

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW  
(VENICE COMMISSION)

**DRAFT LAW**  
**ON CIVIL SERVICE**  
**IN GOVERNMENTAL INSTITUTIONS**  
**OF BOSNIA AND HERZEGOVINA**

Under the terms of Article IV 4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the meeting of the House of Representatives held on \_\_\_\_ 2001 and the meeting of the House of the People, held on \_\_\_\_ 2001 accepted the following:

**THE LAW ON CIVIL SERVICE IN**  
**GOVERNMENTAL INSTITUTIONS OF BOSNIA AND HERZEGOVINA**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1.**  
**Scope of the Law**

1. This law regulates the legal status of the Civil servants in governmental Institutions of the Bosnia and Herzegovina Government (henceforth referred to as the Institution).
2. The Civil servant is the person appointed to a Civil Service position by an administrative act, in accordance with law.

**Article 2.**  
**Recruitment and Representation**

1. The recruitment and promotion of the professional career of a Civil servant is based on public competition and professional abilities.
2. The composition of the Civil Service reflects the national structure of the inhabitants of Bosnia and Herzegovina according to the latest census.
3. The nationality of a Civil servant is based on their voluntary declaration in accordance with this Law.

**Article 3.**  
**Principles of the Law**

1. The Civil Service ensures the respect and the application of the following principles:
  - a) legality;
  - b) transparency and public accountability;
  - c) responsibility;
  - d) efficiency and productivity;
  - e) professional impartiality;

**Article 4.**  
**Exceptions in Application**

1. The Members of the Parliamentary Assembly of Bosnia and Herzegovina (henceforth referred to as the Parliamentary Assembly), Members of the

Presidency of Bosnia and Herzegovina (henceforth referred to as the Presidency), the presiding Council of Ministers of Bosnia and Herzegovina (henceforth referred to as the Council of Ministers), the Ministers and the Deputy Ministers, the Members of the permanent Army Committee, the Judges of the Constitutional Court of Bosnia and Herzegovina (henceforth referred to as the Constitutional Court), the Judges of the Court of Bosnia and Herzegovina (henceforth referred to as the Court of Bosnia and Herzegovina), the Governor and the Vice-Governor of the Central Bank of Bosnia and Herzegovina (henceforth referred to as the Central Bank), the General Revisionist and his / her Deputies from the Office of Financial Revision for Business Institutions of Bosnia and Herzegovina (henceforth referred to as the Revision Office) are not Civil servants and therefore their legal status is regulated under different rules.

2. People employed as Councillors to the Members of the Parliamentary Assembly, the Members of the Presidency, the presiding Council of Ministers and the Deputy Ministers, the Governor and the Vice-Governor of the Central Bank are not Civil servants.

#### **Article 5. Councillors**

1. For the Councillors from Article 4., point 2., the following Articles apply: 14.2a), 14.5.15.1.f), 18., 22., 43., 44. and 45. of this law.

#### **Article 6. Diplomatic and Consular Service, the Border Crossing Service and the Central Bank**

1. This law applies to the Civil servants of the Diplomatic and Consular Service, the Border Crossing Service and the Central Bank.
2. With the exception of Articles 1., 2. and 3. of this law, the Council of Ministers, upon prior opinion provided by the Agency for Civil Service (henceforth referred to as the Agency), can decide not to apply certain provisions of this law to the Diplomatic and Consular service, the Border Crossing Service and the Central Bank.

### **CHAPTER II CIVIL SERVICE POSITIONS**

#### **Article 7. Civil service positions**

1. Civil servants shall be appointed to one of the following positions:
  - a) Managerial Civil servants;
    - 1) Secretary
    - 2) Secretary with Special Duty
    - 3) Ministers Assistant
  - b) Other Civil servants;
    - 1) The Head of an internal organisational unit
    - 2) Professional Councillor
    - 3) Senior Professional Assistant
    - 4) Professional Assistant
2. The categories within the positions from points 1.a) and b) are determined by the secondary legislation act.

#### **Article 8. Secretary and the Secretary with Special Duty**

1. The role of the Secretary is to manage and co-ordinate work, and he / she is responsible for the use of financial material and human resources assigned to a specific institution. He / she is accountable for all aspects of his / her work to the manager of the institution from Article 4.1.
2. The role of the Secretary with Special Duty is managerial and he / she is responsible for the undertaking of special assignments as determined by the Council of Ministers or by other regulations. The same regulations apply to him / her as they do to the Secretary unless different regulations are determined by law. For all aspects of his / her work, he / she is accountable to the Council of Ministers.

#### **Article 9. Ministers Assistant**

1. The Ministers Assistant is in charge of the sector and he / she is responsible for the use of financial material and human resources assigned to a primary organisational unit.
2. The Ministers Assistant is accountable for his / her work and the management thereof to the Minister and the Deputy Ministers.

#### **Article 10. Head of an Internal Organisational Unit**

1. The Head of an internal organisational unit manages the most complex aspects of work and he / she is responsible for the use of financial material

and human resources assigned to the internal organisational unit.

2. The Head of an internal organisational unit is accountable for his / her work and the management thereof to the Ministers Assistant or to the Secretary if there is no Ministers Assistant in the Institution.

#### **Article 11. Professional Councillor**

1. The Professional Councillor is a Civil servant whose duties are responsibility, high professionalism and independency in the specific areas of work within an organisational unit.
2. The Professional Councillor reports to the Ministers Assistant or to the manager of an internal organisational unit.

#### **Article 12. Senior Professional Assistant**

1. The Senior Professional Assistant carries out responsible tasks in a specific organisational unit.
2. The Senior Professional Assistant reports to the manager of an organisational unit.

#### **Article 13. Professional Assistant**

1. The Professional Assistant is specialised in their specific areas of work.

### **CHAPTER III DUTIES AND RIGHTS OF CIVIL SERVANTS**

#### **Article 14. Duties of the Civil servant**

1. The Civil servant performs duties as determined by a description of the workplace and applies and ensures the respect for the constitutional and legal systems and the laws of Bosnia and Herzegovina.
2. If the Civil servant receives instructions that are supposedly contrary to the law he / she must behave in the following manner:
  - a) draws attention to the unlawfulness of the instruction to the instructor;
  - b) if the same instruction is presented again then the Civil servant will ask for the name of the instructor and the precise content of the instruction in written form;
  - c) if this instruction is properly signed then the Civil servant informs the person who issued the instruction and he / she is obligated to act upon it unless it is a criminal offence. In that case the Civil servant will refuse to act upon it and will inform his / her superiors.
3. The Civil servant is impartial, especially with regard to:
  - a) avoiding all activities that would breach his / her obligations as determined by this law and restraining himself / herself from declaring his / her political opinions in public;
  - b) not asking or accepting any gains, benefits or money favours for himself / herself or the members of his / her family except those that are within the regulation of the law.
4. The Civil servant performs his / her duties in the interests of the public, especially with regard to:
  - a) serving and helping the public;
  - b) offering the public, interested parties and public institutions information that is asked for in accordance with the Law for Freedom of Information in Bosnia and Herzegovina (The Official Gazette of Bosnia and Herzegovina, Number 28 / 2000).
5. The Civil servant is not allowed to use or occupy real estate property or an apartment either privately or state owned, including previous social ownership, business property or an apartment where a claim for repossession has been filed in accordance with the law, nor can he / she occupy an apartment either privately or state owned including previous social ownership, where a claim for repossession has not been filed.
6. The Civil servant performs other additional duties that are determined by this law.

