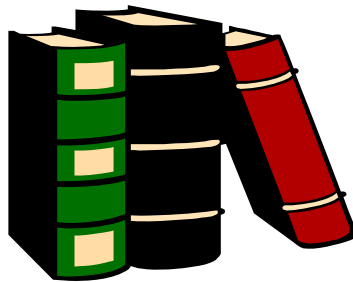




Emerika Bluma 1, 71000 Sarajevo  
Tel. 28 35 00 Fax. 28 35 01

## Department for Legal Affairs



# LAW ON AMENDMENTS TO THE LAW ON CIVIL SERVICE IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

**“Official Gazette of Bosnia and Herzegovina”, 48/05**

**NOTE: The High Representative’s Decision Imposing the Law on Civil Service in the Institutions of Bosnia and Herzegovina was published in the “Official Gazette of Bosnia and Herzegovina”, 12/02.**

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at 59<sup>th</sup> session of the House of Representatives held on 29 June, 2005 and at 43<sup>rd</sup> session of the House of Peoples held on 29 June, 2005, adopted the following

## **LAW ON AMENDMENTS TO THE LAW ON CIVIL SERVICE IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA**

### **Article 1**

In the Law on Civil Service in Governmental Institutions of Bosnia and Herzegovina («Official Gazette of BiH», No 12/02, 19/02, 35/03, 4/04, 17/04, 26/04 and 37/04), in Article 4, Paragraph 1, after the words “Ombudsman of Bosnia and Herzegovina” a comma and the following words shall be inserted: “Chief Prosecutor of Bosnia and Herzegovina, Deputy Chief Prosecutors and Prosecutors of Bosnia and Herzegovina, Public Attorney and Deputy Public Attorneys of Bosnia and Herzegovina, Members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Members of the Election Commission of Bosnia and Herzegovina, professional military persons in the Institutions of Bosnia and Herzegovina”.

### **Article 2**

In Article 5, after the number «22», the full stop shall be deleted and the following words shall be inserted after the coma: «except Items a) and c) 39, 40, 41», and after the number «44» the full stop and the conjunction “and” shall be replaced by a comma and after the word «45», the words «and 46» shall be inserted.

### **Article 3**

In Article 6, Paragraph 2, after the word «may» the words «by a decision» shall be added and the words «decide not subject the Diplomatic and Consular Services and the Border Service to the application of certain provisions of this Law” shall be replaced with the words: “specify that issues related to the diplomatic and consular service shall be regulated differently in relation to specific provisions of this Law”.

### **Article 4**

In Article 7, Paragraph 2, the words: «shall be defined by By-laws» shall be replaced with the words: «shall be defined by a Decision of the Council of Ministers».

### **Article 5**

In Article 7, Paragraph 1, Item a) 2) after the word :”Minister” a coma and the words “Assistant Director and Chief Inspector” shall be added.

## **Article 6**

In Article 9, the title shall be amended to read: “**Assistant Minister, Assistant Director and Chief Inspector**”.

After Paragraph 1, new Paragraphs 2 and 3 shall be added, to read:

“2. The Assistant Director shall manage respective areas of work or respective organizational units and carry out other tasks within a respective area as assigned to him/her by the Director.

3. The Chief Inspector shall directly organize and manage the work of the Inspectorate in a respective domain of inspection survey.”

Current Paragraph 2 that has become Paragraph 4 shall be amended to read:

«4. The Assistant Minister, Assistant Director and Chief Inspector shall be responsible for their work and management to the Head of the institution».

## **Article 7**

In Article 11, Paragraph 2 the words: “Assistant Minister or” shall be deleted.

## **Article 8**

In Article 13, before the words ”A Specialist”, the number “1.” shall be added.

After Paragraph 1, new Paragraph 2 shall be added to read:

“2. Specialists shall report to the head of the organizational unit”.

## **Article 9**

In Article 16, Paragraph 1, Items c) and d), the words: “civil servant holding the position of Secretary or of Assistant-Minister” shall be replaced by the words: “managerial civil servant”.

## **Article 10**

In Article 18, Paragraphs 2 and 3, the words: “civil servant holding the position of Secretary and Assistant Minister” shall be replaced by the words: “managerial civil servant”.

## **Article 11**

Article 21, Paragraph 2 shall be amended to read:

«2. The advertisement of the vacancy shall be published in at least three daily newspapers whose distribution covers the whole territory of Bosnia and Herzegovina and on the Agency's official website”.

After Paragraph 2, new Paragraphs 3 and 4 shall be inserted to read:

“3. The text of the advertisement shall indicate the final deadline for applications, which may not be shorter than 21 days from the day of sending the advertisement to the institution.

4. The institution shall publish the advertisement in daily newspapers within a period of up to seven days from the day of receipt of the advertisement from the Agency. “

Current Paragraph 3 shall become Paragraph 5.

