

Supervisory Order enacting various laws and amendments to laws of Brcko District pursuant to the Supervisory Order of February 2, 2007 amending the Statute of Brcko District

In accordance with the powers vested in me by paragraphs 8, 10, 11, 13, 36 and 37 of the Final Award of March 5, 1999 of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brcko Area;

Recalling that the Statute of Brcko District of Bosnia and Herzegovina was amended by Supervisory Order dated February 2, 2007 (hereinafter "the February 2 Supervisory Order");

Further recalling that, pursuant to paragraphs 3, 4, 5, and 6 of the February 2 Supervisory Order, various working groups, appointed by the Mayor, prepared a series of laws and amendments to laws, necessary to give effect to the Supervisory Order and the amendments to the Statute enacted thereby;

Commending the efforts of the working groups, and public officials whose assistance has been sought, who showed dedication and professionalism in preparing all draft laws and amendments to laws within the time scale that the February 2 Supervisory Order prescribed;

Further noting that the Government has consulted and sought comments from Councilors from all political parties in the District Assembly upon drafts of laws on Government, Public Administration and the Finance Directorate, and those consultations having revealed no objections of substance to these drafts;

Having reviewed the draft laws and amendments to laws prepared by the working groups and, with some minor amendments I consider conducive to promoting good governance, being generally satisfied with their content;

Having therefore decided, as anticipated by paragraph 8 of the February 2 Supervisory Order, to enact all these laws and amendments to laws by this Supervisory Order, to harmonize Brcko District legislation with the Statute;

Reserving the right to make further changes to the laws and amendments to laws referred to in this Order should that prove necessary or conducive to the efficient functioning of District institutions;

Having further been appraised of certain difficulties currently facing the work of the Employment Board established pursuant to the Law on Civil Service in Administrative Bodies of Brcko District, in that various changes within the structure of the District administration have created numerous vacant positions, and having therefore decided upon the request of the Employment Board to temporarily extend a statutory deadline applicable to its selection procedures, allowing the Employment Board in a limited number of cases only to take more time to conclude its vacancy and recruitment functions;

I therefore order that:

1. The Law on Government of Brcko District, hereinafter set out in Annex I to this Supervisory Order, is hereby enacted as a Law of Brcko District and replaces the Law on Executive Authority of Brcko District (Official Gazette of Brcko District No. 2/00, 5/01, 9/01, 12/01, 16/01, 17/02, 8/03, 14/03, 31/04) and the Law on Members of Government of Brcko District (Official Gazette of Brcko District No. 34/04, 40/05), each of which is repealed in its entirety.
2. The Law on Public Administration of Brcko District, hereinafter set out in Annex II to this Supervisory Order, is hereby enacted as a Law of Brcko District and replaces the Law on Public Administration of Brcko District (Official Gazette of Brcko District No. 31/04), which is repealed in its entirety.
3. The Law on Amendments to the Law on Public Property of Brcko District, hereinafter set out in

Annex III to this Supervisory Order, is hereby enacted as a Law of Brcko District.

