic/foreign legal entities with basic capital divided in parts. A member in a limited company is liable for the value of his investment in that company. Minimum basic capital is KM 2,000 (approx. \$1,300).

#### Limited Partnership

A Limited Partnership is a company in which one or more members has unlimited solidarity liability for the liabilities of the company including members' private assets. Risk of one or more members is limited by the value of their share in that company. A Limited Partnership is founded by a contract of two or more domestic/foreign legal entities. General partners manage the business of the company and the company is represented by each general partner.

#### Joint-Stock Company

A Joint-Stock Company is founded by the establishment contract of one or more domestic/foreign shareholders with basic capital divided into shares. A Joint-Stock Company is not liable for the obligations of shareholders and can be established by one or more founders. The minimum basic capital is KM 50,000 (approximately \$30,000).

The following steps are required to establish a limited liability company (the most frequent business entity form). The steps are uniform for the whole territory of BiH:

1. Establishment contract
2. Initial capital payment
3. Registration at the competent court
4. Registration of a company stamp
5. Opening of a bank account in a commercial bank
6. Registration at the tax administration
7. Registration at the local municipality
8. Initiation of business activity

Additional English-language information on the registration process can be obtained from:

BiH Ministry of Foreign Trade & Economic Relations (MoFTER)

Musala 9

71000 Sarajevo

Bosnia and Herzegovina

Tel: +387-33-220-093

Fax: +387-33-445-911

Website: <http://www.mvteo.gov.ba>

BiH Foreign Investment Promotion Agency (FIPA)  
Tešanjaska 24A  
71000 Sarajevo  
Bosnia and Herzegovina  
Phone: ++ 387 33 278 080  
Fax: ++ 387 33 278 081  
E-mail: [fipa@fipa.gov.ba](mailto:fipa@fipa.gov.ba)  
Web: [www.fipa.gov.ba](http://www.fipa.gov.ba)

\*(Currency exchange rate: \$1 = KM 1.79 on 5/28/2015)

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Foreign investors concerned about risks of transfer restrictions, expropriation, war and civil disturbance, and denial of justice can be insured against these risks from the European Union Investment Guarantee Trust Fund for BiH, administered by the Multilateral Investment Guarantee Agency (MIGA, part of the World Bank Group). The U.S. Overseas Private Investment Corporation (OPIC) also provides political risk insurance for investors.

## **Franchising**

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Franchising has yet to make a significant mark on the economy of BiH, though signs of progress can be found. The first McDonald's franchise arrived in 2011 and there are now three McDonald's restaurants in BiH. In the past two years, two of the five McDonald's restaurants closed (Tuzla and Banja Luka) due to business reasons. Marriott opened the Residence Inn Sarajevo in 2014 and plans to open a Courtyard Sarajevo in 2015. Both hotels are to be operated by the U.S. company Interstate Hotels & Resorts, Inc. Car rental companies (Hertz, National, Budget, Alamo) also have developed local franchising operations. BiH has no specific franchise laws.

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Direct-response selling remains popular in BiH. With the steady growth in credit card usage, there are attempts to market consumer goods through catalog sales, direct response advertising (TV, radio, and print media), and e-commerce. Marketing is usually carried out via formal or informal multi-level marketing groups or direct sale chains. Often, informal gatherings are used to promote the products and encourage sales.

## **Joint Ventures/Licensing**

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Joint ventures are rare in BiH. The BiH Law on the Policy of Foreign Direct Investment and the Law on Companies regulate the establishment of joint ventures, investment in companies with mixed ownership, as well as other types of foreign or domestic investment. Establishing a joint venture requires a local lawyer and registration with the local court.

The Law on Obligations ("Commercial Code") addresses contract law. The licensing contract covers intellectual property rights issues (trademark, model, patent or copyright), payments/royalties, the term of the contract, restrictions on using trademarks, among other topics. A local lawyer should be consulted to ensure that provisions of the contract do not contravene BiH law.

## Selling to the Government

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Government consumption in BiH is significant, estimated at more than 50 percent of GDP. The scope of government procurements is wide as it includes many government-owned enterprises such as public utilities and service providers for telecommunications, electricity and gas utilities, transportation services, and water supply. Procurement award decisions are often opaque. Transparency International's 2014 Corruption Perception Index ranked Bosnia and Herzegovina 80 out of 175 countries.

The BiH Public Procurement Agency and Procurement Review Body provides information pertaining to public procurement legislation, including procurement notices.

<http://www.javnenabavke.ba>.

U.S. companies interested in selling to the government are advised to contact U.S. Embassy Sarajevo for additional information about specific procurement opportunities. The Embassy assists U.S. companies exporting to BiH by identifying local opportunities for the sale of U.S. products or services, providing counseling on the market, and meeting the advocacy needs of U.S. firms. In addition, U.S. companies can obtain advocacy support through the Advocacy Center in Washington, D.C. <http://www.export.gov/advocacy>

## Distribution and Sales Channels

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As a result of different legal frameworks in the entities, there are two distribution areas in BiH: one in the Federation and one in Republika Srpska. Although some effort has been made to harmonize the entities' legal systems, there are still significant differences. Consequently, many manufacturers have developed multiple distribution channels and contracts with multiple distributors to cover both the Federation and Republika Srpska.

There are three primary types of distribution channels in BiH:

- i) For consumer goods
  - Producer to wholesaler to retailer to consumer
- ii) For industrial goods
  - Producer to industrial user; or
  - Producer to distributor to industrial user
- iii) For services
  - Service provider to consumer or industrial user

**Wholesaling:** Wholesalers offer the best channel for providing transportation, product storage, market information, financing, and risk management. Most wholesalers are independent, full-service merchant wholesalers that import and distribute goods. There is a significant degree of specialization in the wholesale sector by industry. Foreign companies control their distribution channels in BiH in a variety of ways.

Some manufacturers have opened representative offices in order to control distribution channels and supervise/manage marketing efforts. For example, one major U.S. corporation relies on three distributors and a number of wholesalers to service the market. The company's

sales offices, located across the country, coordinate marketing efforts. Several U.S. IT companies cover the market directly and through a network of business partners, usually smaller IT companies. Finally, some U.S. companies utilize a single distributor that covers the entire country.

**Retailing:** The most significant development in the retail market is the appearance of large retailers, many of them foreign-owned, Konzum (Croatian supermarket chain), Interex (French supermarket chain), as well as locally-owned retail companies, MIMS group, Tropic Centar, Bingo and Robot Komerc. In addition, the continued expansion of the shopping mall concept - including the newest major entrant, the Sarajevo City Center mall opened in 2014 - has changed consumers' habits.

## **Selling Factors/Techniques**

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Many smaller and younger firms have difficulty gaining access to credit; therefore, an outside investor might consider financing options for the local reseller, whether in the area of industrial or consumer goods. Most buyers prefer to pay in monthly installments, even for low-priced goods.

Close and frequent contact with buyers, motivated and trained intermediaries, and aggressive market promotion are additional factors critical to success. Selling to state-owned companies and other state entities still relies on cultivating relationships.

It is important to provide product literature and manuals in local languages, as well as to use locally available service and maintenance.

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E-commerce is not well developed. BiH citizens and businesspeople generally do not shop or conduct business on the Internet. Many companies maintain websites, but ordering online through use of a credit card is very rare. Internet penetration is estimated at 68 percent (source: Internet World Stats 2014).

The financial sector leads the way with many commercial banks offering e-banking to their clients.

## **Trade Promotion and Advertising**

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### **Trade Promotion**

Trade shows are a common vehicle for company promotion in BiH. Local and regional firms rely on trade fairs to establish business connections, gain market visibility, and learn about new products. Trade shows are held throughout the country. The most important shows take place in Sarajevo (<http://www.skenderija.ba>), Banja Luka (<http://www.banjalukafair.com>), Zenica (<http://www.zeps.com>), Mostar ([www.mostarski-sajam.com](http://www.mostarski-sajam.com)), and Gradacac ([www.gradacackisajam.com.ba](http://www.gradacackisajam.com.ba)). For agriculture and food trade shows, please visit: <http://sarajevo.usembassy.gov/trade-shows.html>.

### **Advertising**

Electronic media (television, cable TV, and radio), outdoor advertising, print media, and online media are the leading advertising mediums. The standard means to pursue advertising services is to contact one of the many advertising agencies in BiH. Media Group and Media

Pool are two key advertising groups. Media Group includes BBDO and McCann Erickson, while Media Pool consists of SV-RSA, Fabrika, J.W. Thompson, Communis and M.I.T.A. Group/Saatchi & Saatchi. There are also several smaller, locally-owned firms, such as Via Media.

The broadcasting scene is vibrant, with three public TV broadcasters, 45 private TV stations, and 144 radio stations. The full list of TV and radio broadcasters is available on the Communications Regulatory Agency's website: <http://www.rak.ba/en/broadcast/reg/?cid=1863>.

Among the most popular private TV stations are NTV Hayat (<http://www.ntvhayat.com>), TV Pink (<http://www.rtvpink.com>), OBN (<http://www.obn.ba>), BNTV (<http://www.rtvbn.com>), ATV (<http://www.atvbl.com>), and TV1 (<http://www.tv1.ba>). The three public broadcasters are a state-level TV and radio station (BHT), as well as two entity-level TV and radio stations (FTV and RTRS).

Mareco Index Bosnia (<http://www.mib.ba>), a member of Gallup International, and Ipsos (<http://www.ipsosadria.com>) are leading public opinion, media and market research companies in BiH. Both companies conduct consumer, media, and public opinion research throughout the country.

## **Pricing**

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Since January 1, 2006 BiH has had a single, national 17 percent value-added tax (VAT) rate. This is one of the lowest rates in the region. The price level of goods and services in Bosnia and Herzegovina is relatively low due to the low cost of labor. The market generally determines prices.

## **Sales Service/Customer Support**

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Sales service and customer support are relatively undeveloped as marketing tools. As foreign companies come to the market, they and their distributors are developing new standards of customer service. These higher standards of sales service and customer support are slowly being adopted by local firms.

When selling capital goods, sales services and customer support are essential, particularly in terms of maintenance and training. A well-trained local distributor can provide a competitive edge in this area.

## **Protecting Your Intellectual Property**

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Protecting intellectual property in BiH is a challenge. The Market Inspectorates of the Federation, the RS, and the Brcko District theoretically include IPR inspections in their routine work although these inspections are not consistently implemented. IPR inspections have dwindled since a brief inspection surge in 2011-2012, which resulted in significant sales increases for software firms. In the event of an Intellectual Property Right infringement, U.S. companies are advised to hire a local attorney who can then pursue the matter in local court, although resolution may be protracted. For additional information, see Chapter 6: Investment Climate Statement.

Several general principles are important for effective management of intellectual property ("IP") rights in BiH. First, it is important to have an overall strategy to protect your IP. Second, IP is

protected differently in BiH than in the U.S. Third, rights must be registered and enforced in BiH under local laws. For example, your U.S. trademark and patent registrations will not protect you in BiH. There is no such thing as an “international copyright” that will automatically protect an author’s writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer copyright protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.

Registration of patents and trademarks is on a first-in-time, first-in-right basis, so you should consider applying for trademark and patent protection even before selling your products or services in the BiH market. Similarly, registering trademarks is based on a first-in-time, first-in-right basis, so you should consider how to obtain patent and trademark protection before introducing your products or services to the BiH market. It is vital that companies understand that intellectual property is primarily a private right and that the U.S. government generally cannot enforce rights for private individuals in BiH. It is the responsibility of the rights' holders to register, protect, and enforce their rights where relevant, retaining their own counsel and advisors. Companies may wish to seek advice from local attorneys or IP consultants who are experts in law. The U.S. Embassy Sarajevo has a list of local lawyers available at <http://sarajevo.usembassy.gov/lawyers.html>

While the U.S. Government stands ready to assist, there is little we can do if the rights holders have not taken these fundamental steps necessary to securing and enforcing their IP in a timely fashion. Moreover, in many countries, rights holders who delay enforcing their rights on a mistaken belief that the USG can provide a political resolution to a legal problem may find that their rights have been eroded or abrogated due to legal doctrines such as statutes of limitations, laches, estoppel, or unreasonable delay in prosecuting a law suit. In no instance should U.S. Government advice be seen as a substitute for the obligation of a rights holder to promptly pursue its case.

It is always advisable to conduct due diligence on potential partners. A good partner is an important ally in protecting IP rights. Consider carefully, however, whether to permit your partner to register your IP rights on your behalf. Doing so may create a risk that your partner will list itself as the IP owner and fail to transfer the rights should the partnership end. Keep an eye on your cost structure and reduce the margins (and the incentive) of would-be bad actors. Projects and sales in BiH require constant attention. Work with legal counsel familiar with the local laws to create a solid contract that includes non-compete clauses, and confidentiality/non-disclosure provisions.

It is also recommended that small and medium-size companies understand the importance of working together with trade associations and organizations to support efforts to protect IP and stop counterfeiting. There are a number of these organizations, both in BiH or U.S.-based. These include:

- The U.S. Chamber and local American Chamber of Commerce
- National Association of Manufacturers (NAM)
- International Intellectual Property Alliance (IIPA)
- International Trademark Association (INTA)
- The Coalition Against Counterfeiting and Piracy
- International Anti-Counterfeiting Coalition (IACC)
- Pharmaceutical Research and Manufacturers of America (PhRMA)

- Biotechnology Industry Organization (BIO)

## IP Resources

A wealth of information on protecting IP is freely available to U.S. rights holders. Some excellent resources for companies regarding intellectual property include the following:

- For information about patent, trademark, or copyright issues -- including enforcement issues in the U.S. and other countries -- call the STOP! Hotline: **1-866-999-HALT** or register at [www.StopFakes.gov](http://www.StopFakes.gov).
- For more information about registering trademarks and patents (both in the U.S. as well as in foreign countries), contact the U.S. Patent and Trademark Office (USPTO) at: **1-800-786-9199**.
- For more information about registering for copyright protection in the U.S., contact the U.S. Copyright Office at: **1-202-707-5959**.
- For more information about how to evaluate, protect, and enforce intellectual property rights and how these rights may be important for businesses, a free online training program is available at [www.StopFakes.gov](http://www.StopFakes.gov).
- For information on obtaining and enforcing intellectual property rights and market-specific IP Toolkits, visit [www.StopFakes.gov](http://www.StopFakes.gov). This site is linked to the USPTO website for registering trademarks and patents (both in the U.S. as well as in foreign countries), the U.S. Customs & Border Protection website to record registered trademarks and copyrighted works (to assist customs in blocking imports of IP-infringing products) and allows you to register for Webinars on protecting IP.
- The U.S. Department of Commerce has positioned IP attachés in key markets around the world. You can get contact information for the IP attaché who covers BiH at: [http://www.uspto.gov/sites/default/files/ip/global/attache/Attache\\_Contacts\\_percent28F1NALpercent29.pdf](http://www.uspto.gov/sites/default/files/ip/global/attache/Attache_Contacts_percent28F1NALpercent29.pdf)

## Due Diligence

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The complex legal environment in BiH dictates the need for a local attorney. The legal framework is sometimes contradictory or overlapping, creating confusion and uncertainty. Bosnian attorneys' experience base is still limited with respect to legal questions and the issues that arise in a market-oriented economy. However, local lawyers are quickly gaining experience in working with international organizations and companies that are operating in BiH. Companies' in-house legal counsel should be prepared to oversee their in-country counsel, with explicit explanations and directions regarding objectives. U.S. Embassy Sarajevo maintains a list of local lawyers willing to represent U.S. Citizens in BiH. The list can be accessed at <http://sarajevo.usembassy.gov/lawyers.html>

## Local Professional Services

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U.S. Embassy Sarajevo can assist you in locating requested professional services as available. The Economic/Commercial Section can be reached at +387 (33) 704-000.

## Limitations

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The state-level "Law on Foreign Direct Investment" provides a generic framework for foreign investment. The law accords foreign investors the same rights as domestic investors, including bidding on privatization tenders. The primary exceptions are the defense industry and the media sector, where foreign control or ownership is limited to 49 percent. However, either entity government may decide, if it deems justified, to waive the 49 percent foreign ownership limit for defense industry companies.