#### **Article 15. Rights of the Civil servant**

1. The Civil servant has rights to the following:
  - a) permanent employment until his / her retirement unless otherwise provided by this law;

- b) annual leave and the continuation of his / her work at the same or similar position upon return from leave;
  - c) reward on the basis of his / her duties and the results of his / her work as determined by this law;
  - d) salary and remuneration as determined in Chapter V of this law;
  - e) support and help in technical education and professional career advancement through training and through other means;
  - f) protection of physical and moral integrity from the State whilst carrying out their duties;
  - g) treated with respect by his / her superiors as a human being;
  - h) form or become a member of a syndicate or professional association without obligation to become a member in accordance with the law;
  - i) strike in accordance with the law.
2. The Civil servant has the right to be treated with respect and just treatment in all aspects of personnel policies regardless of their nationality, social origin, entity, religion, ethnic origin, domicile, political and other beliefs, gender, race, birth, marriage status, age, property, disability or any other status.
  3. The Civil servant is exempt from all military obligations as determined by the law.

#### **Article 16.** **Incompatibilities with a Civil servants Duties**

1. The Civil servant must not perform a function, activity or hold a position that contravenes with his / her official duties:
  - a) The Civil servant must not perform any additional activities for which he /she would be paid extra unless approved by the Minister or the Manager of the organisation. The secondary legislation act regulates the cases this can be approved;
  - b) The Civil servant who is absolved from his duties for a term of two years upon the termination of his / her duties cannot work for the manager whose superior he was and he cannot work in the company that he was controlling. He is not allowed to receive any form of payment by that manager or that company for two years from the day of the termination of his / her duties.
  - c) The exception is the Civil servant who is performing the duties of the Secretary or Ministers Assistant. It is understood that he / she is on leave from State duties from the moment his / her candidacy for public functions is confirmed, either directly or indirectly, or from the moment he / she is chosen for any legal or executive committee in the Government of Bosnia and Herzegovina. In that case the Civil servant who is performing the duties of the Secretary or Ministers Assistant tenders his / her resignation from his / her duties as a Civil servant.
  - d) The Civil servant from Article 16. paragraph 1, point c), with the exception of the Civil servant performing the duties of the Secretary or Ministers Assistant, can go back to the same or similar workplace within a month at the latest in the following examples: failure at the elections, the end of his / her mandate and the termination of his / her legal or executive position on any level of the Government of Bosnia and Herzegovina;
  - e) The Civil servant must not be a member of any executive or other body of a political party and he is not allowed to follow any of their instructions.
2. In accordance with this law, after being appointed at his / her position, the Civil servant must declare all information on property at his/her disposal or at the disposal of his/her close relatives as well as activities and functions performed by himself/herself and his/her close relatives.
3. All information will be kept in the Registry of the Civil Service in accordance with the regulations for the protection of information in Bosnia and Herzegovina.

#### **Article 17.** **Secretary with the Special Duty**

1. The Secretary, who previously held the status of a Civil servant, can go back to the same or similar position if he / she has lost his / her special duties in the following examples:
  - a) Irregular appointment;
  - b) unsatisfactory probatory period;
  - c) end of special duties term;
  - d) voluntary resignation.

#### **Article 18.** **Rights and Obligations of Councillors**

1. The Councillor does not have the guarantee of the benefits of his / her position:
  - a) The Councillor can be removed from his / her position at any time by the authority that appointed him / her at the suggestion of the competent authority;
  - b) The Councillors mandate can be no longer than that of the person he / she advises;
  - c) The appointment of the Councillor cannot be changed into the position of a Civil servant with permanent employment and all the benefits of this position.
2. In case the Civil servant, with the exception of the Civil servant who performs the duties of the Secretary or the Ministers Assistant, becomes a

Councillor, he/she will be considered on leave from the moment of his / her appointment. In that case the Civil servant appointed as the Secretary or the Ministers Assistant resigns from the Civil Service.

3. The Civil servant from Article 18, point 2., with the exception of the Civil servant performing the duties of the Secretary or the Ministers Assistant, goes back to the same or similar position within a month at the latest from his / her appointment.
4. The Councillor presents his / her resignation when his / her candidacy is being confirmed or from the moment of his / her appointment in any legal or executive bodies on any level of the Government of Bosnia and Herzegovina.
5. The secondary legislation act regulates the specific cases of incompatibility with the position of Councillor.

#### **CHAPTER IV**

#### **VACANCIES, TRANSFER, EMPLOYMENT, EVALUATION, PROMOTION**

##### **Article 19.**

##### **Vacancies**

1. If there is a vacancy for the position of Civil servant, it is first announced internally. The Institution shall consider whether this position can be filled in by the internal transfer of a Civil servant from a similar position within the Institution in accordance with Article 32 of this law.
2. If this internal transfer is not possible, the Agency shall, in accordance with Article 33. of this law, try to fill this position by the external transfer of a Civil servant occupying a similar position in another Institution.
3. If this external transfer is not possible, the vacancy is advertised for open competition in accordance with the law.

##### **Article 20.**

##### **Internal Advertising**

1. The Agency advertises a vacancy.
2. The internal advertisement is placed at least one month in advance before the deadline in the Official Gazette of Bosnia and Herzegovina and in the Institution where the vacancy has occurred.
3. The internal advert consists of the following requirements:
  - a) a description of the vacant position;
  - b) a description of the kind of the competition;
  - c) a listing of the most important areas of the competition;
  - d) a listing of all the necessary documents, the time limit and where to apply;
  - e) special academic and professional requirements for the position;
  - f) other requirements that might be relevant to the position.

##### **Article 21.**

##### **Open Advertising**

1. The Agency advertises the vacancy.
2. The open advertisement is placed at least three months before the deadline in the Official Gazette of Bosnia and Herzegovina and it will be published in:
  - a) the official publications and in the Official Gazette of the Brcko District and in,
  - b) the Diplomatic and Consular Embassies and,
  - c) in at least three daily papers that are distributed throughout the whole of the territory of Bosnia and Herzegovina.
3. The open competition contains all the requirements for the employment of a Civil servant and the conditions stipulated by the Article 20. point 3. of this law.

