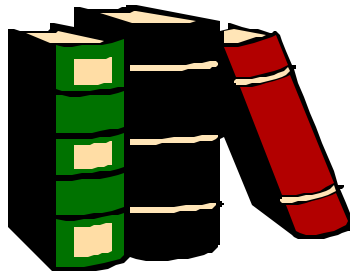




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## **Legal Department**



# **LAW ON ADMINISTRATION OF BOSNIA AND HERZEGOVINA**

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## **CHAPTER I- GENERAL PROVISIONS**

### **Article 1**

This Law shall regulate organization of the administration of the institutions of Bosnia and Herzegovina in respect to position, role, structure, authorities and obligations of administration bodies and other issues of importance for organization in performance of administrative tasks.

### **Article 2**

Administration tasks shall be performed by the Ministries of Bosnia and Herzegovina and other institutions of Bosnia and Herzegovina as regulated by law (hereinafter: administration bodies).

Certain tasks may be performed by public corporations, chambers of commerce, public companies, agencies and legal persons of Bosnia and Herzegovina if, by law, assigned to perform public authorities (the institutions with public authorities).

Administration bodies shall perform tasks within their competencies independently in accordance with law and other regulations.

### **Article 3**

Administration bodies shall be established by the Parliamentary Assembly of Bosnia and Herzegovina (hereinafter: the Parliamentary Assembly) upon the proposal of the Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers) pursuant to the Constitution of Bosnia and Herzegovina.

### **Article 4**

Administration bodies, within their competencies, shall provide for safe and full exercise of rights and freedoms of the citizens stipulated by the Constitution of BiH (hereinafter: the Constitution) as well as in the acts indicated the Constitution.

Administration bodies, within their competencies, shall cooperate with all international mechanisms for human rights monitoring which are established for Bosnia and Herzegovina and supervision bodies established under any of international treaties enumerated in Annex I to the Constitution.

### **Article 5**

Administration bodies shall equally use Bosnian, Croatian and Serb language as official languages.

In procedures before administration bodies the clients can also use other language if that language is not one of the official languages and at expenses of administration bodies where the procedure is conducted.

The official scripts in administration bodies shall be Latin and Cyrillic scripts.

### **Article 6**

Work of administration bodies shall be accessible to public.

Transparency of work of administration bodies may be limited or excluded only if prescribed by law.

### **Article 7**

An appropriate ethnic structure of civil servants and employees shall be provided for in administration bodies according to the ethnic structure of the population and according to the last census in Bosnia and Herzegovina.

## **Article 8**

Bosnia and Herzegovina shall, according to law, be liable for damages caused by the administration body to a physical or legal person with its illegal work.

Bosnia and Herzegovina shall be entitled to require from civil servants or employees indemnity of the amount which it paid due to their illegal work as compensation for damage within six months from the day of payment of damages if it was caused deliberately or due to gross negligence of civil servants or employees.

## **Article 9**

The funds for work of administration bodies shall be provided for in the Budget of the Institutions of BiH and international obligations of Bosnia and Herzegovina (hereinafter: Budget).

The funds for performance of administration tasks transferred by law to the institutions with public authorities shall be provided for in the Budget.

The income earned by performance of public authorities shall from a part of Budget funds in accordance with the Law on Treasury of the Institutions of Bosnia and Herzegovina.

## **CHAPTER II- ADMINISTRATION TASKS**

### **Article 10**

#### **1. Common Provisions**

Administration bodies shall, within their competencies, perform the following tasks:

- 1) enforcement the laws and other regulations;
- 2) execute administrative supervision over implementation of laws and other regulations;
- 3) adopt by-laws for implementation of laws and other regulations;
- 4) propose and give recommendations falling within domain of legislation;
- 5) give answers to questions of legislative and executive bodies referring to their competencies;
- 6) perform other tasks of administrative and professional tasks stipulated by law and other regulations.

#### **2. Enforcement of Laws and Other Regulations**

### **Article 11**

Administration bodies shall enforce laws and other regulations through their direct application, decision-making on administrative matters in administrative procedure, carrying out administrative supervision and other administrative tasks within their competences.

#### **3. Administrative Supervision**

### **Article 12**

While carrying out of the administrative supervision administration bodies shall supervise implementation of laws and other regulations as well legality in work and actions of administrative bodies and institutions of BiH with public authorities.

