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Department for Legal Affairs



HR DECISION ENACTING THE LAW ON THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA

“Official Gazette of Bosnia and Herzegovina”, 38/02

NOTE:

- On the day of entry into force of this Law, the [Law on the Council of Ministers of Bosnia and Herzegovina and the Ministries of Bosnia and Herzegovina](#) published in the “Official Gazette of Bosnia and Herzegovina”, 11/00, shall cease to be effective.
- **This law has been adopted by Bosnia and Herzegovina Parliamentary Assembly and published in the “Official Gazette of Bosnia and Herzegovina”, 30/03.**
- [Law on Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina](#), published in the “Official Gazette of Bosnia and Herzegovina”, 42/03, is not included in this translation.
- [Law on Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina](#), published in the “Official Gazette of Bosnia and Herzegovina”, 81/06, is not included in this translation.
- [Law on Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina](#), published in the “Official Gazette of Bosnia and Herzegovina”, 81/06, is not included in this translation.
- [Law on Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina](#), published in the “Official Gazette of Bosnia and Herzegovina”, 76/07, is not included in this translation.
- [The High Representative Decision No. 11/07 Enacting the Law on Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina](#), published in the “Official Gazette of Bosnia and Herzegovina”, 81/07, is not included in this translation.

The High Representative's Decision Enacting the Law on the Council of Ministers of Bosnia and Herzegovina

December 2, 2002

No. 79/02

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 "Facilitate, 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 implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities, as well as the smooth running of the common institutions";

Recalling further Article III. of the Annex to the Declaration of the Peace Implementation Council issued at Madrid on 16 December 1998, in which the Peace Implementation Council identified as a key task "Making the common institutions effective, in the role set out for them in the GFAP" and went on to indicate support for the High Representative in working with the authorities of Bosnia and Herzegovina to "reform the operation, in accordance with its constitutional procedures, of the Council of Ministers in order to improve its ability to take decisions and implement them in a business-like and efficient fashion." The Annex concerned continued by stating that this could be best achieved, inter alia by extending the period of chairmanship;

Recalling in addition the communiqué issued by the Steering Board of the Peace Implementation Council at Brussels on 7 December 2000 in which the necessity of co-operation in the building of a functioning state, particularly through an effective Council of Ministers which was fully supported politically and financially by the Entities and capable of interaction on a basis of equality with other states and international organisations, was emphasised;

Considering that in order to give Bosnia and Herzegovina stable effective government the Council of Ministers and its decision making processes require to be reformed;

Further considering that the government of Bosnia and Herzegovina requires greater continuity so that the authorities of Bosnia and Herzegovina can speak authoritatively and with consistency;

Considering also the Decision of the Constitutional Court of Bosnia and Herzegovina (Case Number U 1/99) in respect of "Request for Evaluation of Constitutionality of the Law on the Council of Ministers" (Law on the Council of Ministers of Bosnia and Herzegovina and the Ministries of Bosnia and Herzegovina" (Official Gazette of Bosnia and Herzegovina, Number 4/97)), in which the Constitutional Court observed that the Constitution of Bosnia and Herzegovina clearly establishes, in the person of the Chair of the Council of Ministers upon his/her appointment, "the traditional function of a Prime Minister designate";

Recognizing in the light of the above that the Chair of the Council of Ministers may normally be referred to as "Prime Minister" of Bosnia and Herzegovina in recognition of the governmental functions in fact exercised by him/her;

Taking into account the text of a draft "Law on the Council of Ministers of Bosnia and Herzegovina"

produced in November 2002 by representatives of political parties elected into the House of Representatives of the Bosnia and Herzegovina Parliamentary Assembly and into which the contributions of all participants were distilled;

Conscious of the need to bring a law based on such draft into force without delay in order to facilitate the establishment of the newly mandated government of Bosnia and Herzegovina following upon the elections of 5 October 2002;

Further conscious of the fact that a Law on Ministries of Bosnia and Herzegovina will require adoption as soon as possible hereafter in order to permit harmonisation with the provisions of the law hereinafter enacted.