##### **Article 22.**

##### **General Conditions for the Employment of a Civil servant**

1. To be appointed as a Civil servant a person has to fulfil the following requirements:
  - a) to be a citizen of Bosnia and Herzegovina;
  - b) to be over 18 years of age;
  - c) to have a university degree and other educational or academic qualifications with a minimum of VII grades of professional status;
  - d) to be in good health and be able to perform the duties required for this position;
  - e) to have completed army service in accordance with the law;
  - f) not to have been dismissed from any previous Civil Service as a result of a disciplinary matter on any level of the Government of Bosnia and Herzegovina for three years before this vacancy was advertised in the Official Gazette of Bosnia and Herzegovina;

- g) to be able to prove that there is no criminal offence against that person;
- h) not to be included in Article IX. 1 of the Bosnia and Herzegovina Constitution.

4. The special conditions for appointment of a Civil servant will be regulated by the secondary legislation act.

**Article 23.**  
**Non-discrimination**

1. During organising the open competition the Agency has to ensure that there will not be any discrimination according to the Article 15.2 of this law.

**Article 24.**  
**Selection Committee**

1. The Agency selects a special Committee that would be impartial in conducting the open competition.
2. As determined by the secondary legislation act, the Committee shall consist of at least five members, at least three members of which shall be from the Institution where this vacancy has arisen, and shall have academic and professional experience in the process of open competition. Two other members shall be appointed from the list of experts, determined by the Agency.
3. The selection Committee shall designate the President amongst their members and shall adopt the rules of procedure, by majority of votes of all members.

**Article 25.**  
**Resignation and Disqualification of the Selection Committee**

1. If there is a conflict of interest relating to the one of the members of the committee then that member resigns.
2. Every registered candidate can demand and acquire the names of the members of the Selection Committee from the Agency.
3. Every registered candidate can demand the disqualification of any member of the Selection Committee from the Sector for Civil Service Complaints (henceforth referred to as the Sector) according to the following:
  - a) conflict of interest from Article 16. of this law;
  - b) the evident risk of discrimination and impartiality;
  - c) the lack of necessary experience.
4. The process of recruitment will not be interrupted during the investigation for disqualification of the member of the Selection Committee. However, upon the request by the Sector or the competent Court the whole process of recruitment of the candidates can be made invalid. In that case the Agency will organise another open competition in accordance with this law.

**Article 26.**  
**Open Competition**

1. The Agency determines the character and the content of the open competition.
2. The open competition consists of the following:
  - a) public exam
  - b) technical exam
3. Upon the suggestion of the Agency, the Council of Ministers will determine the programme of the exams by the secondary legislation act.

**Article 27.**  
**Selection Process**

1. The Selection Committee selects and chooses the candidates on the basis of their professional abilities by public competition that is identical for all the candidates applying for this vacancy. This kind of competition is held for at least 30 days after the time limit for the competition.
2. The secondary legislation act determines the system of points for every candidate in accordance with Articles 22., 26. and 70.7 of this law.
3. The Agency announces the results of the open competition and informs all the candidates about the results that they achieved in accordance with this law.

**Article 28.**  
**Appointment of a Civil servant**

1. A Civil servant is appointed by the Agency according to the results achieved during the selection process, upon prior opinion of the competent institution.
2. The Managerial Civil servants are appointed by the competent institution, upon prior opinion provided by the Agency, from the list of the most successful candidates that were chosen during open competition.
3. The second list of the successful candidates will be kept until the probatory period of employment for the Civil servant is over.
4. The appointment of the Civil servant is carried out by a regulation act announced in the Official Gazette of Bosnia and Herzegovina. Before taking up his / her duties as a Civil servant he / she will receive a description of his / her duties and the conditions for his / her job.
5. The appointment act consists of the following:
  - a) the name and the surname of the Civil servant;
  - b) the name of the Institution where he / she is being appointed;
  - c) the title of the position and the salary grade.
6. The employed Civil servant in taking up his / her position will take the oath of allegiance. The signed oath will then form a part of his / her personnel file.

**Article 29.**  
**Probatory Period**

1. After taking up his / her position the Civil servant is on a probatory period. This trial period involves an introduction to the job, and the length of these duties lasts for a period of twelve months, unless otherwise determined by this law.
2. His / her direct superior has been chosen as his / her supervisor who is responsible for evaluation of his / her duties during the trial period. The evaluation of a trial period for the Secretary and the Ministers Assistant is completed by the Ministers and Ministers Deputies.
3. If the evaluation is:
  - a) satisfactory, the competent authority confirms the employment of a Civil servant;
  - b) unsatisfactory, the competent authority dismisses the Civil servant without any compensation. The dismissed Civil servant then has a right to take his / her case to the Sector for investigation according to the Article 63. of this law.
4. Contrary to point 3.b) of this Article the trial period of the Civil servant may be extended for another six months in accordance with a fundamental claim put to the competent authority.
5. In the case of a Civil servant being dismissed according to point 3.b) of this Article, the next candidate from the second list will be employed according to Article 28. point 3. of this law.

**Article 30.**  
**Work Evaluation**

1. The evaluation of the Civil servants performance includes the surveillance and the evaluation of the performance of his / her duties during employment. Within this period the Civil servant co-operates closely with his / her superior.
2. The evaluation of a Managerial Civil servant is determined by the Manager of the Institution.
3. The evaluation of a Secretary and a Ministers Assistant within the Council of Ministers is determined by a Minister and his / her Deputy, as suggested by the competent authority.
4. The evaluation of a Secretary with special duty within the Council of Ministers is determined by the Council of Ministers as suggested by the competent authority.
5. A direct superior will evaluate the Civil servants performance at least every twelve months.
6. The evaluation is based upon the results achieved through his / her work and aims, as determined for that period by their superior.
7. The results of these evaluations are taken into consideration with regard to promotions and internal transfers. All the Civil servants have the right to the following:
  - a) free access to the evaluation of their work that is kept in their personnel files, in accordance with the Article 60. point 2. of this law.
  - b) be able to add written information to their work evaluation and have the possibility of their case being investigated by the Sector in accordance with the Article 63. of this law.

8. In the case of a negative evaluation, with the aim to improve his / her prospects, the Civil servant undertakes a special training programme in consultation with his / her direct superior.
9. In the case of two consecutive negative work evaluations the Agency, in consultation with the competent authority, absolves the Civil servant from his / her duties according to the Article 7. point 1.b) of this law. In the case of two consecutive negative work evaluations for the Managerial Civil servant from Article 7. point 1.a) of this law, the competent authority absolves the Civil servant from his / her duties after consultation with the Agency. In this instance, the Civil servant can demand his / her case to be investigated by the Sector in accordance with the Article 63. of this law.