The administrative supervision referred to in paragraph 1 shall include the following:

- 1) supervision over legality of the acts deciding on administrative matters;
- 2) supervision over legality of work of the institutions with public authorities;
- 3) inspection supervision.

### **Article 13**

In performing administrative supervision, bodies of administration, when authorised so by law, shall supervise legality of the work of bodies of administration and institutions of BiH with public authorisations, and in particular of administrative acts issued in administrative matters, and to that end shall take measures for which they are authorised by law.

### **Article 14**

While performing the inspection supervision administration bodies shall have a direct insight into legality of work, business operations and actions and of public corporations, public companies, agencies and other legal persons in BiH in relation to implementation of laws and other regulations and taking administrative and other measures as authorized by law.

### **Article 15**

Performing certain tasks of the inspection supervision (expertise, testing, etc.) may, by a special law or by-law, be assigned to a specialized legal person if their performance requires specialized professional expertise (technical and other profession) or application of scientific or special methods which might be provided for only through special equipment (laboratories and etc.) and for which administration bodies do not have staff, technical and other possibilities.

## **4. Adoption of Regulations**

### **Article 16**

The heads of administration bodies shall issue regulations aimed at creation of possibilities to enforce laws and other regulations falling within the competencies that they manage, if authorized by law or other regulation, as well as other regulations according to the Constitution and law or other regulation.

## **5. Proposals and Recommendations referring to Laws and Other Regulations**

### **Article 17**

The heads of administration bodies shall propose and give recommendations related to the regulations falling within the competencies of administration bodies that they are managing or according to the conclusion of the Council of Ministers.

### **Article 18**

In performance of their functions administration bodies shall be bound to get opinions of the appropriate professional institutions and other legal persons on drafts of the regulations referred to in Article 16 of this Law .

Administration bodies shall be bound in explanation of a draft regulation to indicate the reasons due to which some proposals and suggestions of the bodies and legal persons referred o in paragraph 1 of this Article have not been accepted.

## **Answers to Questions of the Legislative and Executive Bodies**

### **Article 19**

Administration bodies shall be bound to prepare and give answers to questions of the Parliamentary Assembly, Presidency and Council of Ministers related to enforcement of laws and other regulations from their competencies as well as on the situation and problems in the area for which these bodies were formed.

## **6. Performing Other Administrative and Professional Tasks**

### **Article 20**

Administration bodies shall monitor the situation in the area for which they were formed and in particular enforcement of laws and other regulations, they shall take measures for which they are authorized or give recommendations to the competent bodies aimed at enforcement of laws and other regulations.

Administration bodies shall monitor the situation in the area for which they were formed based on the data which they collect when authorized by law as well as the data collected, processed and delivered by the other bodies and legal persons upon the request of the administration bodies.

Based on the data referred to in paragraph 2 of this Article administration bodies shall elaborate analytical, informative and other materials and in elaboration of these materials they shall cooperate among themselves and if required with other professional and scientific institutions.

### **Article 21**

If the proposed laws and other regulations or the proposals contained in analytical, informative or other materials prepared by administration bodies require material expenditures administration bodies shall be bound, in explanation of these regulations as well as in analytical, informative or other materials, to present the funds required for enforcement of these regulations and materials and identify the sources which must ensure these funds.

## **CHAPTER III- ASSIGNMENT OF PUBLIC AUTHORITIES**

### **Article 22**

Public corporations, chambers of commerce, public companies, agencies and other legal persons (hereinafter: the institutions with public authorities) may be, by law, assigned to carry out certain administrative and professional tasks from within the competencies of administration bodies so that within their activities they shall decide on individual matters, on certain rights and obligations of citizens, public companies and other legal persons.

The institutions with public authorities may not be assigned the inspection supervision tasks apart from professional tasks of importance for the inspection supervision (expertise, technical testing and similar) if administration bodies do not have technical and other conditions for performance of these tasks.

### **Article 23**

The principles of this Law referring to independence in work of administration bodies, legality of their work, transparency in work of administration bodies, use of official languages and other languages and scripts as well as other principles regulated in Articles 4,7 and 8 of this Law shall be accordingly applied to the institutions with public authorities.

