

Decision establishing the BiH Institute for Standards, Metrology and Intellectual Property

In the exercise of the powers vested in me by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General 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 Art. 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 the implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Considering the seriousness of the problems faced by Bosnia and Herzegovina arising out of the absence of legislation in the field of standardisation, and in particular the difficulties facing producers wishing to export their products to markets within the European Union;

Noting that the European Union “Road Map” for Bosnia and Herzegovina recommends the establishment of a single Bosnia and Herzegovina Institute for Standards;

Noting further that in the Annex to the Declaration of the Peace Implementation Council which met in Brussels on 23 and 24 May 2000 it was stated that the authorities of Bosnia and Herzegovina should act promptly as to the adoption of the Law on Standardisation, including the creation of the Bosnia and Herzegovina Institute for Standards;

All this considered, borne in mind and noted, I hereby issue the following decision which shall enter into force with immediate effect on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina shall adopts this Law in due form, without amendments and with no conditions attached.

Pursuant to, and as an integral part of this my Decision herein, I require the appropriate authorities of the Federation of Bosnia and Herzegovina and of the Republika Srpska to take all necessary steps to ensure that the laws and regulations of the Federation of Bosnia and Herzegovina and of the Republika Srpska respectively are and remain fully harmonised with the law on the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina hereinafter set out. In the event that changes are required to be made to the laws and/or regulations of the Entities in consequence thereof, such changes are to be effected no later than six months after the entry into force of the said Law on the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina.

DECISION

ON LAW ESTABLISHING THE INSTITUTE FOR STANDARDS, METROLOGY AND INTELLECTUAL PROPERTY OF BOSNIA AND HERZEGOVINA

I GENERAL PROVISIONS

Article 1

1. This Law establishes the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina (hereinafter referred to as the Institute) as an independent institution and a body of the state administration. It defines its position and competency and other issues relevant the organisation, functioning and operation of the

Institute.

Article 2

1. Within the framework defined by this Law, the Institute performs administrative and other expert tasks within the limits of the rights and duties of the State of Bosnia and Herzegovina, unless such tasks have been assigned to other authorities, or other organisations and associations have been entrusted with such tasks by virtue of Law.
2. The Institute carries out supervision of the implementation of Laws and other regulations falling under the authority of the Institute on the territory of Bosnia and Herzegovina, unless otherwise provided for by other regulations.
3. Bosnia and Herzegovina shall obtain the membership of corresponding international institutions and co-operate with them and similar national institutions through the Institute. Co-operation with international organisations is realised through such membership.

Article 3

1. The Institute has the status of a legal person.
2. The seat of the Institute is in Sarajevo.
3. Institutions for standardisation may, and institutions for metrology must be established in the Entities in accordance with applicable laws.

Article 4

1. The Institute ensures equal status to all parties in accordance with the regulations of Bosnia and Herzegovina.

Article 5

1. The Institute has a seal, made in accordance with the Law on Seals of Institutions of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina No. 12/98").
2. The title of the Institute and the State Coat of Arms shall be indicated on the building in which the Institute is located.
3. The title of the Institute shall be written in the Bosnian, Croatian and Serbian languages in Latin and Cyrillic alphabets.

Article 6

1. The languages that are officially used in Bosnia and Herzegovina are used in the Institute as equal ones.
2. Other languages, which are not in official use in Bosnia and Herzegovina, may also be used in proceedings before the Institute.

II COMPETENCIES OF THE INSTITUTE

Article 7

1. The competencies of the Institute are:
 - a. In the field of standardisation: It proposes strategy for standardisation in Bosnia and Herzegovina, prepares and publishes BiH standards, represents and acts for Bosnia and Herzegovina in international and other inter-state standardising organisations and performs tasks arising from international agreements and membership in such organisations, participates in preparation of technical regulations, develops and establishes an informational system on standards and other related documents, declares BiH standards, organises and implements the specialist training of personnel in the field of standardisation and engages in publishing activities in the field of standardisation.
 - b. In the field of conformity assessment: Participates in the establishment and maintenance of the

system of certification and homologation in accordance with the European model. Represents BiH in European and international organisations for accreditation and conformity assessment (EOTC and ILAC), and organises education from the field of conformity assessment.

c. In the field of metrology: Prepares draft laws and regulations within the scope of its competence and coordinates and approves regulations defining the operation of the Institutions for Metrology in the Entities. Performs calibration and verification of the equipment used by the Institutions for Metrology in the Entities. Co-ordinates the work of the Offices for the control of articles of precious metals. Creates a base of standards at the level of national standards, creates a base of secondary and working standards, establishes and supervises metrological laboratories.

d. In the field of intellectual property protection: Performs expert and administrative tasks concerning intellectual property protection, in protection of:

- 1) Industrial property
- 2) Copyright and related rights.

Tasks in the field of industrial property protection concern the protection of inventions, outer shape of products, pictures or drawings, signs for marking of goods or services, geographical names of products; information and documentation tasks relating to the gathering and sorting of the documentation from the field of protection and making it available to the parties interested; tasks concerning international co-operation with corresponding national institutions of other countries as well as international organisations from the field of industrial property at global and European level; tasks relating to the preparation, conclusion and implementation of international contracts, agreements and conventions from the industrial property field; publishing activities from the field of intellectual property protection.

e. To perform administrative and expert tasks relating to copyright and related rights (authors' rights, performers' rights, the rights of producers of phonograms and videograms, the rights of broadcasting organisations), topography and integrated circuits.

f. To perform other administrative and expert tasks within its jurisdiction.