### **Article 31. Promotion**

1. The promotion of a Civil servant to a higher position according to Article 7. paragraph 1.a) of this law, in the same or another Institution, is completed exclusively by an open competition.
2. The promotion of a Civil servant to a higher category, according to Article 7. paragraph 1.b) of this law, is based on a positive work evaluation and decided upon by the competent authority.

### **Article 32. Internal Transfers**

1. The internal transfer of a Civil servant to a similar position in the same Institution can be voluntary or imposed upon in accordance with the objectively established needs of the Civil Service.
2. For voluntary transfer there has to be a vacancy in accordance with Article 19. of this law. This vacancy will be filled by an internal competition that is based on the merits of the Civil servant applying for this position.
3. In case this transfer means relocation for the Civil servant, he / she is entitled to appropriate compensation.

### **Article 33. Excess Capacity of Civil servants**

1. An excess of employees is the result of reorganisation and a reduced working load.
2. The Agency announces that a Civil servant is surplus to requirements according to the recommendation of the Institution.
3. The Civil servant who is said to be surplus can only be placed in another suitable vacant position in another Institution, according to Article 19. of this law:
  - a) if this placement is not possible, the Civil servant who is said to be surplus will be offered early retirement in accordance with the law;
  - b) in case early retirement is not possible, the competent authority will absolve the Civil servant from his / her duties, who in return, can request from the Sector an investigation of his / her absolvment in accordance with Article 63. of this law;
  - c) the Civil servant, who is said to be surplus, has the right to compensation in accordance with Article 42. of this law and compensation in case of unemployment in accordance with this law;
  - d) in case a similar vacancy arises within one year from the absolvment, the Civil servant has an advantage for this position in the Civil Service.

### **Article 34. Secretary with Special Duty**

1. All vacancies for a Secretary with special duty are announced by an open competition for employment in accordance with the Article 21. of this law.
2. A Secretary with special duty is appointed by the Institution for a period of no longer than five years. The longest period for employment in this position is ten years.
3. The special duties are determined by the obligations and the aims that a Secretary has to fulfil. The list of special duties is published in the Official Gazette of Bosnia and Herzegovina at the same time as a Secretary with special duty is being appointed.
4. The realisation of these aims, as defined by his / her mandate, are evaluated annually. The reassignment of their mandate is based on a positive evaluation.
5. Articles 19. 31. and 33. of this law do not refer to a Secretary with special duty.

## **CHAPTER V SALARIES AND REMUNERATION**



**Article 35.**  
**Salary Criteria**

1. A Civil servant shall be entitled to a salary that is commensurate with his / her civil service position.
2. The provisions set forth in Articles 35. to 42. of this law represent the remuneration structure for Civil servants in the Institutions.

**Article 36.**  
**Salary Structure**

1. The initial basis for calculating of a Civil servants salary shall be the same for all civil servants in the Institution, and shall be determined by the Council of Ministers.
2. Civil servants are classified into six salary groups: Professional Assistants first group, Senior Professional Councillors second group, Professional Councillors third group, the Managers of Organisational Units fourth group, Ministers Assistants fifth group and Secretaries and Secretaries with special duties in the sixth group.
3. The coefficient regarding the salary groups and the salaries are determined by the Council of Ministers.

**Article 37.**  
**Salary Calculations**

1. A salary is calculated on the basis of Article 36. of this law, multiplied with the coefficient for the salary group and is increased by a supplement for promotion, in accordance with the Article 31.2. of this law and then rises according to work experience.
2. A Civil servant who is promoted in accordance with Article 31.2. of this law has a right to a salary increase up to a maximum of 30% for that particular position. The Council of Ministers will determine the salary increase.
3. The salary increase is 0.5% for every year of employment and up to a maximum of 20%.

**Article 38.**  
**Remuneration for Temporary Work**

1. In case an Institution is unable to fill all the Civil servant positions, the Civil servant who performs these temporary duties gets an increase of up to 50%, depending on the workload.
2. In these cases, the Agency confirms that all the necessary conditions in the application of point 1. of this Article are fulfilled.

**Article 39.**  
**Paid Leave**

1. A Civil servant has a right to one months salary while on leave, paid leave and for the first 30 days of being absent from work due to an illness or invalidity.

**Article 40.**  
**Other Remunerations**

1. The Civil servant has a right to the following remunerations:
  - a) travelling to and from work;
  - b) sustenance during work;
  - c) regress for annual leave;
  - d) in case of the death of a Civil servant or a close member of his / her family;
  - e) relocation expenses;
  - f) further education expenses;
  - g) annual remuneration;
  - h) retirement package;
2. All this is determined by the Council of Ministers according to point 1. of this Article.

**Article 41.**  
**Remuneration for Business Trips**

1. The Civil servant has a right to remuneration for his / her business trips.

2. The Council of Ministers will determine, by the secondary legislation act, the kind and the amount of remuneration, according to point 1. of this Article.

**Article 42.  
Redundancy Rights**

1. In the case of a redundancy according to Article 33. of this law, the Civil servant has a right to redundancy money to the amount of six months salary.
2. The amount of redundancy money, stipulated by the paragraph 1. of this Article, increases to the amount of one years salary for a Civil servant with at least 15 years work experience.

**Article 43.  
Councillors Remuneration**

1. The Councillors salary is on the same level with the Ministers Assistant salary from the fifth group.

**Article 44.  
Remuneration Approval for Civil servants and Councillors**

1. The salaries and the remunerations are determined by the Government Financial Institution of Bosnia and Herzegovina and by the international obligations of Bosnia and Herzegovina, and they are approved by the Parliamentary Assembly.

**CHAPTER VI  
WORKING CONDITIONS**

**Article 45.  
Labour and Social regulations**

1. The laws on labor relations and other laws regulating rights and obligations deriving from employment shall apply to a Civil servant unless otherwise provided by this law.

**Article 46.  
Absence and Annual leave**

1. The Civil servants from the first to third salary groups have the right to annual leave of a minimum of 20 working days and paid absence of five days in a calendar year.
2. The Civil servants from the fourth to sixth salary group have the right to annual leave of a minimum of 25 days and paid absence of five days in a calendar year.
3. The annual leave for Civil servants which exceeds the length stipulated by paragraph 1. can be determined by the secondary legislation act.

**Article 47.  
Unpaid Leave and Part-time Employment**

1. The secondary legislation act determines the conditions when a Civil servant can take unpaid leave and when he / she can work part-time.