### **Article 24**

If an institution with public authorities does not perform the assigned duties in accordance with law and other regulations the administration body executing the administrative supervision shall be bound to warn the authorized body of that institution in writing and propose the measures for solution of that issue and if required it shall be bound to take other measures within their rights and duties in order for public authorities to be carried out in accordance with law and other regulations.

### **Article 25**

The administrative supervision over work of the institutions with public authorities in performance of

administrative tasks which were transferred to those institutions shall be performed by administration bodies from administrative area for which they were formed in accordance with this Law and other laws.

#### **Article 26**

In exercise of the administrative supervision institutions with public authorities the competent administration body shall have, in particular, right and duty to:

- 1) exercise the inspection supervision and to provide for, within its competencies, legal and timely performance of tasks;
- 2) decide on appeals of the administrative acts issued in performance of the assigned public authorities when stipulated by law;
- 3) give professional instructions and explanations for application of laws and other regulations referring to performance of public authorities;
- 4) also take other measures and exercise other rights given to the second-instance administration body in the administrative procedure according to the law.

The institution with public authorities shall be bound, at least once a year, to submit a report on performance of the assigned public authorities to the competent administration body exercising the administrative supervision over its work and to deliver certain data and documents of importance for supervision if required by the administration body.

### **CHAPTER IV –ADMINISTRATION BODIES IN RELATION TO THE PARLIAMENTARY ASSEMBLY, COUNCIL OF MINISTERS, MUTUAL RELATIONS AMONG ADMINISTRATION BODIES, RELATIONS OF ADMINISTRATION BODIES IN RESPECT TO THE EXECUTIVE BODIES AND ADMINISTRATION BODIES OF THE ENTITIES AND BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA, RELATIONS OF ADMINISTRATION BODIES IN RESPECT TO THE OMBUDSMAN FOR HUMAN RIGHTS OF BOSNIA AND HERZEGOVINA**

#### **1. Administration Bodies in Relation to the Parliamentary Assembly**

##### **Article 27**

Administration bodies shall be responsible to the Parliamentary Assembly for legal, complete, efficient and professional performance of the tasks falling within their competencies.

Administration bodies shall be authorized and bound to present to the Parliamentary Assembly for consideration some more significant issues from their competencies and give recommendations in reference to the implementation and enforcement of laws and other regulations.

Administration bodies shall be bound, upon request of the Parliamentary Assembly to submit their activity reports, reports on situation in the area for which they were formed, on enforcement of laws and other regulations, answer to questions of the deputies-delegates to the Parliamentary Assembly and in accordance with the work plan, or upon the request of the Parliamentary Assembly, to prepare proposals of laws and other regulations, analytical, informative and other materials.

Administration bodies shall be bound, upon the request of the Parliamentary Assembly, to take the appropriate organizational, staff and other measures providing for efficient execution of tasks.

#### **2. Administration Bodies in Relation to the Council of Ministers**

##### **Article 28**

Aimed at provision of enforcement of laws and other regulations of the Parliamentary Assembly, the Council of Ministers in relation to administration bodies may: define instructions and guidelines on manner of

enforcement of laws and other regulations of the of Parliamentary Assembly and regulations of the Council of Ministers; order to issue regulations or take measures that they authorized for within the set deadline; define deadlines for performance of certain tasks and order the administration bodies to examine the situation in areas within their competencies and submit a report including the appropriate proposals to the Council of Ministers.

#### **Article 29**

Aimed at realization of responsibility towards the Council of Ministers, the Council of Ministers may open a discussion on work and responsibility of the administration bodies and identify manner of examination of a situation in the area within its responsibility and initiate a procedure for removal of a head and deputy head of the administration body.

#### **Article 30**

The administration body shall be bound to submit to the Council of Ministers the reports on work and situation in the area within their responsibilities as well as information, data, files and other documentation necessary for work of the Council of Ministers.

Administration bodies may require from the Council of Ministers instructions and guidelines on certain issues referring to enforcement of laws and other regulations. The council of Ministers must reply to the request of administration bodies.

Administration bodies may propose to the Council of Ministers consideration of certain issues within their competencies and make proposals to take required measures.

