

Decision enacting the Law on Amendments to the Law on Auditing the Public Sector of Republika Srpska

n. 325/04

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “[f]acilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities which “may include actions against persons holding public office”;

Bearing in Mind that Peace Implementation Council at its May 2000 meeting in Brussels urged measures for improved transparency related to public funds and urged measures aimed at removing obstacles to economic reform, mindful of the need to create the conditions for self-sustaining market-driven economic growth to enable Bosnia and Herzegovina to transition away from being a donor dependent economy;

Considering that public enterprises in the Republika Srpska have insufficient mechanisms to safeguard against the waste of public funds, which waste is especially scandalous given the scarcity of such public funds;

Recognizing the high level of professionalism and competence consistently shown by the Supreme Audit Office of Republika Srpska and its ability to mobilize quickly to undertake audits which will identify financial irregularities and in so doing introduce the accountability and transparency needed in order to protect the public's interests;

Mindful that financial support for this undertaking is necessary, given the enormous amount of work it will entail for the Supreme Audit Office of Republika Srpska whose resources are limited;

Having considered and borne in mind all these matters, the High Representative hereby issues the following

DECISION

Enacting the Law on Amendments to the Law on Auditing the Public Sector of Republika Srpska

(Official Gazette of Republika Srpska, No. 18/99 and 39/03)

Which is hereby attached as an integral part of this Decision.

The said Law shall be published on the official website of the Office of the High Representative and shall enter into force as a law of the Republika Srpska, with immediate effect, on an

interim basis, until such time as the National Assembly adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall enter into force forthwith and shall be published without delay in the "Official Gazette of the Republika Srpska ".

Sarajevo, 16 December 2004

Paddy Ashdown

High Representative

THE LAW ON AMENDMENTS TO THE LAW ON AUDITING THE PUBLIC SECTOR OF REPUBLIKA SRPSKA

(Official Gazette of Republika Srpska, No. 18/99 and 39/03)

Article 1

In the Law on Auditing the Public Sector of Republika Srpska (Official Gazette of Republika Srpska, No.18/99 and 39/03), Article 15, Paragraphs 1 and 2 shall be amended to read as follows:

"Any ministry, organization, enterprise or other body referred to in Article 14 of this Law, with an exception of the National Assembly of Republika Srpska and the Government of the Republika Srpska, whose financial statements are audited on its request or for which special audits are carried out in accordance with Article 18, is liable to pay audit fees for the audit, based upon the valid pricelist as determined by the Auditor-General and approved by the Parliamentary Committee for Economy and Finances.

Audit fees are payable within 30 days after issue of a payment bill. When special audits are carried out in accordance with Article 18 of this Law, the National Assembly may require the

auditee to provide pre-payment in the amount of up to 50% of the total audit fees In case of the prepayment, the National Assembly may require that the prepayment bill is paid in a deadline which may be less than 30 days after the issuance of the bill. The pre-paid audit fees shall be deducted from the total audit fees to be paid after completion of the special audit.”

Paragraph 4 shall be amended to read as follows:

The Auditor – General may recover the unpaid fees, including the fees to be prepaid pursuant to Paragraph 2 of this Article, as a debt before the competent court ”.

Article 2

This Law shall come into effect forthwith and shall be published without delay.