**Article 48.  
Secretary with Special Duty**

1. The Secretary with special duty is not allowed to work part-time.

**Article 49.  
Professional Education and Training**

1. A Civil servant is duty bound to work continually on his / her professional education and training.
2. A Civil servant is duty bound and has a right to participate in consultations and other educational activities.
3. A decision about a Civil servants participation in consultations and other educational activities is made by the person, selected by the secondary legislation act, considering the equal participation of all Civil servants.

**CHAPTER VII  
TERMINATION OF SERVICE**

**Article 50.**  
**Termination of the Civil service office**

1. The termination of the Civil service office occurs in the following cases:
  - a) voluntary resignation from the civil service;
  - b) reaching the legal retirement age;
  - c) permanent inability to perform his / hers duties due to his / hers illness, and in the case of a Civil servant not being able to be transferred to another suitable position in the Civil Service;
  - d) loss of Bosnia and Herzegovina nationality;
  - e) acquiring another nationality contrary to the Constitution of Bosnia and Herzegovina and the laws of the country;
  - f) excess capacity;
  - g) the end of a mandate for a Secretary with special duty in case he / she has not been appointed as a Civil servant;
  - h) refusing to take the oath of allegiance and / or signing it;
  - i) unsatisfactory probatory period;
  - j) two consecutive, negative work evaluations;
  - d) if he / she is found guilty of committing a criminal offence and, due to a prison sentence, being absent from the Civil Service for longer than six months;
  - e) due to a disciplinary action resulting in employment termination.

**Article 51.**  
**Proceedings for the Termination of Civil Service office**

1. The Agency absolves a Civil servant from his / her duties after consultation with the competent authority, with exception of Article 50.1.i) of this law.
2. A Managerial Civil servant is absolved by the competent authority after consultation with the Agency with exception of Article 50.1.i) of this law.
3. A Civil servant from paragraph 1. and 2. of this Article can demand that the Sector investigates the decision regarding his / her termination in accordance with Article 63. of this law.

**Article 52.**  
**Remunerations**

1. A Civil servant has no right to compensation if he / she has lost their status, except in the case of Article 50.1.b) and f) of this law.

**Article 53.**  
**Unlawful Employment**

1. The Sector will annul the employment and the placement of a Civil servant if it was committed against the rules of this law, and it will be further detailed by the secondary legislation act.

**CHAPTER VIII**  
**DISCIPLINARY RESPONSIBILITY OF A CIVIL SERVANT**

**Article 54.**  
**Disciplinary Responsibility**

1. A Civil servant can be disciplinarily responsible for breaking his / her official duties, as determined by this law, due to his / her own negligence.
2. A violation of official duties can be the following:
  - a) Undertaking actions defined as criminal offences against official duty, other serious or minor offences which are harmful to the notoriety of the civil service making the servant ineligible for the engagement in the civil service;
  - b) disclosing any state, military and official secrets, and contraventions to the regulations of keeping those secrets;
  - c) misuse or overstepping official authorisation;
  - d) failing to fulfil his / her duties due to carelessness or negligence;
  - e) refusing to perform lawful duties given by his / her superior;
  - f) make difficult or impossible for the citizens or other parties to realise their respective rights within the Civil Service;
  - g) performing other duties that are in conflict with the interest of the Civil Service;
  - h) causing material damage whether intentionally or through negligence;
  - i) unjustified absence from work;
  - j) breach of regulations related to the working discipline at the Civil Service;
  - k) untimely and improper performance of his / her duties within the Civil Service;
  - l) unsuitable behaviour towards the public, work colleagues and other persons while performing his / her duties within the Civil Service;
3. The responsibility for committing a criminal offence and breaking the rules does not exclude a Civil servant from disciplinary responsibility, provided

that the act also constitutes a breach of duty.

4. The secondary legislation act will further determine the breach of official duties.

#### **Article 55. Disciplinary Procedure**

1. Civil servants and employees of the Institution have the right to make a confidential request to the competent authority for disciplinary procedure against a Civil servant, who they think is in breach of the rule from Article 54. of this law.
2. The rights from paragraph 1. of this Article apply to Ministers and their Deputies.
3. After receiving a request for disciplinary action against a Civil servant, the competent authority will:
  - a) issue a written confirmation to the person who made the request, and to the Agency;
  - b) can proceed the case to the Ombudsman according to Article 61. of this law;
    - 1) The Ombudsman will make a report and deliver it to the person who made the request, the person against whom the request was made and to the competent authority;
    - 2) The Ombudsman can recommend and / or suggest the measures that can be taken by the competent authority;
  - c) give assurance of the procedure by the Ombudsman to the person that has made a request;
  - d) upon completion of a disciplinary procedure a written warning or a reprimand is issued but in case the offence is of more serious nature and demands harsher disciplinary measures the case proceeds to the Agency after consultation with the competent authority.
4. The Agency is competent to determine disciplinary measures for their own Civil servants and is able to issue disciplinary measure in accordance with paragraph 3.d) of this law.
5. In case the Ombudsmans report does not make a satisfactory recommendation, or in case the competent authority or the Agency do not issue appropriate action  
in the case of a Civil servant against whom a disciplinary action was taken, the Civil servant may request an investigation of his / her case by the Sector or an appropriate Court and / or measures to:
  - a) be entitled to examine all the documents relevant to his / her case that are kept by the competent authority, Agency and the Sector;
  - b) be entitled to a proper hearing and to have correct representation in front of the competent authority, the Agency and the Sector.
6. The procedure to determine the disciplinary responsibilities of a Civil servant for failing to fulfil his / her duties is brought in accordance with the principles of criminal procedures unless otherwise determined by this law.

#### **Article 56. Disciplinary Measures**

1. On the failure of a Civil servant fulfilling his / her duties from Article 54. of this law the following measure may be taken:
  - a) written warning;
  - b) written reprimand;
  - c) suspension from participating in the open competition in the Civil Service for a period of two years maximum;
  - d) suspension from work and salary for a period of two days to 30 days;
  - e) downgrading;
  - f) dismissal from civil service.

#### **Article 57. Criminal Procedure**

1. In case of criminal procedures being undertaken against a Civil servant upon the same facts as in a disciplinary procedure, all disciplinary procedures are suspended with exception of Article 58. of this law, until an appropriate Court brings a lawful decision.
2. In the case where an accused Civil servant is acquitted:
  - a) a Civil servant goes back to his / her previous position and his / her personnel files will not contain any reference to the criminal procedure and/or preventive suspension in connection with this procedure;
  - b) disciplinary measures cannot be taken upon the same facts that a Civil servant has been discharged from.
3. In the case of charges against a Civil servant being rejected, a disciplinary procedure can be undertaken upon the same facts in accordance with Article 54. of this law.
4. In the case of a Civil servant being convicted, the Institution is duty bound to act upon the facts determined by the competent Court.