### **3. Mutual Relations of Administration Bodies**

#### **Article 31**

Mutual relations of administration bodies shall be based on the authorities established by the Constitution and law as well as on cooperation, mutual exchange of information and agreement.

In realization of the mutual cooperation administration bodies shall be bound to mutually forward the data and information required for performance of tasks, exchange information and experiences and establish joint expert commissions and other working bodies and realize other forms of cooperation.

### **4. Administration Bodies in Relation to the Executive Bodies and Administration Bodies of the Entities and Brcko District of Bosnia and Herzegovina**

#### **Article 32**

The relations of administration bodies in respect to the executive bodies and administration bodies of the entities and Brcko District of Bosnia and Herzegovina shall be based on the authorities established by the Constitution and law as well as on cooperation, mutual exchange of information and agreement.

Administration bodies shall be entitled to require from the executive bodies and administration bodies of the entities and Brcko District of Bosnia and Herzegovina the data, reports and other documentation necessary for performance of their competencies established by the Constitution and law.

Administration bodies shall bound to forward to the executive bodies and administration bodies of the entities and Brcko District of Bosnia and Herzegovina data required for functioning of these bodies.

### **5. Administration Bodies in Relation to Ombudsman for Human Rights of Bosnia and Herzegovina**

#### **Article 34**

The relations of administration bodies in respect to the Ombudsman for Human Rights of Bosnia and

Herzegovina (hereinafter: the Ombudsman) shall be based on obligations of administration bodies established by the Constitution and law as well as on mutual cooperation, exchange of information and agreement.

### **Article 35**

Administration bodies shall be bound to enable the Ombudsman, upon his/her request, unrestricted examination of their activities, in other words, of work of civil servants in administration bodies.

Administration bodies shall be bound to ensure the Ombudsman all official documents including confidential documents as well as administrative files and provide for cooperation of every civil servant individually in provision of required information, documents and files.

Administration bodies shall be bound, upon the request of Ombudsman, to ensure that he/she is present during decision-making on administrative matters.

### **Article 36**

If the administrative body does not act according to the request of the Ombudsman referred to in Article 35, the Ombudsman may request from the Council of Ministers to take the appropriate measures against the head of the administration body.

## **CHAPTER V- ADMINISTRATION BODIES IN RELATION TO PUBLIC CORPORATIONS, CHAMBERS OF COMMERCE, PUBLIC COMPANIES, AGENCIES AND OTHER LEGAL PERSONS OF BIH AND CLIENTS**

### **1. Administration Bodies in Relation to Public Corporations, Chambers of Commerce, Public Companies, Agencies and Other Legal Persons of BiH and Clients**

#### **Article 37**

Administration bodies shall have the authorities and obligations as envisaged by law in respect to have in Public Corporations, Chambers of Commerce, Public Companies, Agencies and Other Legal Persons.

#### **Article 38**

Administration bodies shall cooperate with Public Corporations, Chambers of Commerce, Public Companies, Agencies and Other Legal Persons in reference to issues of importance for work of administration bodies or which are important for work of that legal person.

Public Corporations, Chambers of Commerce, Public Companies, Agencies and Other Legal Persons referred to in Article 37 of this Law shall be bound, upon the request of the administration body, to forward the data and information from within their activities.

The procedure for submission of the request by which administration bodies request the access to certain information from legal persons referred to in Article 37 of this Law as well as identification of exceptions of publication of the requested information shall be done according to the provisions of the Law on Freedom of Access to Information in Bosnia and Herzegovina.

### **2. Relations of Administration Bodies in respect to Clients**

#### **Article 39**

Administration bodies shall be bound to resolve the requests of clients within the prescribed deadlines.

Administration bodies shall be bound to consider and give answers to submissions and proposals of clients.



#### **Article 40**

Administration bodies shall have a direct contact with clients and they shall be bound organize performance of important tasks for exercise of the rights of clients in manner and under conditions which shall enable clients to exercise their rights and fulfill their obligations in manner which is as simple as it possible, fast and efficient.

#### **Article 41**

The head of the administration body shall bound, without delay, to consider the filed submissions, proposals and complaints of clients on irregular behavior of civil servants in the administration body in relation to them when they address these bodies to the end of exercise of their rights or fulfilment of their obligations.