4. The Law on the Finance Directorate of Brcko District, hereinafter set out in Annex IV to this Supervisory Order, is hereby enacted as a Law of Brcko District.
5. The Law on Courts of Brcko District, the Law on the Prosecutor's Office of Brcko District, the Law on the Judicial Commission of Brcko District and the Law on the Office of Legal Aid of Brcko District, hereinafter set out in Annexes V, VI, VII and VIII to this Supervisory Order, are hereby enacted as Laws of Brcko District and replace the Law on Courts of Brcko District (Official Gazette of Brcko District No. 4/00, 1/01, 10/01, 5/02, 6/02), the Law on the Prosecutor's Office of Brcko District (Official Gazette of Brcko District No. 4/00, 1/01, 5/01), the Law on the Judicial Commission of Brcko District (Official Gazette of Brcko District No. 4/00, 1/01, 5/01) and the Law on the Office of Legal Aid of Brcko District (Official Gazette of Brcko District No. 5/01), each of which is repealed in its entirety.
6. The laws on amendments to laws hereinafter set out in Annex IX to this Supervisory Order are hereby enacted as laws of Brcko District.
7. Subject to paragraph 8 below, all the laws and amendments to laws enacted by virtue of paragraphs 1 to 6 above of this Supervisory Order shall be published without delay in the Official Gazette of the Brcko District, and shall enter into force on the 8th day after their publication. The legislative repeals referred to in this Order shall in each case take effect on the same day as the replacement legislation comes into force.
8. However, as an exception to the general rule set out in paragraph 7 above, the Law Amending the Law on Public Companies of Brcko District, being one of the laws amending legislation included in Annex IX to this Supervisory Order, shall enter into force on the date of this Supervisory Order.
9. The laws and amendments to laws enacted by virtue of paragraphs 1 to 6 above of this Supervisory Order may subsequently be amended by the Assembly of the Brcko District in accordance with the Statute of the Brcko District and the Rules of Procedure of the District Assembly.
10. The Mayor of Brcko District shall, no later than one week after the date of this Order, appoint a special commission ("the Commission") to review the laws and amendments to laws enacted by virtue of paragraphs 1 to 6 above of this Supervisory Order. The members of the Commission shall include representatives from the Assembly, the Government and the Judiciary, and the decision of the Mayor appointing those members shall be approved in draft in advance in writing by my office. The Commission shall be composed of no more than nine members. I may also appoint one or more staff members of the Brcko Final Award Office to the Commission; these members shall not count towards the maximum number of members of nine.
11. During an interim period of four (4) months from the date of this Supervisory Order, the Commission shall review all the laws and amendments to laws enacted pursuant to paragraphs 1 to 6 above of this Supervisory Order, and shall propose to my Office any changes to this legislation it may consider necessary, together with explanations thereof. All members of the Government (within the meaning of Article 45 (1) of the Statute), Councilors in the District Assembly, and Judges of either District Court, are also individually entitled to propose such changes within this interim period. After expiration of the interim period, I will take the changes proposed into consideration, whereupon I may choose to enact by further Supervisory Order those changes, or variants upon them, that in my discretion I consider appropriate.
12. The Government, the Mayor, the Heads of Department, the Director of the Finance Directorate and the Judicial Commission shall, within three (3) months of the date of this Order, complete all steps necessary to harmonize all relevant by-laws with the laws and amendments to laws enacted by this Supervisory Order.
13. The deadline of sixty (60) working days for the procedure of selection of the most successful candidate, set out in the Article 38 paragraph 11 of the Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina, is hereby extended to ninety (90) working

days. This scope of this extension is limited in time, in that it applies only to recruitment procedures for which a vacancy notice has been published on or after April 1, 2007 and not later than December 31, 2007. For all employment procedures for which the vacancy notice has been or will be published outside this range of dates, the statutory deadline of sixty (60) working days will apply.

14. This Supervisory Order has immediate effect without further procedural steps, and shall be published without delay in the Official Gazette of the Brcko District. All public officials in the Brcko District shall take all necessary measures to ensure that this Order and the laws and amendments to laws enacted pursuant hereto are executed in full and on time.
15. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In the event of inconsistency:

(a) for the main text of this Order, the English language version is authoritative for all purposes; but

(b) for the Annexes to this Order, and the laws and amendments to laws contained therein, the versions in the official languages of Bosnia and Herzegovina are authoritative for all purposes.

Dr. Raffi Gregorian

Supervisor of Brcko

Principal Deputy High Representative

Annex I to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Law on Government of Brcko District
of Bosnia and Herzegovina

Annex II to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007

amending the Statute of Brcko District

Law on Public Administration of Brcko District
of Bosnia and Herzegovina

Annex III to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Law on Amendments to the Law on Public Property
in Brcko District of Bosnia and Herzegovina

Annex IV to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Law on Finance Directorate of Brcko District
of Bosnia and Herzegovina

Annex V to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Law on Courts of Brcko District
of Bosnia and Herzegovina

Annex VI to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Law on Prosecutor's Office of Brcko District
of Bosnia and Herzegovina

Annex VII to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Law on Judicial Commission of Brcko District
of Bosnia and Herzegovina

Annex VIII to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Law on Office of Legal Aid of Brcko District

of Bosnia and Herzegovina

Annex IX to the Supervisory Order dated June 26, 2007
enacting various laws and amendments to laws of Brcko District
pursuant to the Supervisory Order of February 2, 2007
amending the Statute of Brcko District

Laws on Amendments to Laws of Brcko District
of Bosnia and Herzegovina