Bearing in mind the totality of the matters aforesaid the High Representative hereby issues with immediate effect the following

DECISION

Enacting the Law on the Council of Ministers of Bosnia and Herzegovina

1. The Law which follows, and which forms an integral part of this Decision shall come into effect as provided for in Article 47 thereof on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.
2. This Decision shall be published without delay in the Official Gazette of Bosnia and Herzegovina.

Sarajevo, 2 December 2002

Paddy Ashdown
High Representative

Law on the Council of Ministers of Bosnia and Herzegovina

RIGHTS AND DUTIES OF THE COUNCIL OF MINISTERS

Article 1

This law shall regulate, in accordance with the Constitution of Bosnia and Herzegovina, the rights, duties and responsibilities of the Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers), its organisation, way of work and decision-making, rights and duties of the Chair, Deputy Chairs and members of the Council of Ministers, as well as the relationship of the Council of Ministers with other authorities in Bosnia and Herzegovina in performing its duties.

Article 2

The Council of Ministers forms part of the executive of Bosnia and Herzegovina. It shall exercise its governmental rights and duties in accordance with the Constitution of Bosnia and Herzegovina, as well as other relevant laws and regulations of Bosnia and Herzegovina.

Article 3

The seat of the Council of Ministers shall be in Sarajevo.

Article 4

The Council of Ministers shall regulate more precisely its organisation, and scope of work, as well as the mandate of the services established by the Council of Ministers for the purpose of the effective performance of tasks from within such scope of work.

COMPOSITION OF THE COUNCIL OF MINISTERS

Article 5

The Council of Ministers shall, in accordance with the General Framework Agreement for Peace and in particular with Article III of Annex 4 thereof (which provides for the responsibilities of and relations between the Institutions of Bosnia and Herzegovina and the Entities), consist of the Chair and Ministers as follows:

- Minister of Foreign Affairs
- Minister of Foreign Trade and Economic Relations
- Minister of Finance and Treasury
- Minister of Communications and Transport
- Minister of Civil Affairs
- Minister of Human Rights and Refugees
- Minister of Justice
- Minister of Security

For the better and more efficient discharge of governmental functions, the Chair of the Council of Ministers shall be empowered to nominate two of the Ministers concerned as Deputy Chairs of the Council of Ministers who shall take office upon the approval of the House of Representatives which said approval shall be given as part of the process of approval referred to in Article 10 hereof.

The term of office of the Council of Ministers shall coincide with the mandate of the Parliamentary Assembly of Bosnia and Herzegovina.

Article 6

The overall composition of the Council of Ministers shall, throughout its mandate, be and remain fully respectful of the Constitution of Bosnia and Herzegovina and in particular of Articles V(4)(b) and IX(3) thereof and, subject thereto, shall ensure equal representation of the constituent peoples of Bosnia and Herzegovina.

The Chair of the Council of Ministers and the Deputy Chairs shall not be from the same constituent people.

At least one representative of the group of Others shall be represented in the Council of Ministers or shall have the position of Secretary General as referred to in Article 24 of this Law.

Article 7

Each Minister shall have one Deputy Minister.

Deputy Ministers shall not be from the same constituent people as their respective Ministers.

Deputy Ministers shall act on behalf of Ministers if the latter are absent or otherwise prevented from performing their duties.

Deputy Ministers participating in a session of the Council of Ministers on behalf of an absent Minister shall have the right to make decisions on his/her behalf on all or certain issues, in accordance with the competencies delegated to him/her by the absent Minister. The said Minister shall inform the Chair of the Council of Ministers of such delegation in writing.

Article 8

In addition to the Minister who is responsible for the work of the Ministry as a whole and the Deputy Minister who has the rights and duties as referred to in the preceding Article, there shall be in each Ministry a Secretary of the Ministry who shall carry out tasks and duties as set out in the Law on Civil Service of Bosnia and Herzegovina and whose appointment shall be consistent with the provisions thereof and respectful of the principles contained in Article 6 of the Law herein.