### **Article 12**

In Article 24, Paragraph 1, after the word “are” the words “independent and” shall be added.

In Paragraph 2, the words “at least” shall be deleted, and the word “three” shall be replaced by the word “two”, and the word “two” shall be replaced by the word “three”.

### **Article 13**

In Article 27, Paragraph 2 the words:” 22, 26, 70 and 71” shall be replaced with the words: “26 and 64”.

### **Article 14**

In Article 28, Paragraph 1, the second line, the comma and the words “upon prior opinion obtained from the competent institution” shall be deleted.

After Paragraph 2, new Paragraph 3 shall be added to read:

“3. If no appointment referred to in Paragraphs 1 and 2 of this Article has been made within 30 days of their receipt, unless a special regulation has set a shorter period, the Agency shall ex officio appoint the most successful candidate.”

Current Paragraphs 3, 4, 5 and 6 shall become Paragraphs 4, 5, 6 and 7.

### **Article 15**

In Article 29, Paragraph 5, after the word “Article”, the words “or for any other legal reason” shall be added.

### **Article 16**

In Article 30, Paragraph 5, after the words: «months» the words shall be added: «with affirmation of the head of the institution and if the institution has only the head, s/he shall carry out the performance appraisal”.

## **Article 17**

In Article 32, after Paragraph 3, new Paragraph 4 shall be added to read:

«4. The Agency shall specify the conditions and manner of conducting internal and external transfers of civil servants, with the prior consent obtained from the Council of Ministers».

## **Article 18**

In Article 45, the words: «the Law on Labor Relations» shall be replaced with the words: «the Law on Labor in the Institutions of Bosnia and Herzegovina».

## **Article 19**

In Article 49, Paragraph 3, after the words: «made by» the words "the head of the institution or" shall be added.

After Paragraph 3, new Paragraphs 4, 5 and 6 shall be added to read:

«4. The Agency shall make a final decision regarding the participation of civil servants in seminars and other forms of educational activities organized by the Agency after it has previously obtained an opinion of the institution.

5. The participation of civil servants in seminars and other forms of educational activities shall be an entitlement and obligation of each civil servant, which may not be denied by the institution, except in justified cases related to current obligations of the institution.

6. Planning, conditions, manner and procedure of specifying the participation of civil servants in seminars and other forms of their training organized by the Agency, including specifying special credits for this purpose shall be regulated by a Decision of the Agency».

## **Article 20**

In Article 54, Paragraph 4 shall be amended to read:

«4. Abuse of official duty, disciplinary measures and disciplinary procedure shall be defined into details by a Decision of the Council of Ministers».

## **Article 21**

Article 58 shall be amended to read:

«1. In the event that an investigation for crime of corruption or crimes against official and any other responsible duty has been ordered against a civil servant or a civil servant is put into custody, the institution in which the civil servant is employed shall immediately suspend the civil servant.

«2. In case of criminal proceedings referred to in Article 57 of the Law, the institution which employs the civil servant shall suspend that civil servant from duties if:

- a) Criminal proceedings are initiated against the civil servant for a crime which punishable by imprisonment for a term not less than five years;

- b) The civil servant was caught committing a crime which is punishable by imprisonment for a term not less than five years; and
- c) Reasonable grounds exist indicating that a crime has been committed.”

3. In case of a managerial civil servant the suspension shall be made by the appointing authority.

4. In the event of preventive suspension:

- a) the suspended civil servant shall be entitled to the full amount of salary;
- b) disciplinary proceedings is suspended pending a final decision by the competent court.

### **Article 22**

In Article 60, after Paragraph 4, new Paragraph 5 shall be added to read:

“5. In case of establishment of a new institution at the level of Bosnia and Herzegovina, the Council of Ministers or other specified institution shall submit to the Agency a staffing plan for that institution. The Agency shall, at the latest within 15 days from the day of receipt of the operational staffing plan for the newly established institution, publish first public advertisement for vacancies for staffing of the mentioned institution.”

### **Article 23**

In Article 62, Paragraphs 1 and 3, the word »Head« shall be replaced with the word «Director».

In Paragraph 2, point b), after the word «approval», a comma and the following text shall be inserted: « and shall publish on the Agency's official website a quarterly report on its work and a short version thereof shall be distributed to the media.»

### **Article 24**

In Article 63, after Paragraph 4, new Paragraph 5 shall be inserted to read:

5. “As an exception, under provisions of the Law and its bylaws the deadline for appeal shall be eight days and the deadline for submitting a complaint shall be 15 days.”

### **Article 25**

In Article 29, Paragraph 3 and Article 55, Paragraphs 1, 3 and 5, the words: «appointing authority» shall be replaced with the word: «institution».

## **Article 26**

This Law shall enter into force on the eighth day after the day of publication in the «Official Gazette of BiH».