III INTERNAL ORGANISATION

Article 8

1. Internal organisation of the Institute is defined by Regulations on the Internal Organisation, issued by the Director of the Institute with the consent of Council of Ministers of Bosnia and Herzegovina.

2. The Director of the Institute defines the number of organisational units and the field of their work by Regulations on Internal Organisation.

3. The Director of the Institute shall, within 12 months from the date of entry into force of the Regulations on Internal Organisation, carry out the procedure of the re-evaluation of the composition and the operation of the technical committees and the appearance and contents of the documents issued by the Institute.

4. The Institute shall establish branches in both Entities that shall perform tasks from the field of intellectual property protection.

IV COMPETENCIES, OBLIGATIONS AND RESPONSIBILITIES OF THE DIRECTOR OF THE INSTITUTE AND OTHER EXECUTIVE OFFICERS

Article 9

1. The Director of the Institute manages the Institute.

2. The Director of the Institute represents the Institute and acts for it, organises and ensures lawful and efficient performance of tasks, issues regulations when authorised to do so by the BiH Law and issues other acts which he is authorised to issue, undertakes other measures from the jurisdiction of the Institute, and decides in accordance with the BiH Law on the rights, obligations and responsibilities of the officers in the performance of their service.

3. The Director of the Institute is appointed and relieved of his duties in accordance with Law.

Article 10

1. The Director of the Institute has one Deputy Director who replaces him when he is not able to carry out his duties.

2. The Deputy Director of the Institute is appointed and relieved of his duties in accordance with Law.

3. The Director and Deputy Director of the Institute shall be appointed by the Council of Ministers of Bosnia and Herzegovina and shall come from different Entities, unless otherwise provided by the Law.

4. The Director appoints Assistant Directors with the consent of the competent Ministry. The term of the office of the Director, Deputy and Assistant Directors shall be four years.

5. Regulations on the Internal Organisation of the Institution define the working positions of executive officers, their tasks and the authorities they have in performance of their service.

V FUNDS FOR THE FINANCING OF THE INSTITUTE

Article 11

1. The Parliamentary Assembly of Bosnia and Herzegovina defines the funds for the operation of the Institute upon the proposal of the Council of Ministers of Bosnia and Herzegovina.

2. Funds for the work of the Institute include: funds for salaries, funds for material expenses, funds for special purposes, equipment funds and funds for the development of the system.

3. The Institute is financed from:

- a) funds provided by offering services from its field of work,
- b) participation from the budget of Bosnia and Herzegovina.

4. Funds from the budget are procured in accordance with the Law on Budget and the Law on the Execution of the Budget.

Article 12

1. The Director of the Institute is in charge of preparing a preliminary estimate of the budget funds and the execution of the financial plan of the Institute.

VI TRANSITIONAL AND FINAL PROVISIONS

Article 13

1. On the day of the entering into force of this Law, the Institute for Standardisation, Metrology and Patents of Bosnia and Herzegovina, established by the Law on Administration and Administrative Bodies of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina" No. 17/96) shall cease to operate.

2. The Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina shall take over the tasks, equipment and financial means of the Institute referred to in paragraph 1 hereof. It shall operate in accordance with the competences defined in article 7 of this Law, and shall take over and allocate the officers employed on the tasks that were taken over on the day of entering into force of this Law, until the implementation of the new organisation of the Institution.

3. This mode of the organisation of the Institute shall last for three years as of the day of entering into force of this Law. Upon expiry of this period, the following institutions shall be established as independent institutions: Institute for Standards, Institute for Metrology and Institute for Intellectual Property.

Article 14

1. On the day of entering into force of this Law, one part of the equipment, archives, documentation and material means of the said Institute for Standardisation, Metrology and Patents shall be taken over by the Institute for Accreditation in accordance with Article 14 paragraph 2 and 3 of the Law on Establishing of the Institute for Accreditation. The organisation and operation of the joint services over the period of two years from the day of entering into force of this Law shall be defined in the identical way in the Regulations on Internal Organisation of both institutions.

Article 15

1. The Director of the Institute shall issue Regulations on the Internal Organisation within 60 days from the entry into force of this Law.

2. The allocation of the officers in the Institute to appropriate tasks and duties shall be carried out in accordance with the new Regulations referred to in paragraph 1., within 30 days from the issuing of the Regulations referred to in paragraph 1 of this Article.

Article 16

1. The Director of the Institute, Deputy Director, and other executive personnel of the Institute shall act in respect of their competencies until completion of the regular legal procedure of the election of management.

2. The rights of the executive personnel that are put at disposal of the Institute shall be dealt with in accordance with the Law and Regulations on Working Relations of the Institute.

Article 17

1. All resolutions, decisions and other documents in the field of standardisation, metrology, accreditation, certification and intellectual property protection issued by the competent State and Entity institutions until the day of entry into force of this Law shall remain in force, until superseded in the legal procedure.

Article 18

1. This Law shall be published without delay in the Official Gazette of Bosnia and Herzegovina and shall enter into force on the eighth day following the date of such publications.

2. This Law shall likewise be published without delay in the Official Gazettes of the Federation of Bosnia and Herzegovina and of the Republika Srpska

Sarajevo, 12 November 2000

Wolfgang Petritsch
High Representative

Office of the High Representative