NOMINATION, APPROVAL AND REMOVAL OF THE COUNCIL OF MINISTERS

Article 9

The Chair of the Council of Ministers shall be nominated by the Presidency of Bosnia and Herzegovina at each new mandate of the Parliamentary Assembly of Bosnia and Herzegovina respectful of the principle of representation according to Article IX:3 of the Constitution of Bosnia and Herzegovina.

The decision on nomination shall be made no later than eight (8) days after the first inaugural session of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina. (hereinafter: House of Representatives).

The decision on nomination shall immediately be submitted to the House of Representatives for approval.

The Chair of the Council of Ministers shall take office after the House of Representatives approves his/her nomination.

The approval of a Chair of the Council of Ministers shall be completed within thirty (30) days following the date of nomination.

Article 10

Pursuant to Article V(4) of the Constitution of Bosnia and Herzegovina, the Chair of the Council of Ministers shall, nominate Ministers and Deputy Ministers immediately upon taking office and forthwith request the House of Representatives to approve such nomination.

Ministers and Deputy Ministers shall take office immediately upon approval by the House of Representatives.

The approval of Deputy Chairs, Ministers and Deputy Ministers shall be completed within thirty (30) days following the date on which the Chair takes office.

Article 11

If the House of Representatives fails to approve the decision of the Presidency of Bosnia and Herzegovina nominating the Chair of the Council of Ministers, the Presidency of Bosnia and Herzegovina shall be obliged to nominate another Chair of the Council of Ministers, within eight (8) days, and submit such decision to the House of Representatives for approval.

If the House of Representatives fails to approve the decision of the Chair of the Council of Ministers nominating a Minister or Deputy Minister, the Chair shall be obliged to nominate another individual for such post within eight (8) days, and submit such decision to the House of Representatives for approval, or tender his/her resignation.

Article 12

The Chair of the Council of Ministers may resign without explanation.

The Chair of the Council of Ministers shall resign to the Presidency of Bosnia and Herzegovina.

If the Chair of the Council of Ministers resigns or is permanently unable to perform his/her duty, the Council of Ministers shall resign as a whole, and continue to perform its duties pending the approval of a new Chair and members of the Council of Ministers. In such case, the procedure outlined in Articles 9 and 10 of this Law shall be followed.

Article 13

The Presidency of Bosnia and Herzegovina may propose the dismissal of the Chair of the Council of Ministers. If the Parliamentary Assembly of Bosnia and Herzegovina records a vote of no confidence in the Chair, the Council of Ministers shall resign as a whole, but continue to perform its duties pending the approval of a new Chair and members of the Council of Ministers. The Parliamentary Assembly may also, on its own initiative, record a vote of no confidence in the Council of Ministers. In both such cases, the procedure outlined in Articles 9 and 10 of this Law shall be followed.

Article 14

Ministers and Deputy Ministers may resign without explanation.

Ministers and Deputy Ministers shall resign to the Chair of the Council of Ministers.

If a Minister or Deputy Minister resigns or is permanently unable to perform his/her duty, the Chair of the Council of Ministers shall nominate his/her successor. The successor of the Minister or Deputy Minister shall take office upon approval by the House of Representatives pursuant to the procedure set forth in Article 10 of this Law.

Article 15

The Chair of the Council of Ministers may propose the dismissal of a Minister and Deputy Minister. If the Parliamentary Assembly of Bosnia and Herzegovina approves such dismissal, the Chair of the Council of Ministers shall be obliged to appoint a new Minister or Deputy Minister, pursuant to the procedure set forth in Article 10 of this Law.

The newly appointed Minister or Deputy Minister shall take office after approval of the House of Representatives.

WAY OF WORK AND DECISION-MAKING

Article 16

The members of the Council of Ministers shall be obliged to participate in the work of the Council of Ministers.

The Council of Ministers shall work and take decisions in sessions.

