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Department for Legal Affairs



LAW AMENDING THE LAW ON CIVIL SERVICE IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

“Official Gazette of Bosnia and Herzegovina”, 18/24

NOTE: The High Representative’s Decision Imposing the Law on Civil Service in the Institutions of Bosnia and Herzegovina was published in the “Official Gazette of Bosnia and Herzegovina”, 12/02.

Pursuant to Article IV 4a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at their 12th emergency session of the House of Representatives, held on 8 March 2024, and the 3rd emergency session of the House of Peoples, held on 8 March 2024, adopted the following:

LAW AMENDING THE LAW ON CIVIL SERVICE IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on Civil Service in the Institutions of Bosnia and Herzegovina (Official Gazette of BiH, 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10, 40/12 and 93/17) in Article 4.a the words “42 a), 44” shall be deleted.

Article 2

Article 5 shall be amended to read:

“Article 5
Advisors

Advisors referred to under Article 4, paragraph 3, shall be subject to the application of the following Articles: 14.3.a), 14.5, 15.1.f), 18, 22, except items a), c) and e), 45 and 46 of this Law.”

Article 3

In Article 7, paragraph 1, item b), after indent 1), new indent 2) shall be added to read:

“2 inspector;”

Previous indents 2), 3) and 4) shall become indents 3), 4) and 5).

Article 4

After Article 10, new Article 10a shall be added to read:

“**Article 10a**
Inspector

1. An inspector is a civil servant with special authorities, performing inspections over the implementation of laws and other regulations enacted based on the laws, in a specific field of inspections.
2. An inspector shall be independent and autonomous in his work within the bounds of his authority as established by law.
3. An inspector shall report to the Chief inspector.”

Article 5

In Article 14, paragraph 1, after the word “description” the following words shall be added “as well as other tasks assigned to him by his superior, which are related to the job description.”

Article 6

In Article 18, paragraph 1, point c), the words “Secretaries of the Houses, the Secretary of the Common Services and” shall be deleted.

Article 7

In Article 21, paragraph 2, after the words “vacancy” the following words shall be added “or a summary of the advertisement”, and the words “and on the Agency’s official website” shall be replaced with the words “and the full text of the advertisement shall be published on the official website of the institution advertising the vacancy, and on the Agency’s official website.”

After paragraph 2, new paragraph 3 shall be added to read as follows:

- “3. In addition to the information that the institution advertising the vacancy deems necessary, the summary of the advertisement must contain the information on the website where the full text of the vacancy advertisement can be found.”

Previous paragraphs 3, 4 and 5 shall become paragraphs 4, 5 and 6.

In previous paragraph 4, now becoming paragraph 5, after the words “publish the advertisement”, the following words shall be added: “or a summary of the advertisement”.

Article 8

In Article 24, after paragraph 5, new paragraph 6 shall be added to read as follows:

- “6. When an institution does not have at their disposal one or both civil servants referred to under paragraph 2 of this Article, the institution shall, with the Agency’s consent, propose a managerial civil servant from another institution to serve on the Committee for the selection of a Senior Executive Manager with a special assignment.”

Article 9

In Article 25, after paragraph 1, new paragraph 2 shall be added to read as follows:

- “2. In the event of a resignation of a Selection Committee member due to conflict of interest or another justified reason, which must be elaborated, the Agency shall appoint a new member of the Selection Committee within the maximum of seven days. In the event that a new member of the Selection Committee is designated to be from the institution to which the vacancy pertains and the institution cannot provide a new member with the academic and professional experience in the areas covered by the open competition process for the said vacancy, the Agency shall appoint a new member from the list of experts.”

Previous paragraphs 2, 3, 4 and 5 shall become paragraphs 3, 4, 5 and 6.

Article 10

In Article 28, paragraph 3, the punctuation mark “full stop” shall be replaced by the punctuation mark “comma” and the following words shall be added: “within three days.”

After paragraph 3, new paragraph 4 shall be added to read as follows:

- “4. No later than 5 days before the expiry of the deadline for nomination of the most successful candidate by the competent institution referred to under paragraph 2 of this Article, the Agency shall advise the nominating body of the expiry of the deadline for nomination.”

Previous paragraphs 4, 5, 6, 7 and 8, shall become paragraphs 5, 6, 7, 8, and 9.