As a result of FDI Law amendments adopted in March 2015, foreign investors can now own more than 49 percent of capital business entities dealing with media activities, such as publishing newspapers, magazines and other journals, publishing of periodical publications, production and distribution of television programs, privately-owned broadcasting of radio and TV programs, and other forms of daily or periodic publications of edited produced program content through transfer of recordings, voice, sound or images. The new FDI Law maintains the restriction that foreign investors cannot own more than 49 percent of public television and radio services.

## Web Resources

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BiH Ministry of Foreign Trade & Economic Relations

<http://www.mvteo.gov.ba>

BiH Foreign Investment Promotion Agency

<http://www.fipa.gov.ba>

BiH Public Procurement Agency

<http://www.javnenabavke.ba>

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### Materials for Industrial Processing

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There is a longstanding tradition of metal processing in BiH, due to the country's abundance in natural resources such as iron ore, bauxite, lead, zinc, and copper. The metal sector is a significant export driver with robust production growth rate of over ten percent in the past few years. The main export products of the metal sector include aluminum, steel, and automotive industry components. BiH's metal sector exports are primarily oriented towards the EU and Central European Free Trade Agreement (CEFTA) markets. The majority of metal processing companies are small companies (80 percent) while medium sized companies represent 15 percent and large companies represent five percent of companies in the metal sector.

#### Best products and services

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- Petroleum coke, petroleum bitumen and other residues of petroleum
- Stone coal
- Sodium hydroxide

#### Opportunities

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The existing structure of the metal sector, characterized by small companies, provides an opportunity for larger companies to integrate existing primary producers and further develop their business operations. The price of labor in the metal processing industry in BiH is competitive when compared with global market labor costs. Besides materials for industrial processing, small private companies also buy modern computerized equipment and strive to stay updated with current technologies. Many factories are engaged in semi-processing of components for foreign companies based in the EU and neighboring countries.

Top metal processing companies in BiH that present the best sales prospects for U.S. suppliers include Arcelor Mittal Zenica ([www.arcelormittal.com](http://www.arcelormittal.com)), TMD AI Gradačac ([www.tmd-ags.ba](http://www.tmd-ags.ba)), MLM Alutec Bugojno ([www.mlm-mb.si](http://www.mlm-mb.si)), Bekto-Precisa ([www.precisa.ba](http://www.precisa.ba)), FEAL ([www.feal.ba](http://www.feal.ba)), Tvornica Glinice Birač Zvornik ([www.birac.ba](http://www.birac.ba)), Jelšingrad Livnica Čelika Banja Luka ([www.jelsingrad-fam.com](http://www.jelsingrad-fam.com)), and Aluminij Mostar ([www.aluminij.ba](http://www.aluminij.ba)). Procurement notices can be found on the companies' websites and the best way to access these opportunities is via some form of local presence, either direct or through agents and distributors.

## Resources

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BiH Foreign Trade Chamber  
<http://www.komorabih.ba>

Ministry of Energy, Mining, and Industry of the Federation of B&H  
<http://www.fmeri.gov.ba>

Ministry of Industry, Energy, and Mining of the Republika Srpska  
<http://www.vladars.net/eng/vlada/ministries/MIEM/Pages/default.aspx>

Chamber of Economy of the Federation of BiH  
<http://www.kfbih.com>

Chamber of Commerce and Industry of the Republika Srpska  
<http://www.komorars.ba>

## Energy and Coal Mines: Electric Power Systems (ELP) and Mining Equipment

### Overview

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Electric power generation and coal extraction are key sectors of economic activity in BiH. Electric power is generated in both thermal and hydro power plants, and the country is a net exporter of electrical energy. The generating capacity is about 16,000 GWh. BiH has a comparative advantage in electricity, particularly because of its natural hydropower resources. With investment in new hydropower generation, the country could double its current hydropower production levels.

After the 1992-1995 war, the once-unified power system in BiH was divided into three vertically-integrated companies split along geographic/ethnic lines. The three state-owned electric power generation and distribution companies are: Elektroprivreda BiH (EPBiH), Elektroprivreda Republika Srpske (EPRS), and Elektroprivreda Hrvatske Zajednice Herceg-Bosna (EPHZHB). Early international assistance focused on reconstruction of the physical infrastructure that was destroyed in the war. As part of this effort, the international community spent hundreds of millions of dollars from 1996-2001 on the reconstruction of facilities and networks. International financing, particularly from the World Bank, for physical improvements continues and the U.S. Government has focused on the institutional strengthening and restructuring of the electricity market since 2001.

When BiH's energy infrastructure was constructed from 1948 to 1989, the intention was to create a diversified energy supply that covered the entire country. Therefore, the energy generation makeup of BiH as a whole is roughly 50 percent hydroelectric and 50 percent thermal (coal-fired) generation – an ideal energy mix given that BiH has abundant coal resources and multiple rivers ideal for generating hydropower. As the companies were created along ethnic/geographic lines and not for any technical reasons, there are significant generation disparities between the companies:

	<u>Hydro</u>	<u>Thermal</u>
<u>EPBiH</u>	30%	70%
<u>EPHZHB</u>	100%	0%
<u>EPRS</u>	50%	50%

BiH needs to implement reforms to make the power sector more efficient, transparent, independently regulated, and free from corruption. However, because of structural problems, the governments of the Federation of Bosnia and Herzegovina and the Republika Srpska have not fully capitalized on potential energy investment projects.

**Coal Mines**

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The country has significant reserves of brown coal and lignite. Reserves of iron ore deposits are estimated at 653 million metric tons; zinc and lead at 56 million metric tons; and bauxite at 120 million metric tons. There are two aluminum and aluminum oxide processing plants situated near bauxite mining operations. Annual coal production is approximately 8.8 million metric tons, both via open pits and casts.

**Renewable Energy**

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BiH has significant renewable energy potential, particularly in hydropower and wind power capacity. Hydropower already provides around 50 percent of the country's total electricity production and there is room for additional growth. According to a study conducted by the German government, BiH could generate up to 2000 MW of wind energy per year, primarily in the areas of Livno, Tomislavgrad, Mostar and Trebinje. This nascent industry still faces a number of regulatory and financial challenges.

In December 2013, German state-owned development bank KfW (Reconstruction Credit Institute) approved an \$89 million loan for the construction of Podvezlje wind farm in BiH. The project will be implemented by Elektroprivreda BiH (EPBiH), one of BiH's three power utility companies. The total cost of the project is estimated at \$97 million and EPBiH will directly fund the remaining \$8 million from its own sources. The Podvezlje wind farm will have 16 wind turbines with a total capacity of up to 48 megawatts and annual power production of approximately 100 Gigawatt hours. In the RS, U.K.-based company Kermas plans to invest \$105 million in a 51 megawatt (MW) wind park at Trusina in the municipality of Nevesinje, as a strategic partner of local company Eol Prvi. At the time of publishing this report all these projects are still in the pre-construction phase and it is unknown if, and when, construction will commence.

BiH's electrical grid has suffered from decades of neglected maintenance and a lack of investment. In April 2014, the two entities finally agreed on a plan to restart investment projects

for BiH's electricity transmission grid through the BiH state-level company Elektroprenos BiH (aka Transco). The company has started announcing equipment tenders in early 2015. For more information, please visit <http://elprenos.ba/BOS/JavneNabavkeBS.aspx>.

### **Best products and services**

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- Desulphurization equipment/technology
- Emission control equipment and systems
- Generation equipment for hydro and thermal power plants (gas, coal)
- Equipment for wind farms
- Heavy mining equipment

### **Opportunities**

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In the Federation, political disagreements have thwarted attempts to initiate large power generation projects. In 2007, the Federation Ministry of Energy, Mining, and Industry selected four “strategic partners” – international investors with significant expertise in the field – for the construction of seven hydro-power plants and four coal-fired power plants, with a combined installed capacity of 2,000 megawatts and estimated value around \$2.5 billion. In 2011, the Federation Government again announced interest in a massive energy investment scheme, with assurances of a fully transparent selection process. Those plans are still on an indefinite hold.

Some projects appear to be moving forward, albeit many remain in the preliminary phases. In April 2014, EPBiH chose a consortium consisting of China's Gezhouba Group and Guangdong Electric Power Design Institute for the construction of a 450 megawatt coal-fired unit at its Tuzla power plant; construction costs are estimated at around \$1 billion.

In 2013, the Chinese company ‘Donfang International Corporation’ started construction of the Stanari coal-fired power plant in the Republika Srpska. The project is a collaboration of the Chinese Development Bank (CDB), the energy company EFT Group, Donfang International Corporation, and the Republika Srpska government. The CDB provided EFT Group with a structured loan of \$455 million, accounting for 65 percent of the project’s total estimated cost of \$715 million. The completion of the project is currently anticipated for early 2016.

Comsar Energy Group, a private company owned by Russian businessman Rashid Sardarov, is completing the pre-construction phase for a new 600 megawatt (MW) coal-fired thermal power plant near the existing RS government-owned Ugljevik 1 TPP. The project, fully funded by Comsar’s private funds, envisions the construction of two thermal plant blocks, each with a generating capacity of 300 MW. If the project is fully implemented, it would represent the largest energy project in the Western Balkans since the days of Yugoslavia with a total estimated investment of \$ 1.38 billion. The completion of the project is currently anticipated for 2019.

Finally, China's Dongfang Electric Corporation sent the RS government a letter of intent for cooperation in the construction of a new 350MW unit at Gacko TPP. The cost of the project has not been announced yet.

The state-level power transmission company suffered from management gridlock and years without investment in maintenance. No significant maintenance, let alone expansion, of the energy grid has occurred since 2007. However, since April 2014, Transco announced a number

of tenders for the purchase of power network equipment. According to the published tenders, BiH companies that apply will have preferential treatment.

In the long run, the World Bank estimates that BiH's energy sector would require more than \$6 billion in investment for modernization, life extension, and new generation facilities for the power generation and coal mines sectors.

#### **Coal Mines:**

In 2010, the Federation Government consolidated seven coal mines under the new ownership of Elektroprivreda BiH. The government hopes that this will pave the way for significant investments in the rehabilitation of those seven mines. Elektroprivreda BiH has committed to investing \$497 million in rehabilitation of the mines, primarily through heavy mining equipment procurement and upgrade that should increase the coal mines efficiencies. As of this report's publication, most of planned equipment has not been purchased.

#### **Renewable Energy:**

In the Federation, there are also opportunities for construction of small hydro power plants and wind powered plants, but due to lack of harmonization and adequate concession legislation between the canton and Federation-level governments, those opportunities will be somewhat limited in the near term.

In 2011, the Government of Republika Srpska announced that it would begin selecting strategic partners for construction of 24 new hydro and thermal power plants. This could create significant opportunities for sale of power generation equipment as well as possible opportunities for power plant management contracts. As of this report's publication, the projects are still on hold and have not started.

#### **Resources**

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Elektroprivreda BiH (EPBiH)  
<http://www.elektroprivreda.ba>

Elektroprivreda Hrvatske Zajednice Herceg-Bosna (EPHZHB)  
<http://www.ephzhb.ba>

Elektroprivreda Republika Srpske (EPRS)  
<http://www.ers.ba/index.php?lang=en>

Elektroprenos (BiH Electricity Transmission Company aka Transco)  
<http://elprenosbih.ba/EN/DefaultEN.aspx>

European Bank for Reconstruction and Development (EBRD)  
<http://www.ebrd.com>

World Bank  
<http://www.worldbank.ba>

Regulatory Commission for Electricity in the Federation BiH  
<http://www.ferk.ba>

Regulatory Commission for Energy of the Republika Srpska

<http://www.reers.ba>

BiH Electricity Regulatory Commission  
<http://www.derk.ba>

## Telecommunications (TEL, TES)

### Overview

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As of January 1, 2006, BiH liberalized a limited portion of its telecommunications sector for fixed telephony and international calling services. This led to the emergence of nine private fixed telephony service providers. Information about the sector's regulatory framework and latest activities can be found at the website of the BiH Communications Regulatory Agency ([www.cra.ba](http://www.cra.ba)).

Bosnia's telecommunications sector, similar to electric power production and other infrastructure, was divided along ethnic lines following the 1992-1995 war. In the Federation, service is split between the Sarajevo-based BH Telecom in Bosniak-majority areas and Mostar-based HT Mostar in Croat-majority areas, while Banja Luka-based Telekom Srpske's fixed lines cover the entire territory of Republika Srpska.

Telekom Srpske was privatized in December 2006 via a sale to Telekom Srbija, the dominant fixed-line and mobile telephone provider of Serbia, whose government owns a controlling interest in the parent company. The Federation government owns controlling shares in BH Telecom and HT Mostar. The CRA awarded the three operators 3G licenses in April 2009. The mobile phone market currently is estimated to have around 90 percent market penetration. Telekom Srpske's mobile phone subsidiary m:tel has been expanding steadily both in the Republika Srpska and in the Federation. BH Telecom's subsidiary BH Mobile and HT Mostar's Eronet still have dominant positions in their traditional market areas.

Since the beginning of the liberalization process in 2007, the CRA awarded 13 licenses to private fixed telephony providers, 66 licenses to private Internet Service Providers (ISPs) and 75 licenses to private network operators, mainly cable television operators. A notable development is the appearance of broadband Internet service deployed via cable television. The CRA anticipates that many of the ISPs will venture into Voice over Internet Protocol (VoIP) business now that international voice service has been liberalized. One VoIP provider, U.S. company AirABA, is already active in the BiH market. In years to come, more providers will be able to offer a "triple package" of phone, internet and cable service.

The U.S. company Kohlberg, Kravis, Roberts (KKR) became the largest U.S. investor in BiH with its purchase of United Group (SBB/Telemach) on March 6, 2014. Through this deal, KKR now owns two BiH companies: Telemach BiH, which specializes in cable television and broadband internet services; and Total TV, a satellite television company.

According to Business Monitor International's (BMI) Bosnia-Herzegovina Telecommunications Report, the mobile market grew by 21 percent year-on-year in 2014 to 3.49 million subscribers, as penetration rose to 91 percent. BMI believes that BiH's telecom market remains one of the least developed in Central and Eastern Europe and as such represents a significant growth

opportunity for operators and telecom equipment vendors. Meanwhile, BMI believes higher value services, especially mobile data and postpaid subscriptions, will be major growth drivers as operators attempt to capitalize on the improved outlook for economic growth. BMI estimates there were 1.7 million 3G subscriptions in 2014 and estimates that this figure will rise to 2.3 million by 2019, or 65 percent of the mobile market. Mobile financial services and 'TVeverywhere' services will add momentum to growth over the next five years.

## **Best products and services**

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The aforementioned operators remain the best opportunity for marketing goods and services. Their near monopoly position in mobile telephone services will continue to generate sufficient revenues to finance expansion and modernize their networks.

The companies face the challenge of migrating from technologies traditionally supplied by Ericsson and Siemens to Internet-based technologies. All three incumbent operators have in their development plans the acquisition and deployment of the following technologies/services: IP/MPLS, VoIP, 3G, GRPS, EDGE, and UMTS. In addition, they are looking to expand existing broadband access networks, to include xDSL, Ethernet WAN, Ethernet Metropolitan Area Networks, Wi-Fi, W-LAN, among others.

The rapidly growing cable television sector also provides opportunities for investment. The liberalization of VoIP could signal the next big development in BiH and may present a significant business opportunity. The ISPs and cable television operators are expected to play a significant role in providing the VoIP service in the future.

In accordance with EU standards, all television stations in BiH must begin digital broadcasting in 2015, providing an opportunity for U.S. sale of digital broadcast and ancillary equipment. Five informative-technical centers throughout the country will be linked to public broadcasting services' digital connections and transmitters to cover the cities of Sarajevo, Banja Luka, and Mostar with digital signals. The digitization will include three public broadcasters, which will cost about \$30 million after all phases of the project are complete.

## **Opportunities**

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The incumbent operators are required by law to conduct open public tendering procedures for the purchase of goods and services. Procurement notices can be found on the companies' websites listed below. The best way to access these opportunities is via some form of local presence, either direct or through agents and distributors.

