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

**“Official Gazette of the Federation of Bosnia and
Herzegovina”, 8/06**

[NOTE: Law on Civil Service in the Federation of Bosnia and Herzegovina was published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 29/03.](#)

[NOTE: On the day of entering into force of the Law on Salaries and Compensations in the Authorities of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 45/10 \(29.07.2010\), provisions of the Law on Civil Service of the Federation of Bosnia and Herzegovina related to salaries and compensations of civil servants shall cease to be valid.](#)

LAW

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

Article 1

In the Law on Civil Service in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, 29/03, 23/04, 39/04, 54/04 and 67/05), Article 22 shall be amended to read as follows:

Filling of a Vacancy

A vacancy for a civil servant position within a civil service authority shall be filled in such the manner foreseen in Articles 22a through 24 and Article 35 of this Law as chosen by the head of the civil service authority.

Article 2

After Article 22, new Articles 22.a, 22.b and 22.c shall be added, to read as follows:

Article 22.a

Internal Transfer of a Civil Servant

1. Should a vacancy for a civil servant position exist within a civil service authority, the head of the authority shall first consider whether the position can be filled through an internal transfer of a civil servant occupying the same or a similar position within that authority of civil service. The transfer may be voluntary, with the consent of the civil servant subject to transfer, or exceptionally, it may be imposed pursuant to the objectively ascertained and pressing requirements of the service. An imposed transfer may also be deployment of a civil servant from one to another position. The transfer shall be made by a decision to be taken by the head of the civil service authority. A copy of such decision shall be sent to the Agency.
2. In deciding on a transfer, the performance appraisal of the civil servant to be transferred shall be taken into account, as well as his or her overall professional skills with respect to the performance of the tasks of the position to which he or she is being transferred.
3. Should the transfer entail a change of the residence, the civil servant shall be entitled to an appropriate compensation, which shall be determined in the rulebook referred to in Paragraph 2 of Article 46 of this Law.”

Article 22.b

Transfer of a Civil Servant from a Civil Service Authority by Mutual Agreement

A civil service authority may, by an agreement with another civil service authority of the same level of government and upon the consent or written request of the civil servant concerned, take over the civil servant referred to in Article 6, Paragraph 1, Item a) of this Law, it may only take over those managerial civil servants referred to in Items 2, 4 and 5, who occupy the positions of the same level as the position to which the take over is being made. The transfer shall be made by a written agreement, upon the opinion obtained from the Agency.”

Article 22.c

Special requirements for recruitment of persons at the positions as Advisors, as well as the requirements which must be met by Advisors who already hold that position, must be identical to the requirements for recruitment of the civil servants whose position is described as *Deputy Head of the Civil Service authority*.

Article 3

Article 23 shall be amended to read as follows:

Filling of Vacancies from the Redundancy List

1. When the head of a civil service authority decides not to fill a vacant civil service position through Art. 22a and 22b of this Law, or if a vacant civil service position is not filled through in that manner, the civil service authority shall file a request with the Agency to fill the vacancy.
2. The Agency shall first attempt to fill the position with civil servants from the list of redundant civil servants kept by the Agency for all civil service authorities in the Federation of Bosnia and Herzegovina. The vacancy shall be filled in accordance with the criteria and rules for the selection of civil servants regulated by a by-law of the Agency.

Article 4

Article 24, shall be amended to read as follows:

1. If a vacancy in a civil service authority cannot be filled in the manner foreseen in Article 23 of this Law, the Agency shall then fill the vacant position by advertising for an open competition to be conducted in accordance with the provisions of this Article and Articles 25 through 32 of this Law.”
2. No discrimination in the civil servant recruitment and promotion processes shall be allowed on the grounds of gender as provided by Article 3 of the Law on Gender Equality in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”. no. 16/03).
3. The advertisement shall be published at least 15 days before the application deadline in the “Official Gazette of the Federation of Bosnia and Herzegovina”

and in at least two daily newspapers widely distributed throughout the territory of Bosnia and Herzegovina and on the official web site of the Agency.

4. An open competition shall contain:
 - a) The title and a description of the vacancy;
 - b) The general requirements referred to in Article 25 of this Law;
 - c) The specific requirements established by the rulebook on internal organization;
 - d) The list of required documents, deadline and place for their submission.
5. The costs of advertising the open competition shall be borne by the civil service authority that required the conduct of the competition.

Article 5

In the Article 27, Paragraph 2, the first line the words: “*five members*” shall be replaced by the words “*three members*” and the words “*at least three*” shall be replaced by word “*two*”, and in the third line, after the word: “*member*”, the words “*a representative*” shall be added, and in the fifth line: “*the other two members*” shall be replaced by words: “*other members*”.

