



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

Department for Legal Affairs



LAW ON AMENDMENTS TO THE LAW ON COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA

“Official Gazette of Bosnia and Herzegovina”, 81/06

[NOTE: The Law on Council of Ministers of Bosnia and Herzegovina was imposed by the High Representative Decision, No. 79/02 \(“Official Gazette of Bosnia and Herzegovina”, 38/02. Afterwards, the Law was adopted by the Parliamentary Assembly of Bosnia and Herzegovina and published in the “Official Gazette of Bosnia and Herzegovina”, 30/03.](#)

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary

Assembly of Bosnia and Herzegovina at the 85th session of the House of Representatives held on 18 September 2006, and at the 63rd session of the House of Peoples held on 20 September 2006, adopted the

LAW ON AMENDMENTS TO THE LAW ON COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on Council of Ministers of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, No. 30/03, 42/03), in Article 9, Paragraph 1, the words “, in accordance with the procedure prescribed by this Law,” shall be added after the words “the Presidency of Bosnia and Herzegovina”.

In Paragraph 2, the word and number “eight (8)” shall be replaced with the word and number “fifteen (15)”.

Paragraph 5 shall be deleted.

Article 2

In Article 10, Paragraph 1 shall be amended and shall read as follows:

“Pursuant to Article V(4) of the Constitution of Bosnia and Herzegovina, the Chair of the Council of Ministers shall, no later than thirty five (35) days after the approval of his/her nomination by the House of Representatives and in accordance with the procedure prescribed by this Law, nominate Ministers and Deputy Ministers and request the House of Representatives to approve such nomination.”

Paragraph 3 shall be deleted.

Article 3

After Article 10, new Articles 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h and 10i shall be added and shall read as follows:

“Article 10a.

A candidate for the positions of Chair of the Council of Ministers, Ministers and Deputy Ministers must be nominated and approved in accordance with the procedure set forth in this Law.

Article 10b.

A person may not be nominated for the positions of Chair of the Council of Ministers, Minister or Deputy Minister if the Election Commission of Bosnia and Herzegovina (hereinafter Election Commission) determines that he/she is does not meet the requirements referred to in Article 10c of this Law.

Article 10c.

In order to be eligible for nomination a person shall:

- (a) fulfill all applicable eligibility requirements prescribed by the Election Law of Bosnia and Herzegovina and shall not fall under any incompatibilities prescribed by the said Law; and
- (b) have submitted all information necessary for the Election Commission to fulfill its responsibilities under the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina in the event that such a person is approved for the position to which he/she was nominated.

Article 10d.

Before nominating a person for the position of Chair of the Council of Ministers referred to in Article 9 of this Law, the Presidency of Bosnia and Herzegovina shall request from said person that he/she submits:

- (a) a signed declaration on the form prescribed by the Election Commission, by which he/she indicates:
 - 1) his/her academic qualifications, his/her previous functions and/or employment as well as his/her responsibilities when exercising said functions or employment;
 - 2) whether any sentence has been pronounced against him/her for any criminal offence;
 - 3) whether any indictment has been confirmed against him/her;
 - 4) information about his/her activities during the entire period between January 1992 and December 1995 including information pertaining to his/her employment, his/her exercise of political functions, his/her involvement in the armed forces or police during the said period;
 - 5) the data relating to his/her financial standing including also the data on his/her financial assets and interests;
 - 6) his/her consenting to the State Investigation and Protection Agency (hereinafter: SIPA) confirming the veracity of the information submitted in the said signed declaration;
 - 7) contact details, personal identification number, ID card number and, where applicable passport number.
- (b) A duly completed set of forms prescribed by the Election Commission, indicating all the information that is necessary for the Election Commission to make a determination as to whether the said person fulfills all requirements prescribed in Article 10c of this Law.

Before nominating a person for the position of Minister or Deputy Minister, the Chair of the Council of Ministers shall request from said person that he/she submits all the information referred to in Paragraph 1 of this Article.