The head of the administration body shall be bound to examine filed submissions, proposals and complaints and if he/she judges them grounded he/she shall take legally prescribed measures against a civil servant whose performance is the subject matter of the submission.

The head of the administration body shall be bound within eight (8) days from the day of reception of the submission, proposal or complaint to inform in writing the client on measures taken in reference to his/her submission, proposal or complaint.

#### **Article 42**

Administration bodies while deciding the administrative matters must not request clients to provide certificates and other public documents concerning facts about which administration bodies or institutions with public authorities keep official records.

The certificates and documents referred to in paragraph 1 of this Article shall be collected, ex officio necessarily, by the administration body or institution with public authorities.

#### **Article 43**

A client shall have the right to compensation for costs incurred when responded to the summon in an administrative procedure wherein the official action which the client was summoned for has not been performed provided that the client did not contribute to this.

A request for the compensation for costs incurred shall be decided by a head of the administration body by conclusion according to the regulation which provides for the compensation to witnesses in administrative procedure.

The client may initiate an administrative procedure before he Court of Bosnia and Herzegovina (hereinafter: the Court) against the conclusion referred to in Paragraph 2 of this Article.

The costs referred to in Paragraph 1 of this Article shall be paid from means of work of administrative bodies.

#### **Article 44**

Provisions referred to in Articles 39 through 43 of this Law shall be accordingly applied on work of the institutions with public authorities when they decide on rights and obligations of citizens, public corporations, chambers of commerce, public companies, agencies and other legal persons while exercising public authorities.

### **CHAPTER VI- PRINCIPLES OF ORGANIZATION OF ADMINISTRATION BODIES**

#### **Article 45**

The internal organization of administrative bodies shall be based on the principle of rational and efficient work of administration bodies and principle of provision of an expert work of administration bodies which includes use of expert and technical support of the existing institutions.

- Aimed at realization of these principles the internal organization of administration bodies shall provide for:
- rational organization of work, efficient accomplishment of tasks, and successful management of the body;
  - clustering of tasks in accordance with their nature and mode of execution required;
  - a complete consolidation of joint and general tasks aimed at more rational execution of these and usage of services from joint offices established to serve the needs of all or certain administration bodies;
  - realization of a full cooperation of administration bodies with other bodies and in particular with the bodies and institutions established to provide expert and technical support;

## **2. Establishment of Administration Bodies**

### **Article 46**

The administration bodies shall be Ministries and administration organizations.

### **Article 47**

Administration bodies shall be established by the law adopted by the Parliamentary Assembly of Bosnia and Herzegovina upon proposal of the Council of Ministers.

Administration bodies shall be established in manner which provides for full and rational discharge of administrative tasks, efficient exercise of rights and fulfilment of obligations of citizens, public corporations, chambers of commerce, public companies, agencies and other legal persons.

Administration bodies shall be established in accordance with scope of work and principles of clustering of tasks according to type, affinity and mutual correlation and needs of efficient management of work and provision of independence in work.

### **Article 48**

A Ministry shall be established to carry out administrative and professional tasks within the competencies of BiH in the areas in which administration bodies, as a whole or to a greater extent, directly provide for enforcement of laws and other regulations and for enforcement of which they are responsible.

Administrative organizations shall be established to carry out administrative and professional tasks whose nature and manner of enforcement require a special level of organization and independence in work.

### **Article 49**

Certain professional, technical and other services as common or independent service may be established in order to carry out professional, technical and other tasks for the needs of the Presidency, Parliamentary Assembly, Council of Ministers and administration bodies.

The Presidency shall decide on establishment of the services referred to in paragraph 1 for the needs of the Presidency, the Parliamentary Assembly for the needs of the Parliamentary Assembly and the Council of Ministers for the needs of the Council of Ministers.

The services referred to in paragraph 1 of this Article shall be established by the authorities referred to in paragraph 2 of this Article.

### **Article 50**

Administrative organizations may be established as independent administrative organizations and as administrative organizations within ministries.

Administrative organizations shall be established in a form of agencies, institutes or directorates.

Administrative organizations shall have the capacity of a legal person.

## **Article 51**

An agency shall be established to perform certain professional and other tasks within competencies of BiH which predominantly require application of professional and scientific methods of work and administrative tasks related with them.