## **Resources**

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BiH Communications Regulatory Agency  
<http://www.rak.ba>

BH Telecom  
<http://www.bhtelecom.ba>

Hrvatske Telekomunikacije (HT) Mostar/HT Eronet  
<http://www.eronet.ba>

m:Tel

## Information Technology (IT) Equipment and Services

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### Overview

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BiH's fragmented public sector is the largest customer for IT equipment and services in BiH. It is followed by the financial sector and telecommunications sector. Retail sales are also recording growth due to the expansion of shopping malls and retail stores. While IT spending in the financial and telecommunications sectors will likely continue to grow, the largest share of prospects and opportunities will remain in the public sector due to BiH's myriad government offices and agencies. Generally, the government, private and public companies and commercial banks are highly receptive to U.S. computer technology. Local experts predict strong spending in the IT security and data protection segments in the coming years. As more customers implement integrated product solutions for security and protection, corresponding services that follow the same model are likewise in demand.

According to the BiH Customs Agency, in the past four years BiH imported over \$50 million of U.S. Information Technology equipment. Many major U.S. companies have established a full-time presence in the market, either directly or through an authorized network of resellers and distributors, including Cisco, Hewlett Packard, Microsoft, Oracle, IBM, Intel, and Dell.

### Best products and services

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- IT services
- Hardware sales
- Software, including Enterprise Resource Planning (ERP) and Customer Relationship Management (CRM) solutions
- Broadband infrastructure

## Transport Infrastructure and Construction Equipment

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### Road Sector

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BiH's road infrastructure is fairly poor and underdeveloped. At the time of this report's publication, BiH has 105 kilometers of usable motorway. Trunk roads and regional roads, with a total length of 8,501 km, represent the country's core road network. The Corridor 5c project, a major road construction project that has made some progress since it was first designed, is a part of the Trans-European ground corridors network. Its final design will connect the central part of the Adriatic Sea coast and Budapest, Hungary. The proposed project will run 336 kilometers in BiH from north to south. The Bosnian Government has taken out multiple loans from lenders, primarily European Bank for Reconstruction and Development (EBRD) and European Investment Bank (EIB), to fund the construction of the Corridor 5c.

Corridor 5c's central objectives are BiH's inclusion into Europe's main traffic flows, as well as easier access to the European marketplace. Experts predict that the motorway will be the prime mover of economic activities in BiH and should enable connectivity to its neighboring countries and regions. Historically, advancement in this sector has been impeded by issues concerning inter-entity coordination, the absence of a coherent strategic vision, political obstructionism, and a lack of funding. Though progress is discouragingly slow, highway construction is ongoing.

## Rail Transport

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A modernized railway system is needed in order to alleviate the traffic burden on BiH's inadequate roads. The BiH rail system is divided, weighed down by excess employees and hampered by poor and aging infrastructure. The total length of operational railway tracks in BiH is 1,031 km. Major users of the railway transport system are large industrial plants (such as the chemical plant in Tuzla and Mittal Steel plant in Zenica), coal mines (Zenica, Tuzla, and Prijedor), the Aluminij aluminum plant in Mostar, and oil distributing companies (INA, Energopetrol, and OMV). Passenger railway traffic is very limited due to lack of modern and comfortable coach cars.

Rail transport in Bosnia and Herzegovina is operated by two companies: Željeznice Federacije Bosne i Hercegovine, which operates in the Federation and Željeznice Republike Srpske, which operates in the RS. The entity companies manage the infrastructure and provide transport operations for both freight and passenger service within their borders. Priorities for the railway sector in both entities are reconstruction and modernization of infrastructure and purchase of new locomotives and coach cars. While there is some cooperation, inter-entity politics plays a large role in rail transport.

## Opportunities

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### Road Sector:

The best opportunity may lie in the two most difficult segments of the project – the 60 kilometer stretch from Dobož to Zenica (north of Sarajevo) and the 125 kilometer stretch from Tarcin to Bijaca (the southern end point). The estimated cost of construction for those two segments is approximately EUR 2 billion. Procurement of construction equipment, such as asphalt patchers, bulldozers, backhoes, cranes, excavators, and mowing equipment as well as other road construction equipment, present significant opportunities as the construction of Corridor 5c continues.

### Rail Transport:

The Federation Railways bought new Spanish "Talga XXI" passenger trains (\$95 million value) in 2011. The trains, known for their high operational speed (up to 300km/hour), were never put to use since the current rail tracks in the Federation limit speeds to 60 kilometers per hour. The RS Railways also purchased several new Spanish "Talga" trains and has announced that the company is planning to significantly upgrade the existing railway infrastructure in the near term. Reconstruction and modernization of rail infrastructure, such as signalization equipment and rail track upgrades, will remain the focus of both railway companies.

## Resources

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BiH Ministry of Transport and Communication  
<http://www.mkt.gov.ba>

Road Directorate of the Republika Srpska  
<http://www.autoputevirs.com/>

Road Directorate of Federation of Bosnia and Herzegovina  
<http://www.jpautoceste.ba/>

Railways of Federation of Bosnia and Herzegovina  
<http://www.zfbh.ba/zfbhenx>

Railways of Republika Srpska  
<http://zrs-rs.com>

## Medical Equipment

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The majority of medical equipment suppliers in Bosnia and Herzegovina are EU-based manufacturers (primarily Germany and Italy). However, in recent years, U.S. manufacturers such as GE Medical and Medtronic have made significant headway in supplying U.S. technology in hospitals throughout the country, specifically diagnostic-imaging equipment in the clinical centers in Sarajevo, Tuzla, Banja Luka, and Mostar.

The Entity and Cantonal Institutes of Health Insurance administer healthcare systems which are funded through compulsory payroll contributions from both employers and employees. BiH's health care system is predominantly publicly-funded; however, there are an increasing number of private practices. The RS also has some Private Public Partnerships (PPP) in the health care system, but the Federation still lacks a law to allow PPPs in any industry.

U.S.-manufactured medical equipment enjoys an excellent reputation in BiH for state-of-the-art technology, quality, and reliability. The medical equipment market is very price-sensitive.

## Opportunities

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The best sales prospects for U.S. medical equipment include cardiovascular diagnostic equipment, non-invasive surgical devices, anesthesia and intensive care equipment, diagnostic imaging (CTs, MRIs), radiation therapy equipment, ultrasound equipment, urology equipment, laboratory and testing equipment, and tissue and blood bank related equipment. There are also good prospects for products such as ultra-violet/infra-red equipment used in medical, surgical, dental, as well as apparatuses based on the use of X-rays of alpha, beta or gamma radiation treatments.

Opportunities also exist for U.S. manufacturers of sophisticated diagnostic equipment such as electrocardiographs, endoscopes, scanners, imaging equipment, pace makers, digitalized x-ray equipment, nuclear medicine instruments, and clinical laboratory equipment. Diagnostic imaging equipment, especially ultrasonic diagnostic equipment, and dialysis equipment are in great demand.

## Resources

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Ministry of Health of the Federation of Bosnia and Herzegovina

## Meat and Livestock

While BiH's fresh meat supply meets its demand, the country's meat industry suffers from a deficit of raw meat for processing and must rely on imports for this purpose. The range of products produced and marketed in BiH includes dried and smoked sausages, salami, poultry products, and meat spreads. Although BiH has a significant meat industry, it is estimated that it imports around 50 percent of processed meat products.

*Unit: USD thousands*

	2012	2013	2014	2015 (estimated)
Total Market Size	447,522	475,903	461,941	470,000
Total Local Production	273,000	294,000	290,000 (est.)	296,000
Total Exports	35,264	39,922	45,570	46,000
Total Imports	209,786	221,825	217,511	220,000
Imports from the U.S.	181	130	0	0

*Total Market Size = (Total Local Production + Total Imports) – (Total Exports)*

*Data Sources:*

*Total Local Production: BiH Agency for Statistics, RS Institute for Statistics, and FBiH Institute for Statistics*

*Total Exports: BiH Agency for Statistics*

*Total Imports: BiH Agency for Statistics*

*Imports from U.S.: BiH Agency for Statistics*

Estimated annual consumption of meat and meat products in BiH is about 140,000 metric tons (MT). An estimated per capita consumption is approximately 40 kg (including 16 kg of beef). The total annual capacity of the eleven largest meat processors is 60,000 MT but only 50 - 55 percent is utilized. According to meat-industry estimates, the domestic processing industry can be divided as follows: 50 percent poultry (95 percent chicken); 35–40 percent beef; and 10–15 percent pork.

## Best Prospects

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The demand for meat greatly exceeds domestic production and meat processors in BiH import approximately 80 percent of raw materials (frozen meat, boned meat, pork, and poultry) mainly from European Union countries (Germany, Austria, Hungary, and Poland).

There is a demand for dairy cattle genetics but this market is still undeveloped. There is an absence of programs for improved cattle breeding and breeding centers, as well as markets for selling cattle with improved genetics. The market for bovine semen is estimated to be about 350,000 - 400,000 doses annually. The Veterinary - Cattle Breeding Center from Banja Luka

provides 150,000 - 200,000 doses of semen (the center imports bulls for semen production), while the remaining doses are imported from Austria, Germany, Croatia, and Serbia.

## Opportunities

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The under-utilized capacity of many slaughterhouses and meat processing plants coupled with potential consumer confidence concerns in the quality of locally produced meat could be an opportunity for investing in this sector. The primary impediments to increased local production include the lack of incentive programs or capital to modernize facilities for breeding, raising, or slaughter facilities, as well as the multiple authorities involved in administering health and safety standards that have yet to be harmonized into a cohesive system. Also BiH is not self-sufficient in producing feed inputs and thus vulnerable to global supply and demand prices swings (see information on spring floods in next section). Further development of maize and other cereal grain crops could benefit domestic livestock production.

Currently, the Law on Genetically Modified Organisms (GMO) sets the conditions for the limited use, importation, deliberate release into environment, and marketing of products that are composed of GMOs, contain GMOs, or are derived from GMOs. Imports of approved GE products are permitted, if approved by the Food Safety Agency, but no approvals have been issued yet. Two applications for GE feed have been submitted to the Food Safety Agency and are awaiting approval for placing on the market. A GMO free certificate or a GMO-related statement is often required as part of the import process for grains and similar products. Products containing approved GMO content above a threshold of 0.9 percent must be labeled.

There currently is no policy on the import, labeling, and traceability of genetically engineered (GE) animals and clones, including animal genetics. However, as part of its EU accession aspirations, BiH's continues to harmonize its sanitary and phytosanitary requirements with EU regulations.

## Milk and Dairy Products

Bosnia and Herzegovina consumes about 500,000 MT/year milk and milk products annually. The country imports 40 percent of all milk and dairy products it consumes. There are approximately 310,000 dairy cows but the average milk yield of about 1,400 liters per lactation is low. Approximately 100,000 farms raise cattle in Bosnia and Herzegovina, of which only one-third are commercial milk-producing farms. Estimated milk production is around 450 million liter annually.

However, local dairies purchase and process only about 30 percent of total production. The remainder is either consumed on the farm or processed and sold at the numerous local outdoor markets. Imported dairy products, including fluid milk, are mainly consumed in urban areas. Processed dairy products production is as follows: pasteurized milk 1.8 percent, UHT milk 53.1 percent, fermented products 22.2 percent, cheese 19.2 percent, spreads and butter 2.5 percent, milk powder 1.2 percent. About 80 percent of the dairies produce short shelf-life products.

*Unit: USD thousands*

	2012	2013	2014	2015

				(estimated)
Total Market Size	220,089	226,168	218,881	220,000
Total Local Production	164,425	173,780	175,000 (est.)	175,000
Total Exports	51,426	53,264	40,701	40,000
Total Imports	107,090	105,652	84,582	85,000
Imports from the U.S.	13	0	0	0

*Total Market Size = (Total Local Production + Total Imports) – (Total Exports)*

*Data Sources:*

*Total Local Production: BiH Agency for Statistics*

*Total Exports: BiH Agency for Statistics*

*Total Imports: BiH Agency for Statistics*

*Imports from U.S.: BiH Agency for Statistics*

## Best Prospects

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There are around 35 active dairies with a total annual capacity of 400 million liters. Normally capacity utilization averages around 60 percent or 240 million liters. However, in spring 2014, BiH was adversely affected by floods which significantly reduced the number of dairy animals and overall milk production. Approximately 1,000 dairy cows were lost, while many of the surviving animals suffered from being in the water for several days with no access to feed. The floods affected approximately 55,000-70,000 hectares of wheat, corn and forage crops. Feed inputs are expected to be more costly as a result of the shortages and the need to increase grain imports.

BiH already has a lower rate of production (3,000 liters per lactation) compared to Western Europe (7,000 liters) and the United States (9,000 liters). The use of superior dairy genetics from the United States could aid in raising this production rate. In general, BiH's dairies produce mainly high-volume, fast-turnover, and low-margin products like fluid milk, yogurt, and fresh/cottage cheese. Only a few dairies produce value-added products like aged cheese because of its lower profitability in comparison with fluid milk and yogurt. As a result, most value-added milk products (e.g. cream, spreads, flavored milk drinks, butter, and flavored yogurts) are imported from neighboring countries and the European Union, with only 10 percent being supplied by domestic producers.

## Opportunities

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There are opportunities for investors, especially those who can introduce improved quality and safety standards, more efficient supply-chain management, modernized equipment, and effective marketing strategies. Import replacement opportunities exist for niche products such as cheese, yogurt, sour cream, and ice cream.

## Fruits and Vegetables

Agricultural production, especially early vegetables, is a significant contributor to BiH's economy. Vegetable production is characterized by small-sized family farms, which to a large extent produce for home consumption and sell surpluses of fresh vegetables on the local green

market. The processed vegetables sector is fairly well developed. Still, vegetables are largely produced on small parcels of land, and production is not fully market-oriented.

The total number of fruit trees in BiH is around 30 million and total fruit production is around 320,000 MT. Production of berries and strawberries has increased during the last few years due to relatively high investments in the berry processing sector (particularly deep freezing plants). The highly seasonal character of fruit production and the poor quality of post-harvest storage cause seasonal surpluses and off-season shortages. Industrial processing of fruit in BiH involves mainly drying and production of fruit juices or pulp (i.e., concentrated juice) and jams.

Much of the agricultural production is to meet producers' domestic needs. Though the region has a long tradition of agricultural production, it lacks new technologies. Most products are sold in green markets characterized by uncertain spot market sales. There are no suitable storage facilities and cooling chambers in which to keep the seasonal vegetables after the season. For these reasons, mainly imports are sold in the off season, even for those products with substantial domestic production. Packaging can help extend shelf life, but most BiH products have inferior packaging.

*Unit: USD thousands*

	2012	2013	2014	2015 (estimated)
Total Market Size	221,567	233,908	245,000	225,000
Total Local Production	133,000	136,000	135,000 (est.)	135,000
Total Exports	54,186	68,216	68,599	75,000
Total Imports	156,032	166,124	166,037	165,000
Imports from the U.S.	2,420	1,373	2,063	2,100

*Total Market Size = (Total Local Production + Total Imports) – (Total Exports)*

*Data Sources:*

*Total Local Production: BiH Agency for Statistics; BiH Chamber of Commerce*

*Total Exports: BiH Agency for Statistics*

*Total Imports: BiH Agency for Statistics*

*Imports from U.S.: BiH Agency for Statistics*

**Best Prospects** [Return to top](#)

With a climate and terrain suitable for a variety of fruits, investing in fruit production and processing has significant potential. It is necessary to introduce new varieties of trees and new hybrids that are better suited to local soil and climatic conditions and that offer higher yields.

Lately, vegetable producers have begun to produce vegetables in poly or plastic greenhouses. These structures help growers capture a better market position, especially outside the main growing seasons. The following vegetables have potential and are those which are typically sold fresh throughout the country: potatoes (early spring), green onions, string beans, cucumbers, cabbage, kale, tomatoes, green peppers, spinach, and lettuce.

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One of the best prospects is in packaged fruit juice. It is estimated that over 30 percent of local demand is met by imported brands. The average annual consumption of fruit juice is estimated

to be 17 liters per capita (population of approximately 4 million). BiH imports fruit juices and concentrates mainly from Croatia, Slovenia, and Serbia.

The total market potential for fruit juices is estimated to be 260 million KM/year (\$172 million/year). The entire fruit juice production sector has a capacity of 107,140 metric tons with approximately one-third capacity utilization. The fruit sector generally lacks proper cooling, processing, and storage facilities. Fruit processors note that there are fruit shortages not only in the off-season but throughout the year.