Information referred to item (a) of Paragraph 1 of this Article shall be immediately forwarded by the competent nominating authority to SIPA.

Information submitted pursuant to item (b) of Paragraph 1 of this Article shall be immediately forwarded by the competent nominating authority to the Election Commission.

SIPA shall, in accordance with item 8 of Paragraph 1 of Article 3 of the Law on the State Investigation and Protection Agency, verify the veracity of the information forwarded to it pursuant to Paragraph 3 of this Article and shall submit a final report to the competent nominating authority. Nothing in this Paragraph shall be interpreted, either directly or indirectly, as extending in any manner or form SIPA's responsibilities in preventing detecting and investigating criminal offenses and/or as otherwise authorizing SIPA to perform any other task or responsibility than those that are strictly related to verifying the veracity of information submitted pursuant to this Paragraph.

The Election Commission shall, based on the information forwarded to it pursuant to Paragraph 4 of this Article and based on its official records, assess, in accordance with Article 10c. of this Law, whether the person concerned is eligible for nomination and shall forward its confirmation on eligibility to the competent nominating authority.

The final report referred to in Paragraph 5 of this Article and the confirmation of eligibility for nomination referred to in Paragraph 6 of this Article shall be sent to the Presidency of Bosnia and Herzegovina no later than eight (8) days or to the Chair of the Council of Ministers no later than thirty (30) days after the day on which the information has been submitted to SIPA or the Election Commission.

Any information referred to in this Article shall be processed in accordance with the Law on the Protection of Personal Data.

Any authority or person contacted by SIPA or the Election Commission in the exercise of their responsibilities pursuant to this Law shall fully and effectively cooperate with them and shall, immediately submit any information requested by them.

The decision-making procedures of the Election Commission shall be those prescribed by the Election Law of Bosnia and Herzegovina. Remedies available under the Election Law of Bosnia and Herzegovina shall also be applicable.

Article 10e.

The Presidency may, no later than two (2) days following the expiration of the applicable delay prescribed in Paragraph 7 of Article 10d of this Law, proceed with the nomination of a person to the position of Chair of the Council of Ministers only when the following cumulative criteria are met:

- (a) said person has been confirmed by the Election Commission as fulfilling all the requirements prescribed in Article 10c of this Law;
- (b) that, based on the discretionary assessment of information submitted in the signed declaration referred to in item a) of Paragraph 1 of Article 10d of this Law and the final report referred to in Paragraph 5 of Article 10d of this Law, said person is a suitable candidate for the position to which the Presidency of Bosnia and Herzegovina intends to nominate him/her.

The Chair of the Council of Ministers may, no later than two (2) days following the expiration of the applicable delay prescribed in Paragraph 7 of Article 10d of this Law, proceed with the nomination of a person to the position of Minister or Deputy Minister only when the following cumulative criteria are met:

- (a) said person has been confirmed by the Election Commission as fulfilling all the requirements prescribed in Article 10c of this Law;
- (b) that , based on the discretionary assessment of information submitted in the signed declaration referred to in item a) of Paragraph 1 of Article 10d of this Law and the final report referred to in Paragraph 5 of Article 10d of this Law, said person is a suitable candidate for the position to which the Chair of the Council of Ministers intends to nominate him/her.

Article 10f.

The Presidency shall forward, within the deadline prescribed in Paragraph 2 of Article 9 of this Law, to the Committee on Preparation of Elections of the Council of Ministers of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina (hereinafter the Committee) the name of the person nominated for the position of Chair of the Council of Ministers together with the following information:

- (a) A signed declaration, the form and content of which shall be prescribed by the Election Commission, by which the nominated person provides the information referred to in sub-items 1) to 6) of item (a) of Paragraph 1 of Article 10d. of this Law,;
- (b) An official confirmation from the Election Commission certifying his/her compliance with all requirements under Article 10c of this Law.

