

(“Official Gazette of Bosnia and Herzegovina” No. 48/05)

Pursuant to Article IV (4) a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, in the 59th session of the House of Representatives, held on 29 June 2005 and in the 43rd session of the House of Peoples, held on 29 June 2005, adopted the

LAW ON AMENDMENTS OF THE LAW ON STATE SERVICE IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on State Service in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH” No. 12/02, 19/02, 35/03, 4/04, 17/04, 26/04 and 37/04), in Article 4 (1) a comma and the words “the Chief Prosecutor, the Chief Prosecutor’s Deputies, the Prosecutors of BiH, the Attorney and the Attorney’s Deputies of Bosnia and Herzegovina, the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the members of the Electoral Commission and professional military persons in the institutions of Bosnia and Herzegovina” shall be added after the words “the Ombudsmen of Bosnia and Herzegovina”.

Article 2

In Article 5, a full stop after the number “22” shall be deleted and the following words shall be added after the comma “except for subparagraphs a) and c), 39, 40, 41”. In the same Article a full stop and the word “and” after the number “44” shall be replaced by a comma, and the words “and 46” shall be added after the number “45”.

Article 3

In Article 6 (2) the word “by decision” shall be added after the word “may”, and the words “decide that certain provisions of this Law do not apply to diplomatic-consular and boarder service” shall be replaced by the words “establish that, in respect to certain provisions of this Law, issues related to diplomatic-consular service be regulated differently”.

Article 4

In Article 7 (2) the words “is to be determined by sub laws” shall be replaced by the words “is to be determined by a decision of the Council of Ministers”.

Article 5

On Article 7 (1) a) 2), a comma and the words “Assistant Director and Chief Inspector” shall be added after the word “Minister”.

Article 6

Title in Article 9 shall be amended to read as follows:

"Assistant Minister, Assistant Director and Chief Inspector".

After paragraph 1 new paragraphs 2 and 3 shall be added to read as follow:

"2. Assistant Director shall administer a particular work area or a particular organizational unit and shall also perform other duties within the area allocated to him by a Director.

3. Chief Inspector shall directly organize and administer the work of the inspectorate in the specific area of the inspection surveillance".

Actual paragraph (2) which now becomes a paragraph (4) shall be amended to read as follows:

"4. For their work and management the Assistant Minister, Assistant Director and the Chief Inspector shall be responsible to the Head of the institution".

Article 7

In Article 11 (2) the words "to the Assistant Minister or" shall be deleted.

Article 8

In Article 13 number "1" shall be added before the word "Expert".

After paragraph 1 a new paragraph 2 shall be added that reads as follows:

"2. An Expert Assistant shall submit a report to the Head of the organizational unit."

Article 9

In Article 16 (1) sub counts c) and d) the words: "civil servant at a position of a Secretary or Assistant Minister" in different cases, shall be replaced by the words "Leading civil servant" in corresponding cases.

Article 10

In Article 18 (2) and (3) the words: "civil servant at a position of a Secretary or Assistant Minister" in different cases, shall be replaced by the words "Leading civil servant" in corresponding cases.

Article 11

In Article 21, paragraph 2 shall be changed and it reads as follows:

"2. Public advertisement shall be published in three local media available on the whole territory of Bosnia and Herzegovina and on the official web page of the Agency".

After paragraph 2 new paragraphs (3) and (4) shall be added to read as follows:

"3. The text of the public advertisement contains the deadline for receiving applications, which can not be shorter than 21 day starting from the day of submission of the text to an advertising institution.

4. The institution is obliged to publish the advertisement in a daily newspapers within seven days starting from the day of submission of the text by the Agency".

Actual paragraph 3 shall become paragraph 5.

Article 12

In Article 24 (1) the words "independent and" shall be added after the word "are".

In paragraph (2) the word "least" in the second and third row shall be deleted, the word "three"

shall be replaced by the word “two” and the word “two” shall be replaced by the word “three”.

Article 13

In Article 27 (2) the words: “22, 26, 70 and 71” shall be replaced by the words: “26 and 64”.

Article 14

In the second row of paragraph 1 of Article 28, a comma and the words: “with previously obtained opinion of the competent institution” shall be deleted.