## Fisheries

BiH has more than a century-long tradition in the aquaculture of salmonid and cyprinid species. The 1992-1995 war significantly damaged aquaculture production, but this sector has improved due to efforts of the producers and the government, specifically in relation to the number of food fish species in production, technology, management and marketing. During the last decade, the overall conditions for production and processing of fish were improved. These include the availability of high quality feed, new technology, expansion of capacity, and the establishment of producers' associations.

Fish producers have developed good international ties and cultivated business arrangements with foreign investors (e.g. Norwegian). In BiH, fish farms are generally distributed in three regions. In northern Bosnia, in the Republic of Srpska, there are 5 cyprinid fish farms with a total area of 3,276 ha. In the Neretva and Vrbas river basins (mainly in the Federation of BiH), there are about 40 concrete salmonid fish farms of 8.5 ha and 14 salmonid cage fish farms of 8.1 ha. Marine aquaculture in 2 cage farms, with a total area of 3.6 ha, can be found in Neum (BiH has approximately 20 km of seacoast).

*Unit: USD thousands*

	2012	2013	2014	2015 (estimated)
Total Market Size	46,555	45,157	48,948	50,000
Total Local Production	23,640	19,459	20,000 (est.)	21,000
Total Exports	11,003	13,187	12,174	12,000
Total Imports	33,918	38,885	41,122	41,000
Imports from the U.S.	142	91	473	500
<i>Exchange Rate: 1 USD</i>	<i>1.5224</i>	<i>1.4735</i>	<i>1.6014</i>	<i>1.6000</i>

*Total Market Size = (Total Local Production + Total Imports) – (Total Exports)*

*Data Sources:*

*Total Local Production: BiH Agency for Statistics*

*Total Exports: BiH Agency for Statistics*

*Total Imports: BiH Agency for Statistics*

*Imports from U.S.: BiH Agency for Statistics*

## Best Prospects

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Processing capacities are small and include freezing and packaging operations and production of fish fillets. There are two plants for fish processing at Salakovac and Banja Luka. They use modern technology and have an annual capacity of approximately 3,000 tons. Of the total fish

production, approximately 30 percent goes to the domestic market, mostly for the larger cities, such as Sarajevo, Banja Luka, Mostar, Tuzla, Bihac, and Zenica. The remaining 70 percent is exported to Serbia, Montenegro, and Croatia. The main exported species are common carp, grass carp, and rainbow trout. These species are exported mainly as fresh products and iced. A small portion (approximately 15 tons) is exported as smoked fish.

BiH's fish supply is mainly provided through supermarkets and specialized fish markets. Current consumption of fish and fish products is estimated at 2-3 kg per capita annually.

## **Opportunities**

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Investing in fish processing capacities could be an opportunity for foreign investors. In December 2008, BiH entered into the list of countries that may export aquaculture products to the European Union market. The four EU-approved fish producing facilities in BiH are Tropic Aquaculture, Žuvela HB, Laks, and Norfish-Blagaj.

## **Web Resources**

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U.S. Foreign Agricultural Service

<http://sarajevo.usembassy.gov/fas.html>

BiH Veterinary Office

<http://www.vet.gov.ba>

BiH Agency for Statistics

<http://bhas.ba>

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## Chapter 5: Trade Regulations and Standards

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### Import Tariffs

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The Import Tariffs of Bosnia and Herzegovina are harmonized each year with the Combined Nomenclature of EU and legislative regulations. Goods imported into Bosnia and Herzegovina and placed in free circulation are subject to payment of value added tax (VAT) at the rate of 17 percent while certain groups of products (e.g. coffee, cigarettes, oil, oil derivatives etc.) are subject to payment of specific taxes (excise) in accordance with the Law on Excise of BiH. The rates of specific taxes have an *ad valorem* and/or specific rates form.

#### A. Customs Regulations, Tariff Rates and Import Taxes

##### 1. *Registration requirements for importing*

Any domestic and foreign entity (physical and legal) registered for foreign trade activities may conduct such activities.

##### 2. *National Tariffs*

Import tariffs were eliminated for 11,000 products that BiH imports from the EU in 2009. The Customs Tariff Nomenclature is based on the Harmonized Commodity Description and Coding System (HS). BiH nomenclature of goods is fully harmonized with the combined EU nomenclature.

Customs duties on all commodities imported into the customs territory of BiH are paid *ad valorem* at rates of 0, 5, 10 and 15 percent. These rates apply to commodities originating from countries that have concluded an agreement with a Most Favored Nation clause with BiH, or from those countries that apply the same clause on the commodities originating from BiH. Upon BiH accession to the World Trade Organization, most-favored nation (MFN) status will be granted to all WTO members.

In addition to *ad valorem* custom duty rates, an additional duty is paid on imports of certain agricultural products in a per-unit amount. This additional duty is charged on 852 of the total number of tariff headings (10,823), and the amounts range from KM 0.08 KM/per unit to KM 6.00 /per unit. (Currency note: \$ 1= KM 1.79 on 05/28/2015)

Preferential tariff measures, pursuant to Article Three, Paragraph (c) of the Customs Tariff Law, may apply to goods from certain countries or groups of countries which have concluded an agreement on preferential treatment with BiH.

Trade with Albania, Macedonia, Moldova, Romania, Serbia, Montenegro, and Kosovo is governed by the Central European Free Trade Agreement (CEFTA), concluded in 2007. A separate bilateral free trade agreement is in force with Turkey.

### *3. Tariff Quotas, Tariff Exemptions*

*Tariff quotas* - Articles Three and Seven of the BiH Customs Tariff Law permit the introduction of tariff quotas as a special measure for certain tariff headings. Consequently, the BiH Council of Ministers may approve imports of goods exempt from customs duties or at tariff rates lower than the duty set by the BiH Customs Tariff. The application of this measure is restricted to limits, and ceases when the stipulated limit or value of the quota is reached.

*Tariff exemptions and relief* - Irrespective of tariff rates set by the Customs Tariff Law, some goods are exempt from customs duties under specific conditions. The following goods are exempt from customs duties:

- Equipment representing the investment of a foreign person, except passenger vehicles and entertainment and gaming machines;
- Goods for military and police forces in the entities that are fully donor financed; and
- Goods for reconstruction projects in BiH.

### *4. Other Duties and Charges*

Irrespective of the customs duty, which is paid on all commodities imported into the customs territory of BiH at the rates stipulated in the Customs tariff, the Law on Customs Policy, and the Law on Foreign Trade Policy, there are other regulations prescribing or allowing imposition of other taxes and charges.

*Seasonal Duty* - Article 19 Paragraph 7 of the Law on Customs Policy allows for imposition of a seasonal duty. Accordingly, in addition to the tariff rates in force, the BiH Council of Ministers, after consulting the entities, may introduce a seasonal duty on non-processed agricultural products for a set period of time. The seasonal duty has never been applied.

*Antidumping and Countervailing Duties* - Goods imported into BiH at prices below their normal value or subsidized in some way may be subject to antidumping and countervailing duties, in accordance with BiH law.

*Fees for Inspection of Goods* - Article 7, Paragraph 3 of the Law on Foreign Trade Policy requires sanitary, veterinary, phyto-sanitary, and ecological inspections of certain imported goods. Fees for these inspections are set by the Law on Administrative Fees and are approximately equal to the value of the service performed, in line with Article VIII of GATT.

### *5. Application of Internal Taxes on Imports*

*Value Added Tax* – As of January 1, 2006, BiH introduced a value added tax at a flat rate of 17 percent that is levied on all imported and domestic goods.

*Excise tax* - The excise tax is paid only on certain goods at the moment of their release for free circulation. The excise tax is applied identically to domestic and imported goods. The goods for which an excise tax is levied are: oil derivatives, tobacco, beverages, alcoholic drinks, and coffee.

## 6. *Rules of Origin*

Rules of origin are set out in Articles 20 - 23 of the Law on Customs Policy. This Law distinguishes between non-preferential and preferential origins. BiH has not concluded an agreement on preferential origins with the U.S.

*Non-Preferential Origin* - The Law stipulates that goods originating from a country are those wholly obtained or produced in that country. Goods whose production involved more than one country shall be deemed to originate in the country where they underwent their last substantial processing or finishing.

*Preferential Origin of Goods* - Article 23 of the Law on Customs Policy prescribes the rules to be applied for preferential trade, i.e. the conditions goods need to fulfill in order to benefit from the preferential measures referred to in Article 19, Paragraph 4 (c) and (d) of the Law.

## **B. Customs Valuation**

Articles 24 to 32 of the Law on Customs Policy establish procedures for the determination of the customs value of goods. Pursuant to Article 25 of the Law on Customs Policy, the customs value of imported goods is the transaction value, i.e. the price actually paid or payable for the goods when sold for exports to the customs territory of BiH. BiH's system of customs valuation in the Law on Customs Policy is fully compatible with WTO rules.

### **Trade Barriers**

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BiH, as part of its efforts to accede to the WTO, has made major trade policy reforms to bring practices in full conformity with WTO requirements and eventual membership in the EU. Reforms include the elimination of import quotas, reduction of import licensing and prohibitions, streamlining of customs procedures, and the reduction of tariff and non-tariff barriers.

BiH Customs Tariff Law generally provides that foreign trade is liberal and without limitations. Once registered for performing business activities, a legal entity/entrepreneur may perform foreign, as well as domestic, operations. No special approval or administrative procedure is now required for re-export transactions, except for arms, ammunition, and dual use goods, which are subject to other regulations.

### **Import Requirements and Documentation**

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All goods imported into the customs territory of BiH are subject to customs procedures contained in the Law on Customs policy, which applies uniformly throughout the customs territory of BiH. USDA has additional agriculture-related information at the following two websites: [Food and Agricultural Import Regulations and Standards](#) and [Exporter Guide](#).

Imports must be accompanied by a customs declaration, completed in one of the three official languages of BiH (Bosnian, Serbian, or Croatian), and submitted by the person named on the waybill or an authorized representative. The declaration must be accompanied by any relevant

documents (invoice, shipping documents, and quality control certificates). The customs office may inspect the goods and take samples to determine that the goods correspond to the information on the customs declaration.

Once the customs office determines the amount of customs duty, the importer is required to obtain a guarantee covering the customs duty with the Customs Authority in the form of a cash deposit or a bank guarantee. The goods cannot be placed in circulation until customs duties have been paid or the payment has been guaranteed.

*Bill of Lading:* May be direct or to order. Mail and parcel shipments require postal documentation in place of bills of lading. Packages containing merchandise for which the senders are to receive payment must enclose the original invoice in the package (marked "Original Invoice") and the wrapper of the package must be marked to indicate that the original invoice is enclosed. Senders are recommended to post a signed copy of the invoice giving notice to the addressees that the packages are en route. Air cargo shipments require airway bills with the number of copies issued based on requirements of the importer and the airline.

*Certificate of Origin:* Certificates of origin should be issued in a minimum of two copies (the certifying organization will require an additional notarized file copy) made out by a reliable authority or agency duly authorized for that purpose by the country of issue. Certificates of origin are not required for imports for long-term production ventures with foreign partners, for the purchase of capital goods for investment projects abroad and for the return of goods to BiH, or for imports without payment of equivalent value.

*Commercial Invoice:* There is no prescribed format. Invoices should be issued in a minimum of two copies; additional copies may be requested. They must contain the usual particulars, including a full description of goods, marks and numbers, gross and net weights, number of packages, country of origin, plus any information that must be furnished to conform to contract.

*Insurance Certificate:* Normal commercial practices. Follow the importer's and/or the insurance company's instructions/advice.

*Packing List:* Not mandatory, but its use will facilitate clearance of goods.

*Pre-shipment inspection:* May be requested by the importer.

*Pro-Forma Invoice:* May be requested by the importer.

*U.S. Shipper's Export Declaration (SED):* Required if the value is more than \$2,500 (\$500 for shipments through the U.S. postal system). SEDs are required for all shipments requiring an export license.

For specific information on import requirements and documentation for food and agricultural products, please see the [Food and Agricultural Import Regulations and Standards GAIN report BK1213](#) and [Exporter Guide GAIN report BK1313](#).

## U.S. Export Controls

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More information on US export controls to BiH and general guidelines can be found at the Bureau of Industry and Security website: <http://www.bis.doc.gov/>.

In general, below is a summary of steps needed to process your export:

- Ensure that your export is under U.S. Department of Commerce jurisdiction
- Classify your item by reviewing the Commerce Control List
- If your item is classified by an Export Control Classification Number (ECCN), identify the Reasons for Control on the Commerce Control List
- Cross-reference the ECCN Controls against the Commerce Country Chart to see if a license is required. If yes, determine if a License Exception is available before applying for a license
- Ensure that no proscribed end-users or end-uses are involved with your export transaction. If proscribed end-users or end-uses are involved, determine if you can proceed with the transaction or must apply for a license
- Export your item using the correct ECCN and the appropriate symbol (e.g., NLR, license exception, or license number and expiration date) on your export documentation (e.g., Shipper's Export Declaration)

A list that consolidates eleven export screening lists of the Departments of Commerce, State, and the Treasury into a single search as an aid to industry in conducting electronic screens of potential parties to regulated transactions is available here:  
<http://developer.trade.gov/consolidated-screening-list.html>.

### **Temporary Entry**

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Goods temporarily entering BiH may be fully or partially free of customs duties and must not undergo any changes except for the nominal loss of value due to use. The maximum period for temporary entry is 12 months. The full list of goods that can be imported under this regime is provided in the Law on Customs Policy.

### **Labeling and Marking Requirements**

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Labels must contain the following information:

- Name of the product
- Full address of the importer
- Country of origin
- Net quantity/weight/volume
- Ingredients
- Manner of storage (transport, use, or maintenance)
- Pertinent consumer warnings

Technically complex products must be accompanied by instructions on usage, manufacturer specifications, a list of authorized maintenance persons/businesses, warranty information, warranty period, and other applicable data. All information must be translated into the languages of BiH and affixed to (or accompanying) the product before it is put on the market.

For labeling and marking requirements for food and agricultural products please see the [Food and Agricultural Import Regulations and Standards GAIN report BK1213](#) and [Exporter Guide GAIN report BK1313](#).

### **Prohibited and Restricted Imports**

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In accordance with the Law on Foreign Trade Policy, for reasons of public safety and protection of human health and lives, the following types of imports are restricted:

- Cargo vehicles older than ten years
- Buses older than ten years
- Trailers for cargo vehicles older than ten years
- Used tires

In accordance with obligations from international trade agreements, the Council of Ministers may ban imports, exports, or transit of certain goods through BiH or set conditions for imports, exports, or transport of such goods in transit in order to prevent danger to human lives, health, and the environment.

## Customs Regulations and Contact Information

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BiH Indirect Taxation Administration (ITA)

Phone: +387-51-335-494

Bana Lazarevica bb

Banja Luka, 78000

Bosnia and Herzegovina

<http://www.uino.gov.ba/>

For information on customs regulations for food and agricultural products, please see the [Food and Agricultural Import Regulations and Standards GAIN report BK1213](#) and [Exporter Guide GAIN report BK1313](#).

## Standards

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## Overview

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After the breakup of Yugoslavia, BiH inherited more than 11,000 Yugoslav standards and by-laws (known as "JUS" standards) and a number of those standards still remain in force. Identical regulations and standards are applied to both domestic and imported goods, regardless of the country of origin.

## Standards Organizations

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As of January 1, 2007 the former BiH Institute for Standardization, Metrology and Intellectual Property was broken into three separate institutes:

- BiH Institute for Standardization

- BiH Institute for Metrology
- BiH Institute for Intellectual Property Rights (“IPR Institute”)

BiH standards are designated per the BAS Standard. BiH is a member of the following international organizations for standardization:

- International Organization for Standardization (ISO)
- International Electro-technical Commission (IEC)
- European Committee for Standardization (CEN)
- European Committee for Electro-technical Standardization (CENELEC)
- European Telecommunications Standards (ETSI)

### **NIST Notify U.S. Service**

Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other Member countries. Notify U.S. is a free, web-based e-mail subscription service that offers an opportunity to review and comment on proposed foreign technical regulations that can affect your access to international markets. Register online at Internet URL: <http://www.nist.gov/notifyus/>

### **Conformity Assessment**

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The Institute for Standardization is the main conformity assessment body in BiH. There are other testing organizations in BiH; a list of these institutions can be obtained from the Institute for Standardization.