#### **Article 58. Preventative Suspension**

1. When the procedure in accordance with Article 57. of this law is being undertaken, the competent authority will suspend a Civil servant immediately for:
  - a) a criminal procedure that has been undertaken for a criminal offence committed in the failure to fulfil his / her duties, and / or,
  - b) the Civil servant is in custody.
2. If a procedure in accordance with Article 57. of this law is being undertaken, the competent authority can suspend a Civil servant in the following cases:
  - a) if a criminal procedure is being undertaken for a criminal offence against a Civil servant, and it carries a prison sentence for a minimum of five years;
  - b) if a Civil servant is caught in the act of committing a criminal offence and the prison sentence is of a minimum of five years;
  - c) if there are serious reasons for committing a criminal offence;
3. In the case of preventative suspension the following applies:
  - a) The suspended person receives full salary;
  - b) disciplinary procedures are suspended until an appropriate Court brings a lawful decision.

## **CHAPTER IX MANAGEMENT OF THE CIVIL SERVICE**

### **Article 59. Guidelines for the conduct of the policy of Human Resources**

1. The competent organisation shall set up the general guidelines for the conduct of the policy of Human Resources in the Institution, and shall enact the secondary legislation to this law.

### **Article 60. Institutions**

1. Each Institution shall establish a work unit in charge of the implementation of the rules from this law (henceforth referred to as a Unit).
2. A Unit ensures the management of personnel in an Institution, creating a personnel file for each Civil servant and enables each Civil servant who performs his / her duties to have access to his / her personnel files.
3. A Unit co-ordinates activities in the Institution and co-operates with the Agency.
4. In accordance with the previous approval of a Manager of an Institution, the competent authority presents an annual report on work performance and a work plan for the following year.

### **Article 61. Ombudsman**

1. The Ombudsman shall facilitate the respect and implementation of the principles determined by this law and, in accordance with this law, shall act as a mediator in all issues pertaining to the status of a Civil servant.
2. All the Civil servants and employees within each Institution shall elect one Civil servant for an Ombudsman. The Ombudsman must not be a member of a competent authority in the Institution, where he / she performs duties. The same Ombudsman may be appointed for two or more Institutions.
3. The competent authority confirms the election of the Ombudsman.

### **Article 62. Agency for the Civil Service**

1. The Council of Ministers shall establish the Agency for the Civil Service and a Head of that Agency. The Head has the position of a Secretary with special duty and is selected and appointed for the five years mandate in accordance with Article 34. of this law.
2. The Agency:
  - a) ensures:
    - 1) the realisation of the employment process of Civil servants at the request of Institutions;
    - 2) helps the Institutions to realise their Human Resources policies, organisational development and form central personnel registers;
    - 3) training and development of the Civil Service;
  - b) presents an annual work report and work plan for the following year to the Council of Ministers for their approval;
  - c) organises surveys within the organisation on the request of the Council of Ministers;

d) performs other duties and tasks determined by this law.

3. The Agency is managed by a Manager, who introduces Rules for the Internal Organisation of the Agency, with the prior agreement of the Council of Ministers.

### **Article 63. Civil Service Board of Appeal**

1. The Civil Service Board of Appeal is responsible, in accordance with this law, for reviewing all final decisions, undertaken or neglected duties of the Institution and / or Agency, relating to the status of Civil servants at the request of:
  - a) a Civil servant to whom the controversial decision, undertaken or neglected, is related;
  - b) the Institution where a Civil servant is based;
  - c) the Agency.
2. The Board:
  - a) Hear the applicant, if appropriate;
  - b) calls witnesses and competent experts, if necessary;
  - c) requests all relevant information from the competent authorities;
  - d) adopts rules of procedure that shall be published in the Official Gazette of Bosnia and Herzegovina.
3. The Boards decisions are based upon the legal grounds, and completely and properly established facts. The Boards decisions are:
  - a) final and subject to any judicial review which may be provided by the laws of Bosnia and Herzegovina;
  - b) they will be delivered to the plaintiff within eight days of the adoption;
4. The Council of Ministers forms a Board that consists of three members.
  - a) The open competition of vacancies on the Board is advertised in the Official Gazette of Bosnia and Herzegovina, in Diplomatic and Consular Embassies and in a minimum of three daily papers distributed throughout the territory of Bosnia and Herzegovina and at least three months before the deadline for the competition. The advert indicates the same conditions as determined in Articles 20.3 and 22. of this law.
  - b) The Independent Selection Committee, appointed by the Council of Ministers, selects members of the Board on the basis of their work experience and proven abilities to perform duties on the Committee. Articles 24.2, 24.3, 25.1 and 26.2 of this law refers to the Selection Committee in electing the candidates and the procedure of election;
  - c) The Council of Ministers elects members of the Board for a four years mandate with the possibility of renewal.
  - d) A member of a Committee is:
    - 1) independent and impartial;
    - 2) he / she does not perform a public function by a direct or indirect election, he / she has not been appointed to a position in any legislative or executive body on any level in the Government of Bosnia and Herzegovina;
    - 3) he / she leaves a position before the end of a mandate only on the suggestion by the Council of Ministers resulting from different circumstances and with agreement from the rest of Committee members;
  - e) When elected, members of the Board have benefits relevant to the status of a Secretary. The secondary legislation act, adopted by the Council of Ministers, regulates the further status of members of the Board.

## **CHAPTER X TRANSITIONAL AND FINAL PROVISIONS**

### **Article 64. Existing Employees**

1. The legal status of employees in the existing Institutions remains the same as when this law was implemented until the Agency undertakes the complete revisions of procedures in accordance with this Article.
2. The Agency decides upon the termination of employment for employees from paragraph 1. of this Article, whose employment contravenes the rules of the State Management Law or does not meet the criteria from Article 22. of this law. These vacancies are advertised by an open competition. A decision of the termination of employment is implemented once open competition procedures are finalised in accordance with this law.
3. The experience of a candidate, who occupied the advertised position by open competition, may be considered during open competition procedure.
4. Employees from paragraph 1. of this Article, who were employed in accordance with the State Management Law, which was in power at the time of the employment and met the criteria from Article 22. of this law, will go through a process of evaluation for a period of twelve months.
5. The competent authority confirms the placement of employees who came successfully through evaluation and terminates the employment of those

who were not successful and did not meet the criteria from Article 22. of this law.

#### **Article 65. Remuneration**

1. Civil servants, whose employment terminated in accordance with Article 64. of this law, have the right to compensation of one months average salary that was paid in the month that preceded the month when this was implemented.
2. Compensation from paragraph 1. of this Article is paid for the years of service and is determined by multiplying the average salary with a coefficient:

Years of service	Coefficient
a) up to 5 years	1.33
b) from 5 to 10 years	2.00
c) from 10 to 20 years	2.66
d) over 20 years	3.00

#### **Article 66. Decisions for the Termination of Employment**

1. At the same time as bringing a decision for the termination of employment, the competent authority considers the right to compensation for an employee in accordance with Article 65. of this law.
2. Upon this decision, according to paragraph 1. of this Article, compensation is paid by the Ministry of Finance of Bosnia and Herzegovina.