Article 11

In Article 29, new paragraph 6 shall be added to read as follows:

- “6. Probationary period shall not apply to a person that was a civil servant in an institution at the time of their appointment, with the exception of a civil servant referred to under Article 7, paragraph 1, point a) of this Law.”

Article 12

In Article 30, paragraph 5, the words “at least every six months” shall be replaced with the words “once per year (regular appraisal), or at least six months following a negative performance appraisal (extraordinary appraisal).”

After paragraph 5, new paragraph 6 shall be added which reads:

- “6. In the event that a civil servant has not worked for a period longer than six months due to a sick leave, maternity leave or parental leave, and therefore cannot receive a performance appraisal, the work results he/she achieved in the period of a year prior to taking the justified leave of absence from work shall be taken into consideration.”

Previous paragraphs 6, 7, 8 and 9 shall become paragraphs 7, 8, 9 and 10.

Article 13

In Article 33, paragraph 3, point c), the words “in accordance with Article 42 of this Law” shall be deleted.

Article 14

In Article 34, paragraph 2, after the word “appointed” the following words shall be added “by the Council of Ministers, or another”.

In paragraph 4, the second sentence which reads: “The renewal of the mandate shall be based upon positive performance appraisals” shall be deleted.

Article 15

In Article 49, paragraph 4, the punctuation mark “full stop” shall be replaced by the punctuation mark “comma” and the following words added: “taking into account that as many civil servants as possible are permitted to take part.”

Article 16

Article 52 shall be replaced by the following:

“Article 52 Compensation

Should a civil servant lose his/her civil servant status, he/she shall not be entitled to a severance pay, unless stipulated otherwise by a law regulating the field of salaries and compensations.”

Article 17

In Article 62, paragraph 2, point a), indent 2) shall be replaced with the following:

“2) Assistance to institutions in implementation of their human resources policy, organizational development, and in establishment of an information system for human resources management, while also managing the employment module and the register module for itself, containing the data referred to under Article 62a. of this Law;”.

In the point b) the word “quarterly” shall be replaced with the word “biannually”.

Paragraph 6 shall be amended to read as follows:

“6. When the information system module referred to in paragraph 2 of this Article is applied (employment module), which shall enable electronic form application of the candidates (online application), manner and procedure of submitting such an application shall be regulated by way of an implementing regulation, with electronic collection of data and documents required to carry out a specific vacancy advertisement and/or recruitment procedure.”.

Article 18

After Article 62, new Article 62a shall be added to read as follows:

“Article 62a

Register of employees

1. Register of employees is a personnel records of employees kept by the Agency in cooperation with the institutions, which forms one of the human resources management's information system modules.
2. Register of employees is used for human resources management with regards to employment relations and is kept in an electronic form as an information database.
3. In the Register of employees data are kept for civil servants and employees as well as other categories of staff except police officers, professional military personnel, and those employed in the Intelligence and Security Agency of Bosnia and Herzegovina and those employed at the BiH Institution for the Execution of Criminal Sanctions, Detention and other Measures, in regard to which only statistical data can be accessed by way of a relevant interface.
4. The following data are kept in the Register of employees: name and surname, personal identification number, surname at birth, date of birth, citizenship, sex, nationality, address, education and professional development, skills, appointments, dismissals, years in service and experience, salaries and compensations, work appraisals, disciplinary measures and criminal judgements, which are of relevance for the human resource management.
5. Personal data kept at the Register of employees shall not be made public, apart from the name and surname.
6. In addition to the data referred to under paragraph 4 of this Article, the Register of employees shall also contain all the required data on the institutions.
7. The setting up and keeping of the Register of employees shall be regulated in greater detail by the Council of Ministers, at the Agency's proposal.
8. The Register of employees shall be set up within the maximum of two years from the day this Law enters into effect.

Article 19

This Law shall enter into effect on the eight day from the day of its publication in the Official Gazette of BiH.

Number 01,02-02-1-166/24

8 March 2024

Sarajevo

Speaker of the House of Representatives
Peoples
of the Parliamentary Assembly of BiH
Assembly of BiH

Speaker of the Huse of
of the Parliamentary

Marinko Čavara, *m.p.*
m.p.

Kemal Ademović,