The Council of Ministers may hold a session and adopt decisions if a session is attended by more than one half of the members of the Council of Ministers, provided that, being respectful of Article IX(3) of

the Constitution of BiH, there are at least two members from each constituent people.

The preparations and the manner in which the sessions of the Council of Ministers are conducted shall be regulated more precisely in the Rules of Procedure of the Council of Ministers (hereinafter: Rules of Procedure).

Article 17

In exercising its rights and duties, the Council of Ministers shall adopt decisions, conclusions and resolutions, draft and proposed laws, analyses, information materials, strategic documents, programmes, agreements, protocols and other acts (hereinafter: acts).

Article 18

The Council of Ministers shall adopt acts from within its competencies by a majority vote of its whole number with regard to all issues and topics on which, in further procedure, the final decision is to be taken by the Parliamentary Assembly of Bosnia and Herzegovina.

The Council of Ministers shall decide as a rule by consensus on all other issues and, in particular, on regulations, nominations and appointments from within the competencies of the Council of Ministers, as well as on the Rules of Procedure and their interpretation.

If consensus is not reached, the Chair of the Council of Ministers shall hold a meeting with the dissenting member(s) of the Council of Ministers in order to reach a solution. If a consensus is not reached in seven days by this means, a majority decision will be taken which must include the votes of at least two members of each constituent people.

Article 19

Decisions of the Council of Ministers shall be adopted on the day of their adoption at the session, unless the Council of Ministers decides otherwise, and shall be published in the Official Gazette of Bosnia and Herzegovina.

Article 20

Organs and other bodies of authority in Bosnia and Herzegovina shall be obliged to comply fully with decisions of the Council of Ministers of Bosnia and Herzegovina taken within the constitutional competence thereof.

Article 21

The Council of Ministers shall ensure that its work is public.

OFFICES, SERVICES AND WORKING BODIES

Article 22

For the sake of ensuring the full, efficient, quality and harmonised conduct of its activities, the Council of Ministers shall establish permanent or temporary offices, directorates, services, committees and other bodies.

The permanent bodies shall be:

The Directorate for EU Integration, General Secretariat, Legislative Office, Internal Policy Committee and Economy Committee.

DIRECTORATE FOR EU INTEGRATION

Article 23

The Directorate for EU Integration shall perform in particular the tasks and duties relating to the coordination of activities of the authorities in BiH, supervision of the implementation of decisions taken by responsible institutions of BiH concerning all relevant activities required for European integration.

The Directorate shall participate in the preparation of drafts, policy proposals, laws, other regulations and guidelines relating to the carrying out of tasks that BiH is obliged to undertake in order to join the process of European integration.

The Directorate shall also perform other activities concerning the launching of initiatives and the giving of advice concerning issues of harmonization of processes and activities of the authorities in BiH concerning the implementation of obligations directed towards European Integration.

The Directorate for EU Integration shall also perform other activities as tasked by the Council of Ministers or the Chairman of the Council of Ministers.

The Director shall be appointed and dismissed by the Council of Ministers at the proposal of the Chair, in accordance with the Law on Civil Service in the Institutions of Bosnia and Herzegovina. The Director shall be directly responsible to the Chair of the Council of Ministers for his/her work.

GENERAL SECRETARIAT

Article 24

The General Secretariat shall exercise in particular the following tasks: preparation of sessions and meetings; taking of minutes; keeping of records; informing the public; following up the implementation of Council of Ministers decisions; protocol; performing financial, administrative and technical services for the Council of Ministers in the discharge of its tasks; ensuring publication of decisions of the Council of Ministers in the Official Gazette and performing other tasks as assigned by decisions of the Council of Ministers.

The Council of Ministers shall regulate in detail the internal organization of the Secretariat in a rulebook.

The General Secretariat shall be managed by the Secretary General who shall be appointed and dismissed by the Council of Ministers at the proposal of the Chair, in accordance with the Law on Civil Service in the Institutions of Bosnia and Herzegovina.