For information on testing/conformity assessment for food and agricultural products, please see the [Food and Agricultural Import Regulations and Standards GAIN report BK1213](#) (Appendix I) and [Exporter Guide GAIN report BK1313](#).

For information on laboratories authorized for testing genetically engineered products, please see the [Food and Agricultural Import Regulations and Standards GAIN report BK1213](#) (Section VII: Other Specific Standards and Appendix I).

### **Product Certification**

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Product certification is required to ensure that the product has undergone appropriate testing and conforms to relevant regulations. USDA has additional agriculture-related information at the following two websites: [Food and Agricultural Import Regulations and Standards](#) and [Exporter Guide](#). There are no existing Mutual Recognition Agreements with U.S. organizations.

### **Accreditation**

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The BiH Accreditation Institute is the main institution for accrediting testing organizations in the country.

### **Publication of Technical Regulations**

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The BiH Institute for Standardization publishes a bulletin of standards. Technical regulations are published in the Official Gazette of BiH, Official Gazette of FBiH, and the Official Gazette of RS. U.S. companies can comment directly to the Institute.

Most food and agricultural products are subject to sanitary, phytosanitary and quality standards. To learn more about these technical regulations please see the [Food and Agricultural Import Regulations and Standards GAIN report BK1213](#) and [Exporter Guide GAIN report BK1313](#).

## Labeling and Marking

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Labels must contain the following information: name of the product, full address of the importer and the country of origin, net quantity/weight/volume, ingredients, manner of storage (transport, use or maintenance), and pertinent consumer warnings. Technically complex products must be accompanied by instructions on usage, the manufacturer's specifications, a list of authorized maintenance persons/businesses, warranty information, warranty period and other applicable data. All information must be translated into the languages of BiH and be affixed to (or accompany) the product before it is placed on the market.

Labeling for food and agricultural products can be very complex. To learn more, please see the [Food and Agricultural Import Regulations and Standards GAIN report BK1213](#) (Section II: Labeling Requirements).

## Trade Agreements

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**CEFTA.** In December 2006, BiH signed the Central European Free Trade Agreement (CEFTA) which became fully operational in November 2007. The regional trade group consists of Albania, BiH, Kosovo, Macedonia, Moldova, Montenegro, and Serbia.

**EU SAA.** In June 2008, BiH signed the Stabilization and Association Agreement (SAA) with the European Union, an important step towards EU membership. The Stabilization and Association Agreement (SAA) between the EU and Bosnia and Herzegovina (BiH) officially entered into force on June 1, 2015. The most important part of the SAA is the establishment of a free trade zone between BiH and the European Union, allowing for the mutual abolishment of custom tariffs and quantity limitations in mutual exchange of goods between BiH and the EU. The entry into force of the SAA should increase the confidence of investors, domestic and international in the country. It will allow both Bosnian companies and EU companies to access their respective markets. This is conducive to enhanced business opportunities for both the EU and the BiH based companies. The SAA should also encourage further development of competitiveness among the country's exporters and increase investment and employment.

*Trade in agriculture and food products.* With Croatia's EU accession on July 1, 2013, Croatia lost its privileged CEFTA access and the following key products began to be assessed duties ranging from 5 to 35 percent and thus, became less competitive in BiH: dairy, meat products, fruits, vegetables, and sugar. At the same time, BiH lost access for its animal products that did not have EU recognition (everything except processed fish, animal skins and honey). Valued at \$40 million (KM 60 million) in 2012, these products represent around 27 percent of BiH's agro-food exports to Croatia. Most plant origin exports continued uninterrupted, except for certain plant materials (i.e. grape vine seedlings, corn and vegetable seeds, some citrus, etc.) and potatoes that require prior EU approval based on a three-year monitoring plan for quarantine pests. On March 31, the European Commission (EC) stated that the Standing Committee on Plants, Animals, Food and Feed, the body responsible for food safety, evaluated positively

BiH's data and will prepare a Regulation declaring BiH free from potato ring rot. Once adopted this would allow the BiH to export potatoes to the EU.

**U.S. GSP.** Bosnia and Herzegovina was designated as a beneficiary country under the United States Generalized System of Preferences (GSP) program, under which more than 3,400 products are eligible for duty-free entry to the United States. The GSP program provided an incentive for investors to produce in Bosnia and Herzegovina. However, legal authorization for the GSP program has expired. As of August 1, 2013, imports previously eligible for duty-free treatment under GSP are subject to regular, normal trade relations duties.

## Web Resources

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BiH Institute for Standardization

<http://www.bas.gov.ba/>

BiH Institute for Intellectual Property Rights

<http://www.ipr.gov.ba/>

BiH Accreditation Institute

<http://www.bata.gov.ba/>

BiH Indirect Taxation Administration

<http://www.uino.gov.ba/>

BiH Foreign Investment Promotion Agency

<http://www.fipa.gov.ba/>

Generalized System of Preferences (GSP) Program

<https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp>

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## Chapter 6: Investment Climate

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### Executive Summary

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Bosnia and Herzegovina is a country on the Balkan Peninsula in southeastern Europe. Bosnia and Herzegovina's (BiH) political environment and complex government structures create significant obstacles to economic development and foreign direct investment. Although open to foreign investment, investors face a number of serious obstacles including complex legal and regulatory frameworks, non-transparent business procedures, corruption, insufficient protection of property rights, and a weak judicial system. BiH is effectively a landlocked country; its 12-mile coastline (Neum) lacks major transportation links. BiH's poor investment climate, coupled with the lingering effects of the global economic downturn, make BiH the least competitive economy in Southeast Europe, currently ranked 107 out of 189 global economies on the World Bank's 2015 Doing Business report (down 3 spots from 2014).

Historically, U.S. investment in BiH has been low, primarily due to the challenging business climate. Nonetheless, BiH offers business opportunities to well-prepared and persistent exporters and investors. The country is richly endowed with natural resources, providing potential opportunities in the energy (hydro and thermal power plants), agriculture, timber, and tourism sectors. The best business opportunities for U.S. exporters to BiH include energy generation and transmission equipment, telecommunication and IT equipment and services, transport infrastructure and equipment, engineering and construction services, medical equipment, and raw materials and chemicals for industrial processing. In 2014, the U.S. exported USD 323 million in goods to BiH (source: BiH Statistics Agency).

### Openness to, and Restrictions Upon, Foreign Investment

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While theoretically open to foreign investment, Bosnia and Herzegovina struggles to attract investors. A complicated political structure, non-transparent regulatory regime, complex labor and pension laws, and inadequate judicial and regulatory protections deter any investments, both foreign and domestic.

Under the BiH constitution established through the 1995 Dayton Accords, Bosnia and

Herzegovina is divided into two “entities,” the Federation of BiH (the Federation) and the Republika Srpska (RS). A third, smaller area, the Brčko District, operates under a separate administration. The Federation is further divided into ten cantons, each with its own government and responsibilities. Each entity also has municipalities for a total of 143 municipalities in BiH (63 in the RS and 80 in the Federation.) As a result, BiH has a multi-tiered legal and regulatory framework that is often duplicative and contradictory and not conducive to attracting foreign investors.

Employers bear a heavy burden toward governments, contributing 69 percent in payroll taxes in the Federation and 52 percent in the RS for mandatory health and pension systems. Labor and pension laws also discourage investment. While corporate income taxes in the two entities and Brčko District are now harmonized at ten percent, business registration requirements are not harmonized. The RS has its own registration requirements, which apply to the entire entity. Each of the Federation’s ten cantons has different business regulations and administrative procedures affecting companies. Simplifying and streamlining this framework is essential to improving the investment climate.

Generally, BiH’s legal framework does not discriminate against foreign investors. However, given the high level of corruption, foreign investors can be at a significant disadvantage in relation to entrenched local companies, especially those with formal or informal backing by BiH’s various levels of government.

### **Other Investment Policy Reviews**

The World Bank’s, 2015 Doing Business Economic Profile and Economist’s Intelligence Unit provide broad information about BiH’s economy.

### **Laws/Regulations of Foreign Direct Investment**

The state-level Law on the Policy of Foreign Direct Investment accords foreign investors the same rights as domestic investors and guarantees foreign investors national treatment, protection against nationalization/expropriation that is not in the public interest, and the right to dispose of profits and transfer funds. With the exception of the defense industry and certain elements of the media sector, where foreign control is limited to 49 percent of a single company, there are no restrictions on foreign investment.

As a result of FDI Law amendments adopted in March 2015, foreign investors can now own more than 49 percent of capital business entities dealing with print media activities, such as publishing newspapers, magazines and other journals, publishing of periodical publications, production and distribution of television programs, privately-owned broadcasting of radio and TV programs, and other forms of daily or periodic publications of edited produced program content through transfer of recordings, voice, sound or images. However, the amended FDI Law maintains the restriction that foreign investors cannot own more than 49 percent of public television and radio services. The March 2015 amendments also set clear and precise conditions to enhance legal security and clarity for foreign direct investment flows.

The complex legal environment in BiH points to the need for a local attorney. The legal framework is sometimes contradictory or overlapping, creating confusion and uncertainty. The experience base of Bosnian attorneys is still limited with respect to legal questions and the issues that arise in a market-oriented economy. However, local lawyers are quickly gaining experience in working with international organizations and companies that are operating in BiH. Companies’ in-house legal counsel should be prepared to oversee their in-country counsel, with explicit explanations and directions regarding objectives. The U.S. Embassy maintains a list of

local lawyers willing to represent U.S. citizens and companies in BiH. The list can be accessed at <http://sarajevo.usembassy.gov/lawyers.html>.

Additional English-language information on the procedures and business registration process can be obtained from:

BiH Ministry of Foreign Trade & Economic Relations (MoFTER)

Tel: +387-33-220-093

Fax: +387-33-445-911

[www.mvteo.gov.ba](http://www.mvteo.gov.ba)

BiH Foreign Investment Promotion Agency (FIPA)

Phone: + 387 33 278 080

Fax: + 387 33 278 081

[www.fipa.gov.ba](http://www.fipa.gov.ba)

### **Industrial Promotion**

There are no specific government programs to attract foreign investment. Sporadically, high-ranking government officials give media statements inviting foreign investments in the energy, transportation, and agriculture industries; however, the announcements are rarely supported by tangible, commercially viable investment opportunities.

### **Limits on Foreign Control**

With the exception of the defense industry and certain elements of the media sector, where foreign control is limited to 49 percent of a single company, there are no restrictions on investment.

### **Privatization Program**

Although many state-owned enterprises (SOEs) do exist in BiH, privatization offerings are scarce and often require unfavorable terms. Some formerly successful SOEs have accrued significant debts from unpaid health and pension contributions, and potential investors are required to assume these debts and maintain the existing workforce. Under the State-level FDI Law, foreign investors are allowed to bid on privatization tenders.

The Federation government has approved the privatization of 14 companies based on the Privatization Plan of the Federation Agency for Privatization for 2015. However, this decision is non-binding, and there is no enforcement mechanism. Some of the companies listed have posted losses and suffered significant decline in value; others have only a small amount of public ownership. The 14 companies are: Bosnalijek, Energopetrol, Energoinvest, Aluminij Mostar, Hidrogradnja, Remontni Zavod Travnik, Šipad export-import, Zenica Steel plant, KTK Visoko, Agrokomerc, Borac Confection Travnik, Tobacco Factory Mostar, Vitezit, and Holding Company Putevi BiH. The Federation government website on privatization is here:

<http://www.apf.com.ba/default.aspx?pageIndex=1&langTag=en-US>

### **Screening of FDI**

The Bosnia and Herzegovina government does not screen or review foreign direct investments, except in the cases of privatization in order to ensure the privatization contract has been met. If the privatization contract commitments are not fulfilled, the government retains the right to cancel the privatization contract. A foreign investor has the right to appeal the review process.

### **Competition Law**

BiH has a Competition Council, designed to be an independent public institution to enforce anti-trust laws, prevent monopolies, and enhance private sector competition. However, given the large portion of BiH's economy that is controlled or influenced by BiH's various political parties; undue pressure on oversight bodies, such as the BiH Competition Council, is rife. The Council reviews and approves foreign investments in cases of mergers and acquisitions of local companies by foreign companies. The Competition Council consists of six members appointed for six-year terms of office with the possibility of one reappointment. The BiH Council of Ministers appoints three Competition Council members, the Federation Government appoints two members, and the RS Government appoints one member. From the six-member Competition Council, the BiH Council of Ministers affirms a president of the Council for a one-year term without the possibility of reappointment.

### Investment Trends

The country's political environment, complex government structure, slow pace on implementing economic reforms, and lack of a single economic space creates significant obstacles for domestic and foreign investors.

*Table 1*

Measure	Year	Index or Rank	Website Address
TI Corruption Perceptions index	2014	80 of 175	<a href="http://transparency.org/cpi2014/results">transparency.org/cpi2014/results</a>
World Bank's Doing Business Report "Ease of Doing Business"	2015	107 of 189	<a href="http://doingbusiness.org/rankings">doingbusiness.org/rankings</a>
Global Innovation Index	2014	81 of 143	<a href="http://globalinnovationindex.org/content.aspx?page=data-analysis">globalinnovationindex.org/content.aspx?page=data-analysis</a>
World Bank GNI per capita	2013	USD 4,780	<a href="http://data.worldbank.org/indicator/NY.GNP.PCAP.CD">data.worldbank.org/indicator/NY.GNP.PCAP.CD</a>

## Conversion and Transfer Policies

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### Foreign Exchange

The Law on Foreign Direct Investment guarantees the immediate right to transfer and repatriate profits and remittances. Local and foreign companies may hold accounts in one or more banks authorized to initiate or receive payments in foreign currency. The Central Bank's adoption of a currency board in 1997 guarantees that the local currency, the convertible mark or KM, is fully convertible to the euro with a fixed exchange rate of KM 1.95583 = €1.00.

#### *Remittance Policies*

BiH has no remittance policy although remittances are generally high due to a large diaspora. Remittances are estimated to range up to 15 percent of total GDP. Based on the two entities' Laws on Foreign Currency Exchange, all payments in the country have to be in national currency.

The Financial Action Task Force (FATF) does not sanction Bosnia and Herzegovina. On March 11, 2015, required amendments for terrorist financing were added to the criminal code; however, there are remaining bylaws that need to be updated in order to fulfill FATF obligations.

## **Expropriation and Compensation**

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The BiH investment law prohibits expropriation of investments, except in the public interest. According to Article 16, foreign investment shall not be subject to any act of nationalization, expropriation, requisition or measures that have similar effects, except where the public interest may require otherwise. In situations dealing with public interest, expropriation of investments can only be carried out in accordance with applicable laws and regulations, should be free from discrimination, and would include payment of appropriate compensation. No government entity has expropriated any foreign investments to date.

## **Dispute Settlement**

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### **Legal System, Specialized Courts, Judicial Independence, Judgments of Foreign Courts**

BiH has a lagging court system and it often takes several years for a case to be brought to trial. Moreover, commercial cases with subject matter that judges do not have experience adjudicating such as intellectual property cases are often left unresolved for lengthy periods of time. Most judges have little to no actual experience adjudicating international commercial disputes and would benefit from training on applicable international treaties and laws.

The U.S. Government has provided training to judges, trustees, attorneys, and other stakeholders at both state and entity levels to assist in the development of bankruptcy and intellectual property rights laws, which are now in effect at both the entity and state levels, but their implementation remains deficient.

### **Bankruptcy**

Both entities have Laws on Bankruptcy; however, the existing laws are inadequate since bankruptcy proceedings are not resolved in a timely manner, and there is insufficient emphasis placed on companies' rehabilitation and/or reorganization. The entities' laws define the rights of creditors, equity shareholders, and holders of other financial contracts. Foreign contract holders enjoy the same rights as local contract holders. Bankruptcy is not criminalized. The U.S. Government has provided recent training to judges on international bankruptcy principles.

### **Investment Disputes**

Over the last decade, there has been only one investment dispute involving a U.S. investor and the local government. While efforts are being made to improve BiH's commercial court system, its current capacity and practical inefficiencies limit timely resolution of commercial disputes.

### **International Arbitration**

Since 1997, Bosnia and Herzegovina has been a member state to the International Centre for the Settlement of Investment Disputes. BiH does not have a BIT or trade agreement with the United States. International arbitration to settle private investment disputes is accepted if the parties outline this option in a contract.