The Chair of the Council of Ministers shall forward, within the deadline prescribed in Paragraph 1 of Article 10 of this Law to the Committee the name of the person nominated for the position of Minister or Deputy Minister together with all the information referred to in Paragraph 1 of this Article.

The information referred to in this Article shall be made accessible to the public.

Article 10g.

Based on the information submitted pursuant to Article 10f of this Law, the Committee shall decide either to recommend or not to recommend the nominated person's approval by the House of Representatives of the Parliamentary Assembly.

When assessing a person for the position of Chair of the Council of Ministers, the Committee shall make its recommendation no later than three (3) days following the date upon which it received the information submitted pursuant to Article 10f of this Law. When assessing persons for the position of Ministers and Deputy Ministers, the period shall be eight (8) days.

The Committee may decide, within the time limits prescribed in Paragraph 2 of this Article, to hold a session during which it will ask questions to a nominated person regarding the information referred to in Article 10f of this Law and regarding his/her suitability to exercise the functions of the position for which he/she is nominated.

Any recommendation by the Committee to the House shall indicate the number of dissenting votes as well as the reasons underlying the said dissenting votes.

The candidate references assessment process prescribed by this Article shall be conducted in accordance with the applicable Rules of Procedure of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina.

Article 10h.

The House of Representatives shall decide whether to approve or not the persons nominated for the position of Chair of the Council of Ministers, Ministers and Deputy Ministers within three (3) days following the day upon which it received the recommendation of the Committee.

Article 10i.

The nomination and approval process of the Chair of the Council of Ministers prescribed by this Law shall be completed no later than twenty two (22) days following the inaugural session of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina.

The nomination and approval process of the Ministers and Deputy Ministers prescribed by this Law shall be completed no later than seventy (70) days following the inaugural session of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina.

Article 4

After Article 11, a new Article 11a. shall be added and shall read as follows:

“Article 11a.

The Council of Ministers shall be considered formed and operational as soon as the following cumulative criteria are met:

- a) The Chair of the Council of Ministers has been nominated and approved in accordance with applicable law; and

- b) The number of Ministers and Deputy Ministers who have been nominated and approved in accordance with applicable law is sufficient to ensure that the Council of Ministers can effectively meet and take any decision or action in accordance with this Law.

Until such time as the Council of Ministers is formed and operational in accordance with Paragraph 1 of this Article, the previous Council of Ministers shall remain under a technical mandate.”

Article 5

After Article 43, a new Article 43a shall be added and shall read as follows:

“Article 43a

Until the 2010 elections and for all nominations and approvals of persons to positions referred to in Articles 9 and 10 of this Law which occur during the said period, any person shall, in addition to the information referred to in Articles 10d and 10f of this Law, indicate whether he/she was ever removed by a decision of the High Representative taken pursuant to Annex 10 of the General Framework Agreement for Peace (hereinafter GFAP), or was the subject of a decision taken for obstruction and/or activities contrary to the GFAP by the International Police Task Force pursuant to Annex 11 of GFAP or pursuant to Chapter 14 of the *Instructions to the Parties* issued under Annex 1A to the GFAP regardless of whether the effects of such a decision has subsequently been extinguished, limited or otherwise altered.

During the period referred to in Paragraph 1 of this Article, the Presidency and the Chair of the Council of Ministers shall forward, in addition to the information referred to in Article 10f of this Law, to the Committee the information referred to in Paragraph 1 of this Article.

The period referred to in Paragraph 1 of this Article shall include the elections of 2010.”

Article 6

This Law shall enter into force eight (8) days after its publication in the “Official Gazette of Bosnia and Herzegovina”.

Bosnia and Herzegovina Parliamentary Assembly, no. 368/06
20 September 2006
Sarajevo

Chair
of the House of Representatives
of the Bosnia and Herzegovina
Parliamentary Assembly
Martin Raguz, *manu proprio*

Chair
of the House of Peoples
of the Bosnia and Herzegovina Parliamentary
Assembly
Goran Milojevic, *manu proprio*