The General Secretary shall be directly responsible for his work to the Chair.

LEGISLATIVE OFFICE

Article 25

The Legislative Office shall be responsible for rendering legal opinions on materials forwarded to the Council of Ministers pertaining to methodological uniformity during the preparation and harmonization as to the Constitution and laws of Bosnia and Herzegovina, as well as ensuring the publication of decisions in the Official Gazettes of Bosnia and Herzegovina, the Entities and the District of Brcko.

The Legislative Office shall be managed by a Director.

The Director of the Office shall be appointed and dismissed by the Council of Ministers in accordance with the Law on Civil Service in the Institutions of Bosnia and Herzegovina.

INTERNAL POLICY COMMITTEE

Article 26

The Internal Policy Committee shall be a coordinate body in the issues within the scope of the work of the following Ministries: Ministry for Human Rights and Refugees, Ministry of Civil Affairs, Ministry of Justice and Ministry of Security.

All issues under the competence of the Ministries referred to in Paragraph 1 of this Article shall be discussed at a session of the Internal Policy Committee prior to being discussed at a session of the Council of Ministers.

A Deputy Chair of the Council of Ministers shall normally chair the Committee, which shall be composed of the Ministers or Deputy Ministers referred to in Paragraph 1 of this Article, as well as representatives of the Directorate for EU Integration and the Legislative Office, as well as other members in accordance with a Decision of the Council of Ministers.

ECONOMY COMMITTEE

Article 27

The Economy Committee shall be a co-ordinate body in the issues within the scope of the work of the following Ministries: Ministry of Foreign Trade and Economic Relations, Ministry of Finance and Treasury, Ministry of Communications and Transport.

All issues under the competence of the Ministries referred to in Paragraph 1 of this Article shall be discussed at a session of the Economy Committee prior to being discussed at a session of the Council of Ministers.

A Deputy Chair of the Council of Ministers shall normally chair the Committee, which shall be composed of the Ministers or Deputy Ministers referred to in Paragraph 1 of this Article, as well as representatives of the Directorate for EU Integration and the Legislative Office, as well as other members in accordance with a Decision of the Council of Ministers.

RIGHTS AND DUTIES OF THE CHAIR AND MEMBERS OF THE COUNCIL OF MINISTERS

Article 28

The Chair shall represent the Council of Ministers and shall be held responsible for:

1. harmonization of the work of the Council of Ministers;
2. harmonization of constitutional relations of the Council of Ministers with the work of the Presidency of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, as well as the Entities and the District of Brcko;
3. ensuring cooperation between the Council of Ministers and the entity and lower levels of Governments;
4. convening of sessions of the Council of Ministers;
5. chairing sessions of the Council of Ministers;
6. the agenda for sessions of the Council of Ministers;
7. implementation of decisions of the Council of Ministers;
8. the work of the Directorate for European Integration.

Article 29

The Chair of the Council of Ministers, in cooperation with Deputy Chairs in office, shall identify the work policy of the Council of Ministers and specify the priorities and dynamics in the work of the Council of Ministers.

Article 30

The Chair of the Council of Ministers shall specifically harmonize and follow activities of institutions in Bosnia and Herzegovina related to the integration of Bosnia and Herzegovina into the EU.

Aimed at more efficient performance of these jobs and tasks, the Directorate for EU Integration shall be directly responsible to the Chair of the Council of Ministers.

Article 31

The Chair of the Council of Ministers shall be responsible for his/her work to the Parliamentary

Assembly of Bosnia and Herzegovina and the Presidency of Bosnia and Herzegovina.

Article 32

The Chair of the Council of Ministers shall, when absent, be replaced by one of the Deputy Chairs of the Council of Ministers in office, in accordance with relevant Rules of Procedure.

Article 33

Apart from rights and duties related to direct management of the work of the Ministries and responsibility for the situation in the respective fields from the Ministry's scope of work, the members of the Council of Ministers may also launch initiatives and discuss issues and decide on positions regarding respective issues which do not fall within the scope of work of the Ministries under their management provided the same falls within the constitutional competence of the Council of Ministers.