An institute shall be established to perform certain professional and other tasks which predominantly require application of professional and scientific methods of work and administrative tasks related with them the nature of which and manner of execution shall require special organization and independence in work.

A directorate shall be established to perform certain professional tasks of predominant economic character and administrative tasks related with them the nature of which and manner of execution shall require special organization and independence in work.

Administrative organizations may be established within the ministry if required due to mutual correlation of tasks falling within the competencies of the ministry and administration when, in addition to a certain level of independence in performance of tasks falling within competencies of administration, it is also necessary to provide for direction and supervision of performance of tasks of these administrative organizations by the ministry.

### **3. Internal Organization of Administration Bodies**

#### **Article 52**

Internal organization of administration bodies shall be established by a rulebook.

The rulebook on internal organization shall be issued by a head of the administration body with approval of the Council of Ministers.

The rulebook on internal organization must be harmonized with the authorities of the administration body prescribed by the Council of Ministers.

#### **Article 53**

The rulebook on internal organization of the administration body shall regulate:

- organizational units and their competencies;
- manner of management;
- programming and performance of tasks;
- authorities and responsibilities of civil servants in performance of tasks;
- total number of civil servants and other employees for performance of tasks;
- job titles and tasks distribution according to organisational units, with a job description for each civil servant and employee or a group of civil servants and employees with requirements concerning education level and other requirements for performance of duties of specific positions;
- number of trainees to be recruited and conditions for their recruitment.

Duties of the bodies of administration in the Rule Book on Internal Organisation shall be classified according to their type, relatedness, volume and level of complexity, responsibility and other requirement for their performance.

### **4. Employment relations in the bodies of administration**

#### **Article 54**

Employment relations of civil servants and employees in the bodies of administration shall be regulated by the law on Civil Service in the Institutions of Bosnia and Herzegovina or by other special law.

### **5. Management of the bodies of administration**

## **Article 55**

The work of the Ministries shall be managed by Ministers and the work of the administrative organisations shall be managed by Directors.

The Minister shall have two Deputies. The Minister and Deputy Ministers shall be appointed from among the three constituent peoples.

The Director of an administrative organisation may have one or more deputies if so specified by the organisation's foundation act.

The Director and his/her Deputies may not come from the same constituent people in BiH.

## **Article 56**

The Director of an independent administrative organisation shall be appointed by the Council of Ministers at the proposal of the Chair of the Council of Ministers.

The Director of an administrative organisation within a Ministry shall be appointed by the Council of Ministers at the proposal of the Minister and both Deputies of the Minister of the Ministry within which the administrative organisation is located.

## **Article 57**

In managing certain fields of work, the Minister shall be assisted by managerial civil servants.

Assistant Ministers, General Inspectors and Senior Advisors may be appointed in the Ministry.

In an independent administrative organisation, Assistant Directors may be appointed and in an administrative organisation within the Ministry, Advisors to the Director.

Managerial civil servants shall be responsible for their work to the Minister or the Director of the Administrative Organisation.

## **Article 58**

Assistant Director shall manage a basic unit of an organisation (Department) and shall be responsible for the use of financial, material and human resources allocated to the basic organisational unit.

Assistant Director of an independent administrative organisation shall manage certain field of work or certain organisational unit and shall perform other tasks from a specific field as assigned by the Director.

General Inspector shall directly organise and manage the work of inspector in certain area of inspection supervision.

Senior Advisor to the Minister and Advisor to the Director of an administrative organisation within a Ministry shall perform tasks from within specific area requiring responsibility, good professional skills and independence in certain areas within the organisational units.

## **Article 59**

A manner of appointment and dismissal of managerial civil servants referred to in Article 57 of this Law shall be regulated by the provisions of the Law on Civil Service in the Institutions of Bosnia and Herzegovina, the Law on the Council of Ministers of Bosnia and Herzegovina and the Ministries of Bosnia and Herzegovina as well as by other regulations issued under this Law.

## **Article 60**

The Rule Book on Internal Organisation of the Ministry, or the administrative organisation shall specify positions of managerial civil servants, their tasks and duties and their authorisations in the exercise of civil service.

Managerial civil servants shall carry out their rights, duties and responsibilities deriving from their employment in accordance with the regulations applicable to civil servants in the bodies of administration,

unless otherwise provided for by law.