The only domestic arbitration body currently available is the Arbitration Court of the BiH Foreign Trade Chamber – lacks experience as an institution. It has yet to update its laws and regulations in line with international norms and standards. There is no formal process for training and licensing the arbitrators. Domestic arbitration legislation is encompassed within the

Civil Procedure Code, is not currently modeled on internationally accepted regulations, and is generally poorly addressed. Namely, there are few provisions in the entities' laws that regulate litigation procedures, which are the legal basis for parties in dispute to entrust the dispute to arbitration. There is no legislation that is modeled on internationally accepted regulations, such as the model law of the United Nations Commission on International Trade Law (UNCITRAL).

#### *ICSID Convention and New York Convention*

BiH is a signatory to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958 New York Convention). This convention guarantees that local domestic courts must enforce international arbitration awards if they meet certain criteria. Bosnia and Herzegovina is a member state to the International Centre for Settlement of Investment Disputes (ICSID convention).

#### **Duration of Dispute Resolution**

Government agencies and courts are often unpredictable and intermittent in their enforcement of commercial violations. In the rare instances that cases reach a court of law, prosecutors and judges too often put commercial cases on the back burner, leading to excessively long court procedures. Creating a commercial court focused on contract disputes, company restructuring procedures, and intellectual property protection, would significantly improve protection of Bosnian companies and improve the country's reputation in terms of the rule of law.

#### **Performance Requirements and Incentives**

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#### **WTO/TRIMS**

BiH is at the last stage of the World Trade Organization (WTO) accession process. A remaining outstanding issue is the Federation's Law on Internal Trade, which requires that 50 percent of products in shopping malls be of local origin, and this requirement is inconsistent with WTO guidelines.

#### **Investment Incentives**

There are several incentives for foreign direct investment, including exemptions from payment of customs duties and customs fees. Bosnia and Herzegovina is divided into three jurisdictions for direct tax purposes: the Federation, the RS, and the Brčko District.

In the Federation, RS, and Brčko District, the corporate income tax allows offsetting of losses against profits over a five-year period. Foreign investors can open bank accounts in all jurisdictions and transfer their profits abroad, without any restrictions. The rights and benefits of foreign investors granted and obligations imposed by the Law on the Policy of Foreign Direct Investment cannot be terminated or overruled by subsequent laws and regulations. Should a subsequent law or regulation be more favorable to foreign investors, the investor has the right to choose the most beneficial regulations.

In addition to the BiH-wide incentives listed above, the two entities and the Brčko District have specific incentives. In the Brčko District, investments in fixed assets are subject to tax relief. Describe any form of investment incentive (i.e. grants, tax credit or deferral, access to loans, reduced cost of land) available to foreign investors. If available, indicated if incentives are outlined in domestic laws, government administrative procedures, or obtained through party agreement.

*In the Federation:*

The Law on Corporate Income Tax enables a company, which has achieved 30 percent of its total revenue by export to be exempted from corporate income tax payment for that year.

A taxpayer who invests KM 20 million (USD 12 million) over the period of five years is exempted from the payment of corporate income tax for the period of five years beginning from the first investment year, in which a minimum KM 4 million (USD 3 million) must be invested.

[If the taxpayer, in the time period of five years, does not achieve the prescribed investment, he loses the right of tax exemption, and the unpaid corporate income tax is determined in accordance with the provisions of the Law on Corporate Income Tax augmented with a penalty interest payable for untimely paid public revenues.]

A taxpayer with more than 50 percent of employment by disabled persons and persons with special needs year is exempted from the payment of corporate income tax. The exemption applies to the applicable year in which disabled persons and persons with special needs met the required threshold (employees must have been with the company for longer than one year to be considered).

#### *In the Republika Srpska:*

In its Amendments to the Law on Profit Tax, the RS has introduced a tax base reduction in the value of investment for:

- Investment in equipment intended for the company production activity
- Investment in plants and immovable property used for manufacturing and processing activities

For employers with at least 30 workers during a calendar year, there is a tax base reduction in the personal income tax and the mandatory contribution of the employer (employees must be officially listed with the RS Employment Office).

Also, in the RS, new incentives were established by the Decree on Conditions and Implementation of the Investment and Employment Support Program (Official Gazette of RS No. 70/12). The incentives aim to encourage and support direct investments, employment growth, and transfer of new knowledge and technologies. Participants must be investors with existing investment projects in the RS manufacturing sector. There is as a minimum investment value of KM 2 million (USD 1.2 million) and new employment for at least 20 workers to qualify for the incentives. The total funding to be awarded shall be set in proportion to the value of investment in the manufacturing sector and the number of the newly employed, as well as the development level of the investment location.

In early 2015, several economic-focused laws were passed in the RS including the Law on Property Tax, which imposes a flat rate for property taxes in all municipalities; Law on Income Tax which exempts dividends and profit shares from taxation; Law on Corporate Income Tax which broadens the scope of deductible expenses and also harmonizes taxes for foreign investors; and the Law on Contributions which decreases tax contributions employers pay on salaries by 1.4%.

#### *Research and Development*

The host government does not restrict participation of foreign companies in government-financed research and development programs.

## **Performance Requirements**

The host government does not mandate local employment and does not impose excessively onerous visa, residence, work permit, or similar requirements that would inhibit mobility of foreign investors and their employees.

## **Data Storage**

BiH government does not have a forced localization policy in which foreign investors must use domestic content or sourcing in goods or technology. Also, there are no requirements for foreign IT providers to turn over source code and/or provide access to surveillance.

## **Right to Private Ownership and Establishment**

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Under the state-level investment law, a foreign enterprise has the same rights as a BiH enterprise or citizen, and foreign entities can establish and own a business with the same rights as domestic entities. However, the Federation Companies Law, unlike laws in the RS and the Brčko District, does not provide an option for foreign legal entities to establish a branch office. Foreign investors may own real estate in BiH and enjoy the same property rights as BiH citizens and legal entities, except in the defense industry and certain elements of the media sector, where foreign control is limited to 49 percent of a single company. Also, a foreign person cannot own property in an area declared by the law to be exempt due to the interests and security of the government. Foreign interests must follow the same regulatory procedures when establishing their enterprises.

## **Protection of Property Rights**

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### **Real Property**

Registration of real property titles is generally acknowledged as a significant barrier to the development of real property and mortgage markets. The present system consists of separate Geodetic Administrations for FBiH and RS, which are responsible for the real property cadasters. The real property cadasters describe and certify the legal object e.g. land, house. Separately, the land registry establishes legal ownership and rights for the specific object (e.g. land, house) and is maintained by municipal courts. A significant portion of land and real estate property does not have a clear title due to restitution issues.

### **Intellectual Property Rights**

Bosnia's intellectual property rights (IPR) framework consists of seven laws, adopted and put into force by the BiH Parliament in 2010. This legislation is compliant with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and EU legislation. BiH belongs to over 20 international treaties related to IPR and in 2009 ratified the 1996 World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performance and Phonograms Treaty. Although existing legislation provides a basic level of protection, BiH's civil and criminal enforcement remains weak.

Jurisdiction over IPR investigations is split between customs officials, entity inspectorates, and state and entity law enforcement agencies, and no institution has specialized IPR investigation teams. IPR crimes are prosecuted primarily at the state level. Those cases indicted often involve fairly low-level violators. The more significant cases have sometimes languished for years with little action from prosecutors or judges.

The government has been using licensed software for a number of years. The state-level government came into compliance in 2009, a significant step forward in the government's

commitment to IPR protection. However some officials still lack understanding of the importance of IPR. Illegal DVDs and CDs are still available for sale in small public markets. BiH's enforcement record still leaves much room for improvement. At this time, there is no mechanism to combat digital piracy.

In BiH's private sector, awareness of IPR, particularly the importance of copyright protection, remains low. Curbing business software piracy could significantly improve the local economy through the creation of new jobs and the generation of significant tax revenue. Failure to recognize the importance of reducing copyright infringement makes software producers and official distributors less competitive and the establishment of a legitimate market more difficult. Businesses lose an estimated USD 15 million from the sale of counterfeit software, CDs, and DVDs. According to the Business Software Alliance (BSA), the rate of illegal software installed on personal computers in Bosnia and Herzegovina currently remains at 66 percent, which is the regional average.

Collective copyright protection also remains a challenge in Bosnia and Herzegovina. AMUS, the only licensed collective management organization for music authors in BiH, faces enforcement challenges and both members and users remain skeptical and unfamiliar with collective copyright management protection. Other rights holders like visual artists, filmmakers, and literary authors remain unrepresented in BiH, without a collective society protecting their creative works or collecting and distributing royalties for use of their works on their behalf.

The U.S. Government, in conjunction with local partners, has made IPR awareness within the enforcement community a priority through training and public awareness programs. In February 2013, the Embassy organized an IPR enforcement discussion with entity and cantonal market inspectors, representatives of the Business Software Alliance (BSA), the American Chamber of Commerce in BiH, and several U.S. software companies. In addition, the Embassy sponsored an IPR project with the Association for the Protection of Audiovisual Works (APAW) BiH focused on the film industry, digital piracy, and necessary updates to BiH legislation. That same year, the U.S. Department of Commerce also provided technical assistance through a judicial capacity building project focused on the adjudication of intellectual property infringement cases. The U.S. Department of Commerce also published a Judicial Intellectual Property Benchbook to be used by judges for both training purposes and as a resource when adjudicating IP cases.

For additional information about treaty obligations and points of contact at local IP offices, please see WIPO's country profiles at [www.wipo.int/directory/en/](http://www.wipo.int/directory/en/).

Embassy lawyers list link: <http://sarajevo.usembassy.gov/lawyers.html>

#### *Resources for Rights Holders*

Embassy point of contact:  
Matthew Fullerton  
Economic and Commercial Officer  
email: FullertonMA@state.gov  
Phone: +387 33 704 000

### **Transparency of Regulatory System**

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The government has adequate laws to foster competition but due to corruption, laws are often not implemented transparently or efficiently. The multitude of state, entity, cantonal (in the

Federation only), and municipal administrations – each with the power to establish laws and regulations affecting business – creates a heavily bureaucratic, non-transparent system. It is difficult to know all of the laws or rules that might apply to certain business activities, given overlapping jurisdictions and the lack of any central source of information. Foreign investors often, therefore, obtain local assistance and advice. In an effort to promote the growth of business in its entity, the Republika Srpska government passed a series of amendments in fall and winter 2013 to create an RS one-stop-shop for business registration. This institution centralizes the process of registering a business, ostensibly making it easier, faster and cheaper for new business owners to register their companies in the RS.

Businesses are subject to inspections from a number of entity and cantonal/municipal agencies including the financial police, labor inspectorate, market inspectorate, sanitary inspectorate, health inspectorate, fire-fighting inspectorate, environmental inspectorate, institution for the protection of cultural monuments, tourism and food inspectorate, construction inspectorate, communal inspectorate, and veterinary inspectorate. Some investors have complained about non-transparent fees levied during inspections, changing rules and regulations, and an ineffective appeals process to protest these fines.

## **Efficient Capital Markets and Portfolio Investment**

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Capital markets remain underdeveloped in BiH. Both entities have created their own modern stock market infrastructure with separate bourses in Sarajevo (SASE) and Banja Luka (BLSE), both of which started trading in 2002. The small size of the markets, lack of privatization, and public mistrust of previous voucher privatization programs has impeded the development of the capital market. However, during the global economic crisis, foreign investment dwindled and investors saw previous gains dissipate on both exchanges. Foreign investment has shown no signs of growth since 2008, shaped not only by the global financial crisis but also by BiH's lack of political stability and slowdown of reforms.

Both the RS and Federation issued government securities for the first time during 2011, as part of their plans to raise capital in support of their budget deficits during this period of economic stress. Both entity governments continue to issue government securities in order to fill budget gaps. These securities are also available for secondary market trading on the stock exchanges.

On March 13, 2015 Standard & Poors (S&P) affirmed BiH's B/B long- and short-term foreign and local currency sovereign credit ratings. The agency kept the outlook stable based on its expectation that the country will continue to receive stable creditor support. In the rationale, the S&P noted that BiH's ratings are constrained by its fragile, overlapping government institutions, its weak fiscal management framework and its vulnerable external position arising from persistent current account deficits. The agency said that despite devastating May floods last year that inflicted damages of up to 15 percent of GDP, BiH's fiscal and external metrics did not deteriorate as sharply as it anticipated. S&P forecasts real GDP growth to average just under 3 percent annually, led by exports, in 2015-18. It also sees investment financed by multilateral institutions, as well as private projects (particularly in the energy sector), as important growth drivers. S&P expects that the BiH authorities will likely negotiate a new program jointly with the IMF in summer 2015. S&P believes that disbursements linked to conditionality will provide a policy anchor as it is with the current IMF arrangement.

### ***Money and Banking System, Hostile Takeovers***

Bosnia and Herzegovina's banking and financial system has been stable with the most significant investment coming from Austria. As of February 2015, 27 commercial banks

operated in BiH; 18 with headquarters in the Federation and 9 in the Republika Srpska. 24 commercial banks are members of a deposit insurance program, which provides for deposit insurance in the amount of KM 50,000 (USD 27,000). Recently, one commercial bank in the RS; Bobar Banka, Bijeljina collapsed and it is currently under provisional administration. The banking sector is divided between the two entities with entity Banking Agencies responsible for banking supervision.

BiH passed a state-level framework law mandating the use of international accounting standards, and both entities passed legislation that eliminated differences in standards between the entities and Brčko District. All governments have implemented accounting practices that are fully in line with international norms.

### **Competition from State-Owned Enterprises**

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In BiH, the vast majority of public companies are owed by subnational governments: the two entities and ten cantons. In sectors such as telecommunications and electricity, government-owned enterprises (SOEs) hold a near-monopoly, making hefty profits as a direct result of their dominant market position. Generally, government-owned companies are controlled by various alliances of political parties, increasing the possibilities for corruption and inefficient company management.

### **OECD Guidelines on Corporate Governance of SOEs**

BiH is not an OECD member and does not promote the Guidelines on Corporate Governance of SOEs, as described above. Corporate governance is not part of the broader economic mindset, and shareholder protection is not a priority. The financial system is not yet developed enough to understand and apply principles of corporate governance and shareholder protection.

### **Sovereign Wealth Funds**

None applicable.

### **Responsible Business Conduct**

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Foreign and local companies exercise some responsible business conduct activities and awareness. In general, consumers tend to view favorably companies that initiate and carry out charitable activities in the local market.

### **OECD Guidelines for Multinational Enterprises**

The BiH government does not mandate or actively encourage responsible business conduct (RBC) principles such as the OECD Guidelines for Multinational Enterprises.

### **Political Violence**

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In November of 1995, the war in Bosnia and Herzegovina was halted by the Dayton Peace Accords. There have been no attacks targeting foreign investments. However, there are still risks from occasional, localized political and criminal violence.

In mid-June 2013 and early 2014, large groups of citizens protested the country's economic stagnation and the government's apparent inability to improve the situation. The vast majority of protests were peaceful with relatively small numbers of participants. The first string of protests took place in Sarajevo, while the second outbreak of protests occurred in several cities throughout the country but mainly within the Federation. Protests in early 2014 in the cities of

Sarajevo, Mostar, and Tuzla resulted in attacks on government buildings, destruction of government property, and injury. There were no reports of foreign investors being directly targeted in the protests.

## Corruption

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Corruption remains prevalent in many political and economic institutions in Bosnia and Herzegovina and raises the costs and risks of doing business. BiH's overly-complex business registration and licensing process is particularly vulnerable to corruption. The multitude of state, entity, cantonal, and municipal administrations, each with the power to establish laws and regulations affecting business, creates a system that lacks transparency and opens opportunities for corruption. With the large number of levels involved, there are multiple opportunities to demand "service fees". Paying bribes to obtain necessary business licenses and construction permits, or simply to expedite the approval process, occurs regularly.

Transparency International's (TI) 2014 Corruption Perception Index ranked BiH 80 out of 174 countries. According to TI, relevant institutions lack the will to become actively involved in fighting corruption; law enforcement agencies and the judiciary are not effective in the prosecution of corruption cases and are visibly exposed to political pressures; and prosecutors complain that citizens generally do not report instances of corruption and do not want to testify in these cases. In 2011, BiH established a state level agency to prevent and coordinate efforts to combat corruption; while officially active, the agency has shown limited results.

