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LAW ON CHANGES AND AMENDMENTS TO THE LAW ON THE STATE INVESTIGATION AND PROTECTION AGENCY

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Article 1

In the Law on the State Investigation and Protection Agency (“Official Gazette of Bosnia and Herzegovina”, Nos. 27/04 and 35/05), in Article 1, in Paragraph (2) after the words “police body” the words: “such as police powers, working relations, education and training of police officials within SIPA” shall be deleted, and after the words: “Law on Police Officials of BiH” shall be added the following words: “Law on Directorate for Coordination of police bodies and agencies for support to the BiH police structure, Law on Independent and Supervisory bodies of BiH police structure and other laws that SIPA applies in its work”.

In Paragraph (3) in the end of the text the word: “BiH” shall be deleted.

Article 2

In Article 3, Paragraph (2) item 4 shall be deleted.

The current items 1, 2, 3, 5, 6, 7 and 8 shall become items a), b), c), d), e), f) and g).

Article 3

In Article 4, in Paragraph (3) after the word: “ministries” shall be added the words: “of BiH (hereinafter: Council of Ministers)”.

In Paragraph (5) after the word: “Organisation” shall be added the words: “of the State Investigation and Protection Agency (hereinafter: The Rulebook)”, and the words: “which shall be passed in accordance with the Law on Ministries and Other Administrative Bodies of BiH” shall be deleted.

Article 4

In Article 5, Paragraph (1) shall be changed to read as follows:

“(1) SIPA are police officials, civil servants, employees and others employed in accordance with the Rulebook”.

Paragraph (3) shall be changed to read as follows:

“(3) On the working relations of civil servants, the Law on Civil Service in the Institutions of BiH shall apply, while on the working relations of the employees the Labour Law for the Institutions of BiH shall apply”.

In Paragraph (4) after the words: “civil servants”, a comma punctuation mark and the word: “employees” shall be added, and the words: “on Internal Organisation” shall be deleted.

Article 5

Article 7 shall be amended to read as follows:

“Article 7

Management, Appointment and Removal

(1) SIPA shall be managed by a Director of SIPA (hereinafter: the Director).

- (2) The Director shall have one deputy and assistant directors, who shall be responsible to the Director for their work.
- (3) Director and Deputy Director shall be appointed by the Council of Ministers of BiH upon proposal of the Minister of Security of BiH (hereinafter: Minister) from the list of candidates submitted by the Independent Board for four-year term of office with possibility of reappointment to the second consecutive term.
- (4) The Council of Ministers of BiH shall remove from office the Director and Deputy Director pursuant to the conditions and procedures conducted by the Independent Board.
- (5) The Director and Deputy Director can be removed from office prior to expiration of term:
 - a) Upon personal request;
 - b) If, according to the final decision, a disciplinary sanction was pronounced against him/her for serious violation of duty;
 - c) If he/she has been convicted of a criminal offence except for a criminal offence against traffic safety;
 - d) If found that he/she is an active member of a political party;
 - e) If found that he/she is permanently prevented from performing his/her duties based on opinion of a competent healthcare institution.
- (6) Director and Deputy Director cannot be from the same constituent people.”

Article 6

In Article 8, Paragraph (2), item (a) shall be amended to read as follows:

“a) Adoption of the Rulebook in agreement with the Council of Ministers of BiH, as well as other regulations set forth by law, needed for performance of activities within the competence of SIPA.”

In Item b), the conjunction: “i” was replaced with a comma; after the word: “heads”, the words: “and other managers of the main organizational units” shall be added. The words: “on Internal Organisation” shall be deleted.

Items d) and e) shall be amended to read as follows:

“d) Implementation of activities for procurement of weapon and ammunition, in cooperation with the Agency for police support, and with the consent of the Minister;

e) Implementation of activities in relation to the programs of the training and proficiency of the employed in SIPA and according to the Law on Directorate for Coordination of Police Bodies and Agencies for Support to the BiH Police Structure and the Law on Police Officials of BiH.”

After Paragraph (3) a new Paragraph (4) shall be added to read as follows:

“(4) For his work and the work of SIPA, as well as for the situation in the area of SIPA competence, the Director is responsible to the Minister and the Council of Ministers.”

Article 7

In Article 9, Paragraphs (3) and (4) shall be amended to read as follows:

“(3) Assistants to the directors and other managerial officials of the basic organizational units will be deployed, appointed and their job terminated in accordance with the Law on Police Officials of BiH and the Law on State Service in the BiH Institutions.

(4) Upon the expiration of the mandate of the assistant director, police official that was on such position will be deployed to the position for which a rank of a chief inspector is necessary.”

Article 8

In Article 10, Paragraph (2) shall be amended to read as follows:

“If the director cannot reassume his duties and responsibilities, there will be a procedure in accordance with provisions of article 7, paragraph (3) of this law.”

Article 9

In Article 11, item 3 shall be deleted.

In Item 7, the words: “on Internal Organisation” shall be deleted.