After Paragraph 3, new Paragraph 4 shall be added to read as follows:

“4. The selection committee members shall be entitled to fees for their work in the commission, the amount of which shall be established by the committee appointment decision according to the criteria specified by the Agency, and shall be paid from the funds of the civil service authority for the needs of which the committee was established.”

Article 6

Article 35 shall be amended to read as follows:

Civil service promotions

1. The head of the civil service authority may promote the civil servant from the authority managed by the head to a next higher position. Such promotion shall be conducted within the range of positions set forth in Article 6, Paragraph 1 b) of this Law, and shall be conducted when there exists a vacancy for such higher civil service position.
2. The promotion is conducted by way of an internal advertising published on the notice board of the civil service authority conducting such promotion, and the vacancy advertisement shall stay on within the period of 7 days following the date of its publication. The advertisement shall contain: the name of position, a description of tasks and requirements of the position as set under the rulebook on internal organization of the civil servant authority.
3. The head of the civil service authority shall appoint a commission of three members, which shall propose for promotion the candidate with the best professional and other qualities based on the performance assessment and other demonstrated professional and expert skills from among the civil servants who

have applied for the internal advertisement. The promotion shall be conducted by way of a decision issued by the head of the relevant civil service authority. A copy of the decision shall be sent to the Agency.

Article 7

In Article 37, a new Article 37a shall be added to read as follows:

Article 37a

An employment for a fixed period

1. When a civil servant is absent from work for a longer period of time (sick leave, maternity leave, etc.) a civil servant may be recruited for a fixed period of time that shall last until the absent civil servant comes back to his work. The recruitment procedure shall initially be done in accordance with Article 23 of this Law, and if that is not possible, the Agency shall fill the position concerned at the request of the civil service authority in accordance with Article 24 of this Law.
2. The employment referred to in Paragraph 1 of this Article may not become an employment for an indefinite period.

Article 8

Article 67 shall be amended to read as follows:

1. The civil servants occupying the positions referred to in Article 6, Paragraph 1 of this Law in the civil service authorities in the Federation shall be subject to review to be conducted by the Agency, which shall determine whether they have been employed in accordance with the Law, counting from January 1, 2003, as well as the day of the entering into force of the Law on the Civil Service in the Federation of Bosnia and Herzegovina, i.e. whether they fulfil the requirements of Article 25 of this Law and the special requirements determined by the rulebook on internal organization of the civil service authorities.
2. The Agency shall issue a decision on termination of employment for the civil servants referred to in paragraph 1 of this Article found to have been appointed in contravention with the Law referred to in Paragraph 1 of this Article or not to fulfill the requirements of Article 25 of this Law and the special requirements determined by the rulebook on internal organization.
3. Notwithstanding from Paragraph 2 of this Article, for the civil servants who have not passed the specialized administrative exam, the Agency shall not issue a decision on termination of employment on this ground, only that they shall be obliged to pass that exam within one year of the entry into force of this Law. For the civil servants who fail to pass the specialized administrative exam within that period, the head of the civil service authority shall issue a decision on termination of employment with an opinion obtained from the Agency.
4. For the positions that become vacant pursuant to the decision referred to in Paragraph 2 of this Article, the Agency shall, in cooperation with the Head of the

civil service authority, advertise an open competition in accordance with Article 24 of this Law, within 30 days of the day when the decisions on termination of employment become effective.

5. For the employment of the civil servants found by the Agency not to fulfill the requirements of Article 25 of this Law shall terminate when the decision referred to in Paragraph 2 of this Article becomes effective.
6. The employment of the civil servants found to have been appointed in contravention with the Laws referred to in Paragraph 1 of this Article shall terminate when the process of open competition advertised in accordance with Paragraph 4 of this Article has been completed, unless they have been recruited through that open competition.
7. The experience of a candidate referred to in Paragraph 5 of this Article previously employed at the position that is subject to open competition referred to in Paragraph 3 of this Article may be taken into consideration during the conduct of that process of open competition.
8. In the event that within the legally required period of time the civil servant referred to in paragraph 2 of Article 25 of this Law has acquired a university diploma, i.e. has been awarded VII degree of professional qualifications, he or she shall retain the status of civil servant at the position occupied by him or her at that particular point of time.

Article 9

After Article 67, new Article 67a shall be added to read as follows:

“Article 67a

The provisions governing review in Art. 67 through 70 of this Law, as well as the Law on Changes and Amendments to the Law on the Civil Service in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, No. 67/05), shall apply to the civil servants within the civil service authorities in the Federation of Bosnia and Herzegovina who started to be reviewed by the Agency before the entry into force of this Law.

Article 10

This Law shall enter into force on the day following its publication in the “Official Gazette of the Federation of Bosnia and Herzegovina”.