## **CHAPTER VII – AUTHORISATIONS, DUTIES AND RESPONSIBILITIES OF MANAGERS OF BODIES OF ADMINISTRATION**

### **1. Manager of a body of administration, his or her deputy, managing officials and officials with special authorisation**

#### **Article 61**

A body of administration shall be managed by the Head.

The Head of a body of administration shall represent the body of administration, shall organise and ensure legal and efficient performance of activities, shall issue regulations and other acts empowered to issue and shall take other measures from within the competence of the bodies of administration, and shall decide in accordance with law on rights, duties and responsibilities of civil servants and other employees in their service.

The Head of a body of administration shall appoint and dismiss the body as defined by the Constitution and law.

The Head of a body of administration shall have a duty to, within the Constitution, law and other regulations and directions of the Council of Ministers, perform the duty entrusted with in a responsible manner and he or she shall be personally responsible for the performance of the duty as well as for the work of the body he or she manages.

#### **Article 62**

The Head of a body of administration shall have a Deputy who will replace the Head if he or she is prevented from performing the authorisations and responsibilities.

Deputy of the Head of a body of administration shall be appointed and dismissed by the body appointing the Head, unless otherwise provided by the Constitution or law.

Number of deputies of the head of the body of administration shall be decided by the regulation establishing the body of administration.

#### **Article 63**

The Head of the body of administration shall be assisted by managerial civil servants in managing certain work area.

The managerial civil servants shall be appointed and dismissed by the Council of Ministers at the proposal of the Head of the body of administration unless otherwise provided for by law.

#### **Article 64**

Duties and tasks of inspection supervision and other significant administrative and professional tasks shall be performed by civil servants with special authorisations and responsibilities (hereinafter: civil servants with special authorisations) appointed and dismissed by the Head of the body of administration, unless otherwise provided by law.

Civil servants with special authorisations shall be appointed to positions according to the Rule Book on internal organisation of the body of administration.

#### **Article 65**

The Head of a body of administration, his or her deputy and managerial civil servants may not perform a duty, activity or hold a position which incurs a conflict of interest with his or her official duties nor perform an additional activity which is paid, unless approved by the Minister or the Head of the institution.

More detailed provisions on incompatibility of duties of a civil servant are contained in the Law on

Prevention of Conflict of Interests in performing public duties.

## **2. Responsibility of the Head of a body of administration and his or her Deputy**

### **Article 66**

The Head of a body of administration and his or her deputy shall be held responsible if in the exercise of their authorisations and obligations they do not abide by law, directives of the Parliamentary Assembly of the Council of Ministers.

In case of the responsibility referred to in Paragraph 1 of this Article, the Head of the body of administration and his or her Deputy shall be dismissed and their dismissal does not preclude prosecution or liability for a damage compensation, unless otherwise provided by the Constitution or law.

A proposal for dismissal of the Head of the body of administration and his or her Deputy shall be submitted by the body identified by the Constitution and law.

### **Article 67**

In the dismissal procedure, the Head of the body of administration or his or her Deputy shall be provided an opportunity to give a statement as to the facts causing the start of the dismissal procedure as well as to provide information and required data relevant for the establishment of such responsibility.

The body competent for dismissal following the proposal for dismissal shall take a decision establishing the existence of reasons for dismissal or a decision rejecting the proposal for dismissal.

Following the proposal for dismissal, the body competent for dismissal, even when there is no ground for taking a decision on dismissal, indicate irregularities in the work of the Head and his or her Deputy.

The body competent for dismissal may, for the duration of the dismissal procedure, suspend from performing the authorisations and duties the Head of the body of administration or his or her Deputy.

The decision following the proposal for dismissal of the Head of the body of administration and his or her Deputy, as well as the decision on suspension from performing the duty for the duration of the dismissal procedure shall not be subject of legal remedies.

### **Article 68**

If the Head of a body of administration or his or her Deputy considers that he or she is not able to perform successfully the authorities and obligations entrusted and may not take responsibility for their performance, he or she shall have the right to submit resignation.

The Head or his or her Deputy shall remain at the position until the deadline specified by law or by the deadline as specified by the body competent to decide the resignation.

The resignation submitted shall not preclude the dismissal procedure for the reasons provided for in Article 66 of this Law.