Corruption has a corrosive impact on both market opportunities overseas for U.S. companies and the broader business climate. It deters foreign investment, stifles economic growth and development, distorts prices, and undermines the rule of law. U.S. companies must carefully assess the business climate and develop an effective compliance program and measures to prevent and detect corruption, including foreign bribery. U.S. individuals and firms should take the time to become familiar with the relevant anticorruption laws of both BiH and the United States in order to properly comply, and where appropriate, seek the advice of legal counsel.

The U.S. Government seeks to level the global playing field for U.S. businesses by encouraging other countries to take steps to criminalize their own companies' acts of corruption, including bribery of foreign public officials, and uphold obligations under relevant international conventions. A U.S. firm that believes a competitor is seeking to use bribery of a foreign public official to secure a contract should bring this to the attention of appropriate U.S. agencies. U.S. firms should become familiar with local anticorruption laws, and, where appropriate, seek legal counsel. While the U.S. Department of Commerce cannot provide legal advice on local laws, the Department's U.S. and Foreign Commercial Service can provide assistance with navigating the host country's legal system and obtaining a list of local legal counsel. The U.S. Department of Commerce offers several services to aid U.S. businesses. For example, the U.S. and Foreign Commercial Service can provide services that may assist U.S. companies in conducting due diligence when choosing business partners or agents overseas and provide support for qualified U.S. companies bidding on foreign government contracts. For a list of U.S. Foreign and Commercial Service offices: [www.trade.gov/cs](http://www.trade.gov/cs)

### *UN Anticorruption Convention, OECD Convention on Combatting Bribery*

BiH signed and ratified the UN Anticorruption Convention on October 2006. BiH is also the party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

### *Resources to Report Corruption*

Contact at government agency responsible for combating corruption:  
BiH Agency for the Prevention of Corruption and Coordination of the Fight against Corruption  
Phone: +387 57 322 540  
email: kontakt@apik.ba  
[www.apik.ba](http://www.apik.ba)

Contact at watchdog organization:

Transparency International BiH  
Phone: +387 51 216928  
Fax: +387 51 216369  
email: info@ti-bih.org  
[www.ti-bih.org](http://www.ti-bih.org)

## **Bilateral Investment Agreements**

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### **Bilateral Taxation Treaties**

BiH does not have a bilateral investment treaty with the United States.

BiH has signed/ratified 42 agreements to promote and protect investments with the following countries: Albania, Austria, Belgium, Belarus, China, Croatia, Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Netherlands, Hungary, India, Iran, Italy, Jordan, Kuwait, Lithuania, Luxembourg, Macedonia, Malaysia, Moldova, Montenegro, Netherlands, Pakistan, Portugal, Qatar, Romania, Serbia, Libya, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, UAE, Ukraine, and the United Kingdom.

BiH had been designated as a beneficiary country under the United States Generalized System of Preferences (GSP) program; however, legal authorization for the GSP program has expired. As of August 1, 2013, imports from BiH, previously eligible for duty-free treatment under GSP, are subject to regular, normal trade relations duties. The U.S. Congress is considering legislation that would extend the authorization of GSP.

In June 2008, BiH signed the Stabilization and Association Agreement (SAA) with the European Union, an important step towards EU membership. The Stabilization and Association Agreement (SAA) between the EU and Bosnia and Herzegovina (BiH) officially entered into force on June 1, 2015.

## **OPIC and Other Investment Insurance Programs**

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Overseas Private Investment Corporation (OPIC) activities in BiH include insurance for investors against political risk; coverage of losses due to expropriation of assets, political violence, and currency inconvertibility; and insurance coverage for contracting, exporting, licensing and leasing transactions.

Political risk insurance is also available from the EU Investment Guarantee Trust for BiH, administered by the Multilateral Investment Guarantee Agency, a World Bank affiliate.

## **Labor**

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BiH has a workforce with lower labor costs by western standards. However, several sectors such as information technology and health care have experienced a significant loss of skills over the past decade due to a lack of education and job training opportunities, as well as emigration. Tax rates on labor are high, discouraging employment of new workers and increasing incentives for unregistered employment. Current labor legislation provisions make it difficult to dismiss redundant and inefficient workforce. Employers complain of the long and tedious court process if a dismissed employee alleges unjust dismissal. While no legal or technical barriers prevent an employee from bringing a complaint against an employer, high unemployment coupled with fear of losing one's job, a backlogged court system, and the lack of legal protection for the approximately 40 percent of the labor force working in the informal economy are disincentives to filing complaints. The labor inspectorates and courts do not deal effectively with complaints of antiunion discrimination by employers, although Federation and RS courts often rule in favor of workers in union-related disputes. The government does not impose fines on employers who prevent workers from unionizing.

Investors claim that the wage determination system stands in the way of job creation and worker mobility. This is a result of a collective bargaining system that retains most of its socialist-era characteristics. The law provides for the right of workers in both entities to form and join independent unions and bargain collectively. The law prohibits antiunion discrimination. However, the government does not effectively enforce all applicable laws. Violations of worker rights continue to be a lower priority for ministry inspectors, as state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers who did not pay taxes. Employees and employers share the costs of health care, pension, and unemployment insurance in the Federation while in the Republika Srpska employers cover all of these costs, as well as child care contributions. Many employers underreport their labor force to avoid paying taxes and benefits, creating a significant gray market. Official unemployment is approximately 44 percent. However, unemployment based on the ILO definition, which factors in unregistered workers in the "gray economy," is approximately 27 percent. Youth unemployment is estimated to be 60 percent. According to informal estimates, approximately 40 percent of the total work force was unregistered and in the informal economy.

Entity governments are currently working on drafts of new labor codes, with assistance from the World Bank and the IMF, in order to make local labor laws consistent with ILO labor standards and EC labor directives. In addition, the new labor laws will aim to create a more flexible labor market in order to address BiH's endemically high unemployment rate. Collective agreements will be revised and minimum wage provisions will be adjusted to reflect age and experience.

## **Foreign Trade Zones/Free Ports/Trade Facilitation**

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The BiH Law on Free Trade Zones allows the establishment of free trade zones (FTZs) as part of the customs territory of BiH. Currently there are four free trade zones in BiH: Vogosca, Visoko, Hercegovina-Mostar, and Holc Lukavac. One or more domestic or foreign legal entities registered in BiH may create a FTZ.

The users of FTZs do not pay taxes and contributions, with the exception of those related to salaries and wages. Investors are free to invest capital in the FTZ, transfer their profit and retransfer capital. Customs and tariffs are not paid on imports into FTZs. The import of equipment for manufacturing within FTZs may be discontinued, however, if the value of goods produced and exported abroad is less than 75 percent of the total value of goods produced in that zone.

## Foreign Direct Investment Statistics and Foreign Portfolio Investment Statistics

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Table 2: Key Macroeconomic Data, U.S. FDI in Host Country/Economy

Economic Data	Host Country Statistical source*		USG or international statistical source		USG or International Source of Data: BEA; IMF; Eurostat; UNCTAD, Other
	Year	Amount	Year	Amount	
<b>Host Country Gross Domestic Product (GDP) (\$B USD)</b>	2013	17.8	2013	17.8	<a href="http://www.worldbank.org/en/country">www.worldbank.org/en/country</a>
<b>Foreign Direct Investment</b>	Host Country Statistical source*		USG or international statistical source		USG or international Source of data: BEA; IMF; Eurostat; UNCTAD, Other
<b>U.S. FDI in partner country (\$M USD, stock positions)</b>	2014	170	2014	N/A	BEA data available 3/19/14 at <a href="http://bea.gov/international/direct_investment_multinational_companies_comprehensive_data.htm">http://bea.gov/international/direct_investment_multinational_companies_comprehensive_data.htm</a>
<b>Host country's FDI in the United States (\$M USD, stock positions)</b>	2013	0	2013	0	BEA data available 3/19/14 at <a href="http://bea.gov/international/direct_investment_multinational_companies_comprehensive_data.htm">http://bea.gov/international/direct_investment_multinational_companies_comprehensive_data.htm</a>
<b>Total inbound stock of FDI as % host GDP</b>	2013	1.9%	2013	2.1%	

\*Host country source: [Central Bank of BiH](#)

Table 3: Sources and Destination of FDI

According to the BiH Central Bank, from a high of USD 2.1 billion in 2007, foreign direct investment (FDI) totaled USD 295 million in 2013 and approximately USD 350 million for the first nine months of 2014. Most investments in 2012-2014 came from Russia, Austria, Croatia, and Serbia.

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**Direct Investment from/in Counterpart Economy Data**

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**From Top Five Sources/To Top Five Destinations (US Dollars, Millions)**

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Inward Direct Investment			Outward Direct Investment		
Total Inward	Amount	100%	Total Outward	N/A	100%
Austria	1,680	24%			
Serbia	852	12%			
Croatia	851	12%			
Slovenia	742	11%			
Germany	456	6%			

"0" reflects amounts rounded to +/- USD 500,000.

*Table 4: Sources of Portfolio Investment*

Portfolio investment statistics are not available for Bosnia and Herzegovina.

**Contact for More Information**[Return to top](#)

United States Embassy Sarajevo  
Economic/Commercial Section  
Robert C. Frasure 1  
71000 Sarajevo  
Bosnia and Herzegovina  
tel. +387-33-704-000  
fax. +387-33-659-722  
email: SarajevoEcon@state.gov  
website: [www.sarajevo.usembassy.gov/business.html](http://www.sarajevo.usembassy.gov/business.html)

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## Chapter 7: Trade and Project Financing

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- [How Does the Banking System Operate](#)
- [Foreign-Exchange Controls](#)
- [U.S. Banks and Local Correspondent Banks](#)
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### How Do I Get Paid (Methods of Payment)

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The following financial instruments are used in BiH to make payments abroad: documentary collections, checks, and letters of credit. The safest method of receiving payment for a U.S. export sale is cash-in-advance and/or irrevocable letter of credit. However, most importers prefer to avoid this costly instrument. Many claim to do business on open account terms with their European suppliers. Nevertheless, a confirmed letter of credit should be a minimum term. Companies that acquire capital goods expect the vendor to provide financing, preferably in the form of a loan.

### How Does the Banking System Operate

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With a growing number of foreign banks present in the country (83 percent of the total bank capital), competition is strong and banks are beginning to offer an extended product range of financial instruments (credit cards, consumer loans, mortgages). However, the level of bank intermediation remains low, due to the slow restructuring of the economy. Small and medium size enterprises still experience difficulties obtaining long-term credit, a problem exacerbated by the uncertain global economy. Inadequate secured transaction regulations and an inefficient court system make collateral foreclosure difficult and increase the cost of capital. There are currently 26 commercial banks operating in BiH, 17 in the Federation and 9 in the RS.

The BiH Central Bank (CCBiH) ([www.cbbh.ba](http://www.cbbh.ba)) is the country's monetary authority. Its goal is to maintain monetary stability under the present currency board arrangement, with full coverage in freely convertible foreign exchange funds under a fixed exchange rate of 1 KM: EUR 0.51129. In addition, the CCBiH supports and maintains appropriate payment and settlement systems and co-ordinates the activities related to supervision of commercial banks. The Central Bank of BiH also coordinates the activities of the bank regulatory agencies in the two entities, which are in charge of bank licensing and supervision.

### Foreign-Exchange Controls

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In accordance with the BiH Law on the Central Bank, neither the Central Bank nor any other relevant institution may impose payment restrictions on international transactions, except when the Central Bank deems it indispensable to meet BiH's obligations under international treaties or law.

Commercial banks and financial institutions in BiH may publicly trade in domestic and foreign currency without restrictions according to the law. The foreign exchange and payment system has no restrictions (no administrative management nor limits) on payments and transfers related to international current and capital transactions. In commercial banks, there are no restrictions for individuals or businesses (domestic and foreign) on opening accounts in domestic or any

foreign currency, on exchanging KM for any foreign currency, or in payments to foreign partners.

In both the Federation and the RS, the Law on Foreign Exchange Operations regulates foreign exchange operations. These laws extend identical treatment to domestic and foreign physical and legal entities.

## **U.S. Banks and Local Correspondent Banks**

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There are no U.S. banks in BiH. The following are the largest banks in BiH that maintain U.S. correspondent banking arrangements:

Raiffeisen Bank dd Bosna i Hercegovina (Austrian)

Phone: (+387) 33 755 010

Zmaja od Bosne bb

71000 Sarajevo

[www.raiffeisenbank.ba](http://www.raiffeisenbank.ba)

UniCredit Bank dd (Italian)

Phone: (+387) 36 312 112

Kardinala Stepinca bb

88000 Mostar

[www.unicreditbank.ba](http://www.unicreditbank.ba)

Sparkasse Bank dd (Austrian)

Phone: +387 33 280 300

Zmaja od Bosne 7,

71000 Sarajevo

[www.sparkasse.ba](http://www.sparkasse.ba)

Hypo Alpe-Adria-Bank dd BiH (Austrian)

Phone: (+387) 36 444 444

Kneza Branimira bb

88000 Mostar

[www.hypo-alpe-adria.ba](http://www.hypo-alpe-adria.ba)

Intesa Sanpaolo Banka Bosna i Hercegovina (Italian)

Phone: (+387) 33 497 500

Obala Kulina Bana 9a

71000 Sarajevo

[www.intesasanpaolobanka.ba](http://www.intesasanpaolobanka.ba)

Sberbank BH dd Sarajevo (Russian)

Phone: (+387) 33 295 601

Fra Andjela Zvizdovica 1

71000 Sarajevo

[www.sberbank.ba](http://www.sberbank.ba)

NLB Razvojna Banka (Slovenian)

Phone: (+387) 51 221 620

Milana Tepica 4, 78000 Banja Luka

International financial institutions including the World Bank, the European Bank for Reconstruction and Development (EBRD), and the European Investment Bank (EIB) are the most important sources of project financing for which procurement is open to U.S. bidders.

### World Bank

The World Bank has committed \$1.3 billion since 1996 to BiH through 62 projects involving rehabilitation of industries, infrastructure, housing, education, health care, and landmine clearance. These funds have been used to purchase goods and equipment, build infrastructure, and obtain the consulting services needed to implement these projects. World Bank borrowers are required to submit timely notification of bidding opportunities and to advertise these opportunities and expressions of interest.

- The [Development Gateway Market \(dgMarket\)](http://www.dgmarket.com/) (<http://www.dgmarket.com/>) is a global online marketplace providing information on donor and government-funded tenders. Currently, dgMarket publishes tender notices for projects funded by the African Development Bank, the Asian Development Bank, Europe Aid, EBRD, European Investment Bank, EU member states, Phare/Tacis, and the World Bank. For more information, contact: [info@dgmarket.com](mailto:info@dgmarket.com).
- The United Nations publishes [UN Development Business](http://www.devbusiness.com) (<http://www.devbusiness.com>) which provides information on business opportunities generated through the World Bank, regional development banks, and other development agencies. Development Business is available in either print format or by online subscription. For more information contact the Development Business Liaison Office at Tel: (202) 458-2397; Fax: (202) 522-3316 or E-mail: [dbusiness@worldbank.org](mailto:dbusiness@worldbank.org)

### European Bank for Reconstruction and Development (EBRD)

With EUR 1.3 billion (\$ 1.62 billion) since 1996 committed toward various projects in the financial, telecommunications, road, railways, and civil aviation sectors, the EBRD is one of the largest lenders in BiH.

#### European Bank for Reconstruction and Development (EBRD)

Fra Andjela Zvizdovica 1 B-15

71000 Sarajevo BiH

Phone: (+387) (33) 667-945

<http://www.ebrd.com/pages/country/bosniaandherzegovina.shtml>

### European Investment Bank (EIB)

The European Investment Bank (EIB) has been active in BiH since 2000 and has funded numerous projects in the industry, railways, and road sectors in the amount of EUR 1.1 billion (approximately \$ 1.4 billion). For additional information on EIB, its projects, and procurement rules, please visit the following websites:

- <http://www.eib.org>
- <http://www.eib.org/projects/>
- <http://www.eib.org/publications/publication.asp?publ=44>

### U.S. Export Import Bank (Ex-Im Bank)

The Export-Import Bank of the United States (<http://www.exim.gov/>) is the official export credit agency of the United States. Ex-Im Bank's mission is to assist in financing the export of U.S. goods and services to international markets. Ex-Im Bank provides working capital guarantees (pre-export financing); export credit insurance (post-export financing); loan guarantees and direct loans (buyer financing). On average, 85 percent of Ex-Im Bank's transactions directly benefit U.S. small businesses. Since October 2002, Ex-Im Bank is open for private sector transactions in BiH and will consider business for short- and medium-term transactions in the private sector.