#### **Article 67. Appeal**

1. An employee who considers that the competent authority has violated his / her rights, as determined by Chapter X of this law, may lodge an appeal to the Committee within fifteen days from the notification of the judgment, according to Article 63. of this law.

#### **Article 68. Working relations**

1. Until the regulations on labour relations, rights and obligations deriving from employment are adopted, the existing regulations will apply to all employees of the Institutions.

#### **Article 69. Head of the Civil Service Agency**

1. The Head of the Agency can be appointed exclusively by the High Representative after consultation with the Council of Ministers upon the implementation of this law, for a term of two years. The Head of the Agency, appointed by the High Representative, may not be a citizen of Bosnia and Herzegovina.
2. The status and description of the Head of the Agency's duties are determined by an act of his/her appointment.
3. The Head of the Agency can give a written notice in accordance with the conditions set forth by the Act of appointment.

#### **Article 70. Provisions on Application and Repealing of the Law**

1. The Council of Ministers, at their first session after the entry into force of this law will:
  - a) advertise open competition for the Head of the Agency;
  - b) advertise open competition for members of the Board of Appeal;
  - c) name the working group of five members who will, in accordance with Article 24.2 of this law perform the following duties;
    - 1) perform a Commission function in the election of the Head of the Agency;
    - 2) perform a Commission function in the election of members of the Board of Appeal according to Article 63.4b) of this law;
    - 3) give help to the Head of the Agency and members of the Board in the process of organisation and establishment of the Agency and the Board.
2. The Council of Ministers will elect members of the Board within a month of the entry into force of this law.
3. The Head of the Agency shall adopt, within a month of the entry into force of this law, the Rules of internal organisation of the Agency. After this

adoption, the Agency will advertise vacancies in an open competition.

4. Within two months of the entry into force of this law, Institutions that this law applies to, are duty bound to implement Articles from 7. to 13. of this law to the Rules of internal organisation.
5. The rules from Article 7.1.a) of this law do not apply to Managerial Civil servants unless they fulfil the conditions of Article 22. of this law, as is determined by the Agency.
6. Until the establishment of the Agency and the Board of Appeal, and the introduction of the secondary legislation act according to this law, the Law on State Administration and its secondary legislation on the employment status of civil servants shall apply unless they are contradicting the rules of this law after a period of twelve months from the entry into force of this law.
7. At the beginning of the application of this law, the representation of Civil servants in these Institutions will be two thirds from the Federation of Bosnia and Herzegovina and one third from the Republika Srpska.
8. The Council of Ministers can form bodies/organisations, by a special decision, who will train Civil servants
9. The following Articles shall apply from the day of entry into force of this law : 1., 2.1., 3., 4., 6., 7., 8., 9., 10., 11., 12., 13., 14.1., 14.3a), 14.4., 14.5., 15.1.b), 15.1f), 15.1.g), 15.2., 15.3., 16.1b), 16.1.c), 16.1.d), 16.1.e), 18.1., 18.2., 18.3., 18.4., 18.5., 19.1, 20.2., 20.3., 21.2., 21.3., 22.1.a), 22.1.b), 22.1.e), 22.1f), 22.1.g), 22.1.h), 50.1.a), 50.1.b), 50.1.d), 50.1.e), 50.1.k), 59., 60., 69 and 70.

#### **Article 71. Final Provision**

1. This law shall enter into force the eighth day of its publication in the Official Gazette of Bosnia and Herzegovina.

#### **EXPLANATION REPORT**

### **LAW ON CIVIL SERVICE IN THE GOVERNMENTAL INSTITUTIONS OF BOSNIA AND HERZEGOVINA**

#### **I - CONSTITUTIONAL GROUNDS**

The Constitutional ground for adoption of this Law is Article IV paragraph 4.a) of the Constitution of Bosnia and Herzegovina. In accordance with that provision of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina is competent for adopting the law necessary for the implementation of Presidential decisions or performing the Parliamentary Assembly's functions, in accordance with this Constitution.

The Parliamentary Assembly of Bosnia and Herzegovina is competent for introducing this law in order to determine the status of Civil servants in the Institutions of Bosnia and Herzegovina, functioning upon the basis of the competencies set forth primarily in Article III 1.a) to j) of the Constitution of Bosnia and Herzegovina, as well as in other Articles of the Constitution of Bosnia and Herzegovina.

#### **II - REASONS FOR ADOPTION OF THE LAW**

In order to ensure the proper functioning of the Institutions of Bosnia and Herzegovina, the Civil Service must have the appropriate legal framework. A legal framework that provides the basis to act and decide in a predicted way, which should ensure stability, and allow to avoid arbitrariness. These principles, necessary for democratic and economic development, can only be promoted by the professional impartiality and responsibility of the Civil servants.

This law regulates the Civil Service, existing weaknesses of which will be overcome by drawing clear boundaries between politics and service in the State Institutions of Bosnia and Herzegovina, and by strengthening fundamental principles of the Civil Service, i.e. the legality, professional impartiality, transparency, responsibility and efficiency of the performance within the Civil Service. Most of these principles, upon which this law is founded, are accepted by the member states of the European Union as well as by the countries that are in the process of joining the European Union.

The preparation of this law, and its adoption by the Parliamentary Assembly of Bosnia and Herzegovina, represents one of the commitments set forth in the Declaration of the Council for the Implementation of Peace, adopted at the meeting in Brussels, held on 23<sup>rd</sup> and 24<sup>th</sup> of May 2000.

One of the necessary measures, provided in the Annex of Brussels Declaration of the Council for the Implementation of Peace, relating to the Institutions in accordance with point 4, is the obligation of the Parliamentary Assembly of Bosnia and Herzegovina to adopt this law, whose working version was entitled Law on Civil Service of Bosnia and Herzegovina.

In the Annex of the Brussels Declaration, the Council for the Implementation of Peace referred to the so called Road Map of the European Union and reminded Bosnia and Herzegovina that implementation of the anticipated measures by this document (which means introduction of this law) is a precondition to bring Bosnia and Herzegovina closer to European Union. The same document by the Council for Implementation of Peace requires that the authorities of Bosnia and Herzegovina start immediately on the implementation of these measures (including adoption of this Law).

In accordance with these obligations, after the conclusion of the Brussels Summit and in co-operation with the office of High Representative, a Working Group consisting of representatives from the Bosnia and Herzegovina Institutions, legal experts from the OHR, SIGMA and PHAR programme in Bosnia and Herzegovina, charged with the preparation of this law.



