Supervisory Order Amending the Law on Civil Service in Administrative Bodies of Brcko District of BiH

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

In further accordance with paragraphs 13 and 67 of the Final Award, which provide that the jurisdiction of the Arbitral Tribunal will remain in existence until such time as "the Supervisor, with the approval of the High Representative, has notified the Tribunal (…) that such (Brcko District) institutions are functioning effectively, and apparently permanently;"

Recalling Supervisor Johnson'sOrder of September 15, 2006 Enacting as Law of Brcko District The Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina providing that "the enactment and implementation of this law is essential for the conditions specified in paragraphs 13 and 67 of the Final Award to be met";

Mindful of the need to assure that legislation of Brcko District, which the Arbitral Tribunal refers to as an "institution of BiH," is harmonized to the greatest degree possible with relevant legislation of the State of Bosnia and Herzegovina;

Concerned that recent criminal investigations important to the state security of Bosnia and Herzegovina and related to its pre-accession obligations to the European Union may be impeded

by inconsistent aspects of related District and State Laws;

Having consulted with representatives of the Brcko District Government on the need to amend the Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina, published in the Official Gazette of Brcko District of Bosnia and Herzegovina, Nos. 28/06, 29/06, 19/07 and 02/08;

Noting that local elections in Brcko District were held on October 5, 2008 and that a reasonable timeframe is necessary for the newly elected Assembly to be constituted and consequently a new Government nominated;

Believing that, notwithstanding the above, there is no reason to delay enactment and implementation of a legislative amendment of a technical but important and time-critical nature necessary to ensure legal certainty for all civil servants of Brcko District of Bosnia and Herzegovina;

I therefore hereby order that:

1. The Law on Amendment to the Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina hereinafter set out in the Annex to this Supervisory Order is hereby enacted as a Law of Brcko District.

2. The Law on Amendment to the Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina enacted by virtue of paragraph 1 of this Supervisory Order shall enter into force on the date of issuance of this Supervisory Order and shall be published without delay in the Official Gazette of Brcko District of Bosnia and Herzegovina.

3. This Supervisory Order has immediate effect without further procedural steps. All public officials, civil servants and employees in the Brcko District shall take all necessary

measures to ensure that this Order be executed in full.

4. The Law on Amendment hereby enacted and attached to this Supervisory Order as its Annex, shall be published without delay in the Official Gazette of Brcko District of Bosnia and Herzegovina in the official languages of Bosnia and Herzegovina, which are authoritative for all purposes.

5. This Supervisory Order shall be published without delay in the Official Gazette of the Brcko District of Bosnia and Herzegovina.

6. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In the event of any inconsistency, the English language version is authoritative for all purposes.

Dr. Raffi Gregorian

Supervisor of Brcko District

Principal Deputy High Representative

ANNEX

LAW ON AMENDMENT TO THE LAW ON CIVIL SERVICE

IN ADMINISTRATIVE BODIES OF BRCKO DISTRICT OF BIH

Article 1

The Law on Civil Service in Administrative Bodies of Brcko District of BiH (Official Gazette of Brcko District of BiH No. 28/06, 29/06, 19/07 and 02/08), in Article 104, Paragraph (1),

Item a) shall be amended to read as follows:

“a) An investigation order has been issued against him/her for a criminal offence committed during the performance of official duties or other duty.”