The previous Items: “1, 2, 4, 5, 6 and 7” shall become Items: “a), b), c), d), e) and f).

Article 10

In Article 12, the title of Article shall be changed from: “Duties of the Criminal Investigative Department” to: “Tasks and Duties of the Criminal Investigative Department.”

In Paragraph 1, the words: “(hereinafter: CID)” shall be deleted.

Article 11

In Article 13, the title of Article 13 shall be changed from: “Duties of the Financial Intelligence Department” to: “Tasks and Duties of the Financial Intelligence Department”.

In Paragraph (1), the words: “(hereinafter: FID)” shall be deleted.

Article 12

Articles 14, 15 and 16 shall be deleted.

Article 13

In Article 17, the title of Article shall be changed from: “Duties of the Witness Protection Department” to: “Tasks and Duties of the Witness Protection Department”.

In Paragraph 1, the words: “(hereinafter: WPD)” shall be deleted.

Article 14

In Article 18, the title of Article shall be changed from: “Role of the Special Support Unit” to: “Tasks and Duties of the Special Support Unit”.

In Paragraph (1), the words: “(hereinafter: SSU)” shall be deleted.

Article 15

In Article 19, the title of Article shall be changed from: “Role of the Internal Control Department” to: “Tasks and Duties of the Internal Control Department”.

In Paragraph 1, the words: “(hereinafter: ICD)” shall be deleted.

Article 16

Article 20 shall be changed to read as follows:

“Article 20 Additional Tasks and Duties of the Organizational Units

Additional tasks and duties of the organizational units can be further elaborated with a Book of Rules in accordance with the competencies regulated by the Law.”

Article 17

In Article 21, in Paragraph (1), the words: “Interpol liaison bodies” shall be replaced with the words: “international operative police cooperation”.

Article 18

In Article 22, in Paragraphs (1) and (2), the words: ““competent bodies in BiH” shall be replaced with the words: “bodies from Article 21, Paragraph (1) of this Law”.

Article 19

In Article 23, Paragraph (1), the words: “its tasks under this Law” shall be replaced with the words: “tasks determined in Article 3 of this Law”.

In Paragraph (3) the words: “Office for Co-operation with Interpol” shall be replaced with the words: “competent bodies and institutions”.

In Paragraph (4), the words: “Notwithstanding Paragraph” shall be replaced with the words: “Exceptionally from the Provisions of Paragraph”.

In Paragraph (5), after the words: “procedure”, a comma and the words: “, with the Law on Protection of Personal Data and the Law on Protection of Secret Data” shall be inserted.

Article 20

After Article 24, a new Article 24a shall be added to read as follows:

**“Article 24a
Transitional Period**

- (1) In the transitional period, organization and implementation of physical and technical protection of persons and institutions of BiH bodies as well as diplomatic-consular bodies under the special protection in accordance to the relevant legislation, international commitments and other regulations enacted by Council of Ministers, SIPA will be performing until conditions created for the Directorate for Coordination on police bodies in BiH to take over, latest within 90 days as of commence of the work of the Directorate.
- (2) Protected persons in the terms of this Law are: members of the Presidency BiH; Chairman of the CoM; CoM Ministers; Chairman of the HoP BiH; Chairman of the HoR BiH; President of the BiH court; Chief prosecutor BiH; foreign officials visiting BiH and other persons upon the CoM decision.
- (3) When situation requires upon decision of the director, and on the basis of the professional evaluation of SIPA, SIPA can provide protection to: other members of the BiH Parliamentary Assembly, other judges of BiH court, deputy prosecutor and other prosecutors of the BiH Prosecution, persons employed in BiH institutions, diplomatic and consular representations BiH and persons visiting BiH.
- (4) Protected facilities and other property in terms of this law are facilities and property that BiH is obliged to protect upon the international right and legislation or upon the CoM decision.”

Article 21

In Article 25, Paragraph (1) shall be changed to read as follows:

“ (1) The Rulebook will be enacted within 60 days, from the day of entering into force of this Law.”

In Paragraph (2) In Paragraph 2, after the words: “pursuant to the”, the words: “laws referred to in Article 24 of this Law” shall be replaced with the words: “Law on the State Investigation and Protection Agency (“Official Gazette of BiH”, 27/04 and 35/05).”

Article 22

After Article 26, a new Article 26a shall be added to read as follows:

**“Article 26a
Mandate of the Appointed Persons**

- (1) Mandate of the persons that perform function of a director and deputy director on the day of this law enters the force, cannot last longer than a period regulated with article 7, paragraph (3) of this law.
- (2) Mandate of the persons that perform function of an assistant director for Crime-Investigative department and assistant director for the internal control department on the day of this law enters the force, will last until the end of the mandate they are appointed for.
- (3) Duration of the mandate for persons from paragraph (2) and (3) of this article will be calculated as of the day when director, deputy director, assistant director for Crime-investigative department and the assistant director for the internal control assumed their duties.”

Article 23

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