Export-Import Bank of the United States  
 811 Vermont Avenue, N.W. Washington, DC 20571  
 Phone: (202) 565 3477  
<http://www.exim.gov/>

### U.S. Trade and Development Agency (USTDA)

USTDA is an independent U.S. government agency that promotes American private sector participation in developing and middle-income countries, with special emphasis on economic sectors that represent significant U.S. export potential. USTDA helps U.S. businesses compete for infrastructure projects in emerging markets by funding feasibility studies, orientation visits, specialized training grants, and various forms of technical assistance. In the past, USTDA program funds have supported numerous projects in Bosnia in the energy, telecommunications, transportation, and environmental technology sectors.

U.S. Trade and Development Agency (USTDA): Middle East, North Africa and Europe Region  
 1000 Wilson Blvd., Suite 1600  
 Arlington, VA 22209 USA  
 Phone: (703) 875-4357  
 mena\_europe@ustda.gov  
<http://www.ustda.gov>

### Overseas Private Investment Corporation (OPIC)

OPIC is a self-sustaining U.S. Government agency that sells investment services to small, medium and large American businesses expanding into emerging markets around the world. OPIC's three main activities are risk insurance, project finance, and investment funds. OPIC has a limit on financing through the investment guaranty and the direct loan programs of \$ 200 million. The OPIC-sponsored equity funds make their own, commercially based investment decisions while fulfilling OPIC's policy mandates. The most important fund for the region is the \$ 150 million Southeast Europe Equity Fund (SEEF) managed by Soros Private Funds Management.

Overseas Private Investment Corporation (OPIC)  
 1100 New York Avenue, N.W.  
 Washington, D.C. 20527, USA

Phone: (202) 336-8647  
<http://www.opic.gov>

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## Chapter 8: Business Travel

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### Business Customs

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Business customs in BiH remain an amalgam of old socialist-style habits and newly-acquired business practices. However, the business culture is changing. Over the past decade the business community has benefited from the presence of many international agencies, foreign investors, and technical assistance programs. This change, most obvious in the largest business and industrial centers, has introduced new management, language, IT skills, as well as Western-style business practices. Most of today's managers are fluent in English and are completely computer-literate.

The exchange of business cards is a common practice. While most business meetings take place in a formal setting, it is not unusual to discuss business over coffee or lunch. An invitation to dinner should never be rejected; it may be a sign of a serious desire to do business. There are fewer women working in business than men, but they are treated with respect. As is the case in many other countries, local companies prefer to do business with people they know well. Business friendships are highly valued. Establishing a local presence and employing locals signal a long-term commitment to the market. Such practices are well received.

### Travel Advisory

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Before traveling to BiH, U.S. citizens should consult the latest U.S. government travel advisory at [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_1070.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1070.html). Americans in BiH, visiting or residing, are urged to register with the U.S. Embassy in Sarajevo and enroll in the warden system (emergency alert network) in order to obtain updated information on travel and security.

### Visa Requirements

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U.S. citizens possessing a valid passport do not need a visa to enter BiH for short-term stays of up to three months while visiting for business or tourism. Foreigners must register with the local police at the nearest police station within 24 hours of arrival, however hotels will do this automatically for their guests. Registration is free for the first three months, regardless of the purpose of the visit. Stays of longer than three months (education, scientific research, employment, engagement in a professional activity, medical treatment, tourism, other justified reasons, or because of marriage to a BiH citizen) require a temporary resident permit, and visitors must apply for the permit before the end of their initial three months in BiH. Foreigners must state the reason for the extended visit and submit evidence of adequate financial support for the duration of their stay in BiH.

The maximum duration of a temporary residence permit is 12 months, with the possibility of a renewal. The fee is KM 100 or approximately \$80. A police certificate indicating that the applicant has no criminal record is required for this permit and should be obtained from the applicant's state of residence in the United States.

The local field office of the Foreigners' Affairs Department of the Bosnian Ministry of Security accepts applications for temporary residence permit. More information on the application procedures can be obtained from the Department's Website <http://www.sps.gov.ba>.

U.S. Companies that require travel of foreign businesspersons to the United States should be advised that security evaluations are handled via an interagency process. Visa applicants should go to the following links.

- U.S. State Department Visa Website: [http://travel.state.gov/visa/visa\\_1750.html](http://travel.state.gov/visa/visa_1750.html)
- Consular Section at U.S. Embassy Sarajevo: <http://sarajevo.usembassy.gov>

## Telecommunications

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Telecommunications services in BiH are relatively advanced. There are three 900 MHz GSM/3G networks - BH Mobile, m:Tel, and Eronet with solid coverage throughout the country and roaming agreements with most international mobile operators. All mobile operators feature GPRS service. Unfortunately, internet connectivity remains a weak spot. Many hotels do not offer this service, especially outside of Sarajevo, although this is improving.

## Transportation

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Air transport is the fastest and most reliable connection between Sarajevo and the outside world. However, travelers in winter experience frequent delays and cancellations due to inclement weather, especially fog, at Sarajevo Airport. There are three other functional international airports, but the Sarajevo Airport accounts for almost all of total passenger and cargo traffic. The other three airports – Banja Luka, Mostar, and Tuzla -- have occasional commercial charter traffic, which can fluctuate depending on the season. Sarajevo International Airport is served by Austrian Airlines, BH Airlines, Lufthansa, Croatia Airlines, German Wings, Turkish Airlines, Adria Airways, and JAT, which connect Sarajevo with Vienna, Munich, Zagreb, Istanbul, Ljubljana and Belgrade. The airport features a cargo center with a fully equipped customs warehouse to serve the needs of cargo traffic. Banja Luka International Airport opened for international traffic in 1998; currently, the Banja Luka airport only operates passenger service to Belgrade and Zurich, as well as some cargo traffic. The Tuzla airport offers commercial flights to Sweden and Switzerland via one commercial operator, Wizz Air. Mostar Airport currently accepts charter flights only.

BiH's road and railway systems have seen little improvement since the 1992-95 war. There are only 45 kilometers of limited-access, divided highway in the entire country, although plans are slowly progressing to complete a north-south corridor that will link Sarajevo to northeastern and southern Croatia (Corridor 5c). Driving time from Sarajevo to either Belgrade or Zagreb is four to five hours, and similar driving time to the coast at Dubrovnik or Split. From Banja Luka, it is a two and a half hour drive to Zagreb. Rail travel to the neighboring capitals is considerably slower. Car rental service is available from Budget, Hertz, Avis, National, and Europcar as well as other local car-rental companies.

## Language

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There are three main ethnic groups in BiH: Bosniaks (Muslims), Croats (Roman Catholics), and Serbs (Orthodox). The languages spoken in BiH – Bosnian, Serbian, and Croatian – are mutually understandable. When necessary in a conversation, it is best to refer to the language as “the local language,” or B/C/S.

## Health

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The water supply in Sarajevo meets World Health Organization standards and, therefore, is not thought to pose a health risk. No lead or bacterial contamination has been found in the tap water in Sarajevo. The local cuisine is very similar to international cuisine and poses no risk. However, fresh vegetables and fruits must be thoroughly washed or peeled before consuming.

The drugs found in the pharmacies are usually labeled in the local language but the drugs can still be identified by the generic name. The dosage is measured by the metric system. The following are recommended immunizations for those traveling to BiH: Tetanus, Diphtheria, Measles, Mumps, Rabies, Rubella and Polio vaccines. Typhoid fever vaccine and Hepatitis A and B are recommended for those traveling in rural areas or anticipating extended stays.

Motor vehicle accidents are one of the leading causes of death in BiH. It is strongly recommended to use seatbelts when driving or being driven.

Mines and associated devices were used extensively during the 1992-95 war. While many areas have been cleared of the mines, there is still a significant risk especially near the former confrontation lines. The following advice is given to avoid mines: stay on known safe surfaces, stick to approved routes, do not drive on road shoulders, observe local behavior, and obtain mine information.

Emergency health service is available in most cities. In Sarajevo, the number for emergency service is 124 or 611-111.

## Local Time, Business Hours, and Holidays

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BiH is in the GMT +1 time zone. Regular business hours are from 8 am to 5 pm; however, most government agencies close at 4 pm. The Federation of BiH and the Republika Srpska observe different holiday schedules. It is recommended to check with the U.S. Embassy regarding local holidays. The Embassy holiday schedule can be found at <http://sarajevo.usembassy.gov/holidays.html>.

Summer break is in full swing during the months of July and August and appointments can be difficult to schedule.

## Temporary Entry of Materials and Personal Belongings

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Exemption from customs duties is granted for the following:

- Various business documents including promotional materials such as brochures, other business and legal documents, blueprints, tender documents, bids, tickets, vouchers, printed forms, photographs, and recordings.

- Goods in the personal luggage of travelers including tobacco products (200 cigarettes, or 100 cigarillos, or 250 grams of tobacco per passenger per day), alcoholic beverages (two liters of wine or one liter of alcoholic beverages with the alcohol content above 22 percent), 60 cc/ml of perfume or 250cc/ml of toilet water.
- Goods that are being used for commercial/promotional purposes including goods used and/or consumed at trade fairs including samples, printed materials (brochures, catalogs, price lists, photographs, videos, etc.), equipment, machines and other products that are being displayed at trade fairs, and various items of insignificant commercial value.

## Web Resources

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U.S. State Department Visa Website

[http://travel.state.gov/visa/visa\\_1750.html](http://travel.state.gov/visa/visa_1750.html)

U.S. Embassy Sarajevo

<http://sarajevo.usembassy.gov>

Ministry of Foreign Affairs of BiH

<http://www.mvp.gov.ba/default.aspx?pageIndex=1>

Sarajevo International Airport

<http://www.sarajevo-airport.ba>

Tuzla Airport

[www.tuzla-airport.ba/](http://www.tuzla-airport.ba/)

Banja Luka Airport

<http://www.banjaluka-airport.com>

Mostar International Airport

<http://www.mostar-airport.com>

Budget

<http://www.budget.co.ba>

Hertz

<http://www.hertz-europe.com>

Avis

<http://www.avisworld.com>

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## Chapter 9: Contacts, Market Research, and Trade Events

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### Contacts

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#### U.S. Embassy Sarajevo

Robert C. Frasure 1, 71000 Sarajevo, Bosnia and Herzegovina

Phone: +387-33-704 000 Fax: +387-33-659-722

U.S. Embassy Sarajevo: <http://sarajevo.usembassy.gov/>

U.S. Embassy Sarajevo Business Page: <http://sarajevo.usembassy.gov/business.html>

U.S. Commercial Service: <http://export.gov/bosniaandherzegovina/>

U.S. Department of Agriculture: <http://sarajevo.usembassy.gov/fas.html>

#### Other Contacts:

American Chamber of Commerce in BiH (AmCham)

[www.amcham.ba](http://www.amcham.ba)

Foreign Investors Council (FIC)

[www.fic.ba](http://www.fic.ba)

BiH Central Bank

[www.cbbh.gov.ba](http://www.cbbh.gov.ba)

BiH Foreign Investment Promotion Agency (FIPA)

[www.fipa.gov.ba](http://www.fipa.gov.ba)

BiH Foreign Trade Chamber

[www.komorabih.ba](http://www.komorabih.ba)

BiH Ministry of Foreign Affairs

[www.mvp.gov.ba](http://www.mvp.gov.ba)

Government of the Republika Srpska

<http://www.vladars.net>

Government of the Federation of BiH

[www.fbihvlada.gov.ba](http://www.fbihvlada.gov.ba)

Chamber of Economy of the Federation of BiH

[www.kfbih.com](http://www.kfbih.com)

Chamber of Commerce and Industry of Republika Srpska

[www.komorars.ba](http://www.komorars.ba)

## Market Research

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To view market research reports produced by the U.S. Commercial Service please visit the following website: <http://www.export.gov/OneStopConsumer/OneStop/mrllogin.jsp>. Please note that these reports are only available to U.S. citizens and U.S. companies. Registration to the site is required, but free of charge.

Agriculture-related information is available at the Global Agricultural Information Network (GAIN), <http://gain.fas.usda.gov/Pages/Default.aspx>.

## Trade Events

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Please click on the link below for information on upcoming trade events.

- <http://www.export.gov/tradeevents/index.asp>
- <http://www.buyusa.gov/bosniaandherzegovina/en>
- <http://sarajevo.usembassy.gov/trade-shows.html>

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## Chapter 10: Guide to Our Services

### SelectUSA:

SelectUSA was created by President Obama in June 2011 through Executive Order 13577, as the U.S. government-wide program to promote and facilitate business investment into the United States, including foreign direct investment (FDI) and reshoring. The program is housed within the Commerce Department and coordinates investment-related resources across more than 20 federal agencies through the Interagency Investment Working Group (IIWG) SelectUSA provides services to two types of clients: investors and U.S. economic development organizations at the state and local level. Services include:

#### Information Assistance:

- SelectUSA provides information to investors on the benefits of establishing operations in the United States, as well as the information needed to move investments forward. Investors can access facts, data and local contacts for the U.S. market.
- SelectUSA also works closely with state, local and regional economic developers to provide counseling on strategy, best practices, and on-the-ground intelligence from the Foreign Commercial Service network across more than 70 foreign markets.

**Ombudsman Services:** SelectUSA coordinates federal agencies to address investor concerns relating to a wide range of federal regulatory issues – helping them to navigate an unfamiliar system.

**Investment Advocacy:** U.S. state and local governments often find themselves competing with a foreign location for a project. SelectUSA can coordinate senior U.S. government officials to advocate to the investor to bring those jobs to the United States.

**Promotional Platform:** SelectUSA brings the power of the “USA” brand to high-profile events, such as the upcoming 2015 Investment Summit, to attract investors to learn about our nation’s investment opportunities. SelectUSA organizes international Road Shows and missions to trade fairs, while also offering tailored on-the-ground assistance in more than 70 markets.

**Note:** SelectUSA exercises strict geographic neutrality, and represents the entire United States. The program does not promote one U.S. location over another U.S. location. For more information on SelectUSA and services provided for investors and economic development organizations please click on the following link: <http://selectusa.commerce.gov/>

### National Export Initiative:

The President’s National Export Initiative aims to double exports over five years by marshaling Federal agencies to **prepare U.S. companies to export successfully, connect them with trade opportunities and support them once they do have exporting opportunities.**

The U.S. Commercial Service offers customized solutions to help U.S. exporters, particularly small and medium sized businesses, successfully expand exports to new markets. Our global network of trade specialists will work one-on-one with you through every step of the exporting process, helping you to:

- Target the best markets with our world-class research

- Promote your products and services to qualified buyers
- Meet the best distributors and agents for your products and services
- Overcome potential challenges or trade barriers
- Gain access to the full range of U.S. government trade promotion agencies and their services, including export training and potential trade financing sources

To learn more about the Federal Government's trade promotion resources for new and experienced exporters, please click on the following link: [www.export.gov](http://www.export.gov)

For more information on the services the U.S. Embassy Sarajevo offers U.S. businesses, please click on the link below:

<http://export.gov/bosniaandherzegovina/servicesforu.s.companies/index.asp>

The U.S. Embassy Sarajevo can assist in locating potential partners and assessing their creditworthiness. Through a partnership with the U.S. Foreign Commercial Service, the Embassy provides the International Partner Search (IPS) and the International Company Profile (ICP) services to U.S. companies who wish to locate partners in BiH and check their creditworthiness.

U.S. exporters seeking general export information/assistance or country-specific commercial information should consult with their nearest **Export Assistance Center** or the **U.S. Department of Commerce's Trade Information Center** at **(800) USA-TRADE**, or go to the following website: <http://www.export.gov>

To the best of our knowledge, the information contained in this report is accurate as of the date published. However, **The Department of Commerce** does not take responsibility for actions readers may take based on the information contained herein. Readers should always conduct their own due diligence before entering into business ventures or other commercial arrangements. **The Department of Commerce** can assist companies in these endeavors.

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