### III - PRINCIPLES UPON WHICH THE LAW IS BASED

The fundamental principles upon which the Civil Service must be based, are contained in Article 3 of the proposed law and are the following:

- Legality: The Civil Service must exercise their authority in accordance with the law.
- Transparency: The work of the Civil Service must be transparent which will be achieved through explanation of the procedure and decisions, as well as grounds for their introduction, so that they may be evaluated by the competent authorities and individuals from an outside administration with the aim of supervision and control.
- Public accountability: Civil servants can be asked to provide answers and explanations to competent authorities or individuals connected to every decision or a procedure.
- Responsibility: Civil servants are responsible for their work and the conduct.
- Efficiency and economy: These principles are needed for keeping a good balance between used resources and achieved results and the need for administration to be successful in realising their objectives and solving the problems presented by the law and the Government.

### IV - EXPLANATION OF PROPOSED LEGAL ARRANGEMENTS

The Law on Civil Service in the Institutions of Bosnia and Herzegovina consists of eleven chapters containing 71 Articles.

The objective of the draft Law is to regulate main issues pertaining to the Institution, the status and the rights of Civil servants in Governmental Institutions in Bosnia and Herzegovina. In relation to the previous Law on State Administration, this law does not provide for details but leaves enough scope for number of issues to be regulated by the secondary legislation.

According to the chapters the law contains the following:

- I Chapter - General rules (the rules in Articles 1. - 6.).
- II Chapter - The places of work within Civil Service (the rules in Articles 7. to 13.).
- III Chapter - Duties and rights of Civil servants (the rules in Articles 14. to 18.).
- IV Chapter - Vacancies, transfers, employment, evaluation, promotion (the rules in Articles 19. to 34.).
- V Chapter - The salaries and remuneration (the rules in Articles 35. to 44.).
- VI Chapter - The labour conditions (the rules in Articles 45. to 49.).
- VII Chapter - The termination of employment (the rules in Articles 50. to 53.).
- VIII Chapter - Disciplinary responsibilities (the rules in Articles 54. to 58.).
- IX Chapter - The Management of Civil Service (the rules in Articles 59. to 63.).
- X Chapter - Transitional and final provisions (the rules in Articles 64. to 71.).

It is important to point out that the Working Group, formed by the Council of Ministers, worked intensively on drafting this law in the period from June to October of 2000, when it was presented to the Council of Ministers by the Ministry of Civil Affairs and Communications for further procedure. At their 12<sup>th</sup> meeting, held on the 26<sup>th</sup> of October 2000, the Council of Ministers examined this Draft, and after debating and hearing a number of comments and suggestions, concluded the following:

- that Ministers and the Deputy Ministers may present their comments and suggestions about the Draft in a written form to the Ministry of Civil Affairs and Communication by the 30<sup>th</sup> of October 2000.
- that the Ministry of Civil Affairs and Communications will consider the suggestions presented to them as well as the comments and suggestions brought forward as a result of a debate, and will present a written report to the Council of Ministers on their next meeting when the Draft will be considered again.

On the basis of written comments and suggestions from various Ministries, the Ministry of Civil Affairs and Communications has prepared a detailed report (27 pages of text) of all the comments and suggestions, and presented the same at the meeting of the Council of Ministers, who never considered this report.

After forming the new Council of Ministers, the Ministry of Civil Affairs and Communications has prepared a short information note on the Draft with all the comments that were considered at the meeting of the Council of Ministers on the 8<sup>th</sup> of March 2001.

At their meeting of 22 March 2001, the Council of Ministers concluded the following:

- the representatives of the Ministry of Civil Affairs and Communications and the Legal Service should organize the meeting of the Working Group to co-ordinate the text of the Draft;
- the Working Group should organize a meeting with experts from OHR with the objective of co-ordinating number of provisions of the Draft, about which different opinions existed.

In accordance with the conclusions from the Council of Ministers, the Working Party met independently and with the representatives from OHR on few occasions and co-ordinated the text of the Draft that was examined at the meeting held on the 7<sup>th</sup> of June, 2001.

It must be mentioned that after the ninth meeting of the Working group, held on the 4<sup>th</sup> of May, 2001, the duties of the Working group were terminated, so that the Ministry of Civil Affairs and Communications had to prepare a refined Draft text and to present it to the Council of Ministers for further procedure. At that time only Articles 2. and 28. of the Draft were not co-ordinated.

After the 18<sup>th</sup> of May, 2001 when the Ministry of Civil Affairs and Communications prepared the refined text of the Draft on the Civil Service in Bosnia and Herzegovina upon the work of the Working Group, the Ministry of Civil Affairs and Communications received a letter from the Deputy High Representative, legislative advisor Mr. Ian Campbell, dated 15<sup>th</sup> of May, 2001 in which OHR subsequently sought alterations of individual regulations which were already co-ordinated, like Articles 28., 64., 71. and the introduction of new Articles 72. and 73.

In the aforementioned letter, it was requested, among others, that a Manager of the Agency for Civil Service be a foreign national appointed by the High Representative. Furthermore, the request was made that, during this period, the competency of the Appeal Board, as determined by this Draft, be suspended. The mentioned request, (relating to the new Articles 72 and 73) was never pointed out by the representatives of the OHR during several months of their collaboration with the Working Group.

To closely examine the suggestions presented in the letter from OHR, dated 15<sup>th</sup> of May, 2001, the Working Group held a further meeting on the 23<sup>rd</sup> of May, 2001 and the Draft text was determined and debated upon at the 14th meeting of the Council of Ministers, which was held on the 6<sup>th</sup> of July, 2001.

Based on the comments and suggestions, at the meeting of the Council of Ministers of 7 June 2001, it was agreed that the same comments and suggestions will be inserted in and co-ordinated. The Working Group continued with its work on the Draft and after intensive work, they determined the new text with all the comments and suggestions added onto it. It has to be mentioned that the members of the Council of Ministers and the Highest Representatives of the International Community in Bosnia and Herzegovina co-ordinated all the controversial questions from the Draft at the meeting held on the 24<sup>th</sup> of July, 2001 and published the official report via public means of information.

The chronological account of time spent on the Draft shows that the Working Group has worked exclusively in accordance with the Council of Ministers directives and shows also that they worked over 200 hours on its co-ordination.

The length of time spent on the Draft and co-ordination of the individual conflicting questions were caused by different and various suggestions from all the relevant factors involved in the work of forming this law and they were worked out and co-ordinated in the way that was specified in the text of the Draft of the mentioned law.

## **V FINANCIAL RESOURCES REQUIRED FOR IMPLEMENTATION OF THE LAW**

For implementation of this law, funding will be needed but at present, the final budget is not known.