RELATIONS BETWEEN THE COUNCIL OF MINISTERS AND OTHER BODIES IN BOSNIA AND HERZEGOVINA

Relations with the BiH Parliamentary Assembly

Article 34

The Council of Ministers shall be held responsible to the Parliamentary Assembly.

The Council of Ministers shall, at least annually, submit annual reports to the Parliamentary Assembly regarding its work, including reports related to the budget.

The Parliamentary Assembly may request that the Council of Ministers submit special reports on certain issues.

Article 35

The Council of Ministers shall propose laws and other acts within the scope of its work to the Parliamentary Assembly.

Upon the request of the Parliamentary Assembly, the Council of Ministers shall prepare proposals of laws, other acts and required materials.

Article 36

The Council of Ministers may propose to convene a session of any chamber or a working committee of the chambers of the Parliamentary Assembly, which shall act upon such a proposal in line with the Rules of Procedure of the respective Chamber.

The members of the Council of Ministers shall have the right and duty to participate at sessions of the Chambers and working committees of the Parliamentary Assembly of Bosnia and Herzegovina.

Article 37

The Council of Ministers shall answer questions posed by members of the Parliamentary Assembly to the Council of Ministers in accordance with the Rules of Procedure of the Chambers of the Parliamentary Assembly and its own Rules of Procedure.

Article 38

Relations between the Council of Ministers and the Parliamentary Assembly shall be regulated in details by the Rules of Procedures of the Chambers of the Parliamentary Assembly and the Rules of Procedure of the Council of Ministers.

RELATIONS WITH OTHER BODIES

Article 39

The Council of Ministers shall regularly inform the Presidency of Bosnia and Herzegovina about decisions and other activities of the Council of Ministers.

Article 40

The Council of Ministers may propose an item for the agenda of the Presidency, and the Presidency may propose an item for the agenda of the Council of Ministers.

Article 41

The Presidency may propose to convene a session of the Council of Ministers at which an issue of special importance for the Presidency will be discussed.

Article 42

Within its competencies, the Council of Ministers shall cooperate with the executive and legislative bodies of the Federation of Bosnia and Herzegovina, the Republika Srpska and the District of Brcko.

FINAL AND TRANSITIONAL PROVISIONS

Article 43

Funds for the functioning of the Council of Ministers, the Directorate for EU Integration, the General Secretariat, the Legislative Office and other permanent and temporary bodies established by the Council of Ministers shall be secured in the budget of Bosnia and Herzegovina.

Article 44

Within thirty (30) days from the entry into force of this Law, the Council of Ministers shall pass a decision on the manner in which the work of the Council of Ministers shall be continued, regulating as required by way of modification or dissolution the existing administrative bodies which perform duties within the responsibilities of Bosnia and Herzegovina.

Article 45

The Council of Ministers shall, within thirty (30) days of the entry into force of this Law:

1. adopt Rules of Procedure of the Council of Ministers to regulate in detail preparations for, and the manner of holding and conducting sessions of, the Council of Ministers;
2. appoint the Director of the Directorate for EU Integration;
3. appoint the General Secretary of the Council of Ministers; and
4. appoint the Director of the Legislative Office.

Article 46

The Council of Ministers shall adopt, within forty-five (45) days of the entry into force of this Law, a Rule Book on the internal organization of the permanent bodies of the Council of Ministers (Directorate for EU Integration, General Secretariat, Legislative Office, Internal Policy Committee and Economy Committee).

Article 47

This Law shall be published in the Official Gazette of Bosnia and Herzegovina without delay, but shall enter into force on 3 December 2002.

Article 48

On the day of entry into force of this Law, the Law on the Council of Ministers and Ministries of Bosnia and Herzegovina published in the Official Gazette of Bosnia and Herzegovina, Number 11/00 on 17 April 2000, shall cease to have effect.