After paragraph 2 a new paragraph 3 shall be added that reads as follows:

"3. If appointment referred to in paragraphs 1 and 2 of this Article is performed within 30 days from the day of their admission, if a shorter deadline has not been set up by a specific regulation, the Agency shall *ex officio* nominate or appoint the most successful candidate".
Actual paragraphs 3, 4, 5 and 6 shall become paragraphs 4, 5, 6, and 7.

Article 15

In the second row of paragraph 5 of Article 29 the words “or for any other legal reason” shall be added after the word “article”.

Article 16

In Article 30 (5) the words “with approval of the Head of the institution, and if the institution consists of a Head only, he shall give his assessment” shall be added after the word “months”.

Article 17

In Article 32 after paragraph 3 a new paragraph 4 shall be added that reads as follows:
"4. In its Ordinance the Agency regulates conditions and way of the internal and external civil servants transition, with previously obtained agreement of the Council of Ministers”.

Article 18

In Article 45 the words "Labor Relations Law” shall be replaced by the words “Labor Law in the Institutions of Bosnia and Herzegovina”.

Article 19

In Article 49 (3) the words “the head of the institution, respectively” shall be added after the word “decides”.

After paragraph 3 new paragraphs 4, 5 and 6 shall be added that read as follows:

"4. Upon previously obtained opinion of the institution the Agency makes final decision on civil servants’ participation at conferences and other types of educational activities.
5. Participation of civil servants at conferences and other types of educational activities is right and obligation of each civil servant, which the institution can not prevent, except in reasonable situations related to actual obligations of the institution.

6. Planning, conditions, manner and procedure related to deciding on participation of civil servants at conferences and in other types of their education in the organization of the Agency, as well as setting up specific loans in that regard, are determined by a decision of the Agency.”

Article 20

Paragraph 4 of Article 54 shall be changed and it shall read as follows:

"4. Decision of the Council of Ministers more specifically regulates violations of the official duty, disciplinary measures and disciplinary procedure.”

Article 21

Article 58 shall be changed and shall read as follows:

“Article 58

1. When a decision is made on conducting an investigation against a civil servant for the criminal offence of corruption or criminal offences against an official or other responsibility, or a civil servant is in detention, he shall immediately be suspended by the institution the civil servants is employed at.

2. When a procedure pursuant to Article 57 of this Law is initiated, the civil servant shall be suspended by the institution he has been employed at in following cases:

- a) If a criminal proceeding has been initiated against a civil servant for the criminal offence for which at least five years imprisonment sentence may be rendered;
- b) If a civil servant has been caught in perpetration of the criminal offence for which at least five years imprisonment sentence may be rendered;
- c) If serious reasons exist that indicate to perpetration of the criminal offence.

3. A body competent for the appointment shall render suspension against the leading civil servants.

4. In case of preventive suspension:

- a) a civil servant under suspension shall receive full salary;
- b) disciplinary procedure shall be suspended until the final decision of the competent court".

Article 22

In Article 60 after paragraph 4 a new paragraph 5 shall be added to read as follows:

"5. In case of establishment of a new institution on the level of Bosnia and Herzegovina, the Council of Ministers or the other specific institution shall provide the Agency with the operational staffing plan in that institution. Not later than 15 days from the day of receipt of the operational staffing plan for the newly established institution the Agency is obliged to publish the first public advertisement for the posts in the respective institution.”

Article 23

In Article 62 (1) and (3) the word “Head” shall be replaced by the word “Director”.

In sub paragraph b) of paragraph 2 a comma and the words “and on the official web page of the Agency shall publish the quarterly report of its work and shall also offer a summary thereof to media” shall be added after the word “approval”.

Article 24

In Article 63 after paragraph 4 a new paragraph 5 shall be added to read as follows:

"5. Exceptionally, pursuant to the provisions of this Law and sub laws thereof, deadline for a complain shall be within eight days and the deadline for submission of a law suit to the court within 15 days."

Article 25

In Article 29 83) and Article 55 (1), (3) and (5) the words (an organ competent for the appointment" in different cases shall be replaced by the word "institution" in corresponding case."

Article 26

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

PSBiH No.191/05
29 June 2005
Sarajevo

Chairman
House of Representatives
Parliamentary Assembly
Šefik Džaferović, m.p.

Chairman
House of Peoples
Parliamentary Assembly
Velimir Jukić, m.p.