## **CHAPTER VIII – CIVIL SERVANTS AND OTHER EMPLOYEES**

### **Article 69**

Tasks and duties in the bodies of administration shall be carried out by civil servants.

Support and technical tasks serving the needs of the bodies of administration shall be carried out by employees.

### **Article 70**

Recruitment of civil servants by a body of administration, their rights, duties and responsibilities, other status issues, salaries and other remunerations of civil servants, as well as prevention of a conflict of interest in carrying out duties of civil servants shall be regulated by the Law on Civil Service in the Institutions of Bosnia

and Herzegovina and other special law.

Recruitment of employees by a body of administration, their rights, duties and responsibilities, other status issues as well as salaries and other remunerations of employees shall be regulated by special law.

## **CHAPTER IX – INSPECTION SUPERVISION**

### **1. General provisions on inspection supervision**

#### **Article 71**

Tasks of inspection supervision shall be carried out by the bodies of administration in accordance with law.

Tasks of inspection supervision shall be carried out by inspectors.

When it is required by the service, the director of the body of administration may authorise another civil servant of the body of administration who possesses relevant education to accomplish certain tasks of inspection supervision, or to assist the inspector in carrying out supervision, which shall be specified in a decision.

#### **Article 72**

Inspectors shall have an identity card which proves their official capacity, identity and authorisation as provided for by law.

The Minister of Civil Affairs and Communications shall define the form and the content of the ID. The ID shall be issued to the inspector by the Director of the body of administration employing the inspector.

#### **Article 73**

An inspection supervision procedure shall be initiated and conducted by the inspector ex officio.

Any person shall have the right to submit a request to the inspector to conduct certain inspection supervision and to take administrative measures for which he or she is authorised by law.

Following the request referred to in Paragraph 2 of this article, the inspector shall be obliged to carry out inspection supervision, compile a record and take appropriate measures and notify thereof the claimant in writing within the period of eight days after the receipt of the request.

Any body the work of which is subject of inspection supervision shall have a duty to allow the inspector to carry out supervision and to provide him or her necessary information and data relevant for carrying out the supervision.

#### **Article 74**

In carrying out inspection supervision, the inspector shall have the right and duty to have a direct inspection of business premises and other objects, the work procedure, products and other goods, documents and other materials, as well as to perform other activities in accordance with the purpose of inspection supervision (establishing a person's identity, hearing, sample taking for analysis, etc.)

If the inspector is obstructed in carrying out inspection supervision or is faced with physical resistance or if such resistance is reasonably expected, the inspector may ask the assistance of the competent police which shall be obliged to offer necessary protection and enable the inspector to complete the inspection.

#### **Article 75**

In carrying out inspection supervision, the inspector shall be obliged to act in such a manner as not to endanger certain official secret as provided for by law and other regulation.

The inspector shall be obliged to make a record on any inspection supervision which shall state the factual situation as established by the inspection.

The record shall be made pursuant to the rules of administrative procedure and it shall be submitted to

the responsible official at the location of whom the inspection was conducted.

#### **Article 76**

When, in carrying out inspection supervision, it is established that the law or other regulation the enforcement of which is supervised has been violated, the inspector shall have an authorisation and duty to order the following measures:

- 1) to order the omissions and irregularities established be removed within a defined period;
- 2) to order taking of appropriate administrative actions that the legal person, the body of administration or the institution with public authorisation is obliged to take;
- 3) to ban taking of actions that he or she deems contrary to the law or other regulations the implementation of which is subject of supervision;
- 4) to impose and collect a fine immediately if authorised to do so by law;
- 5) to take other administrative measures and actions for which he or she is authorised by law or another regulation.

#### **Article 77**

If the inspector has established that the violation of the law or other regulation has caused a violation of an official duty, a minor offence, an economic misdemeanour or a criminal offence, he shall be obliged to file forthwith a request for establishing responsibility for the violation of the official duty or the minor offence committed, or to file a complaint for the economic misdemeanour or the criminal offence committed.

#### **Article 78**

The inspector must issue a decision on taking the administrative measures referred to in Article 76, Paragraph 1, Items 1, 2 and 3 of this law. Grounds for such decision shall be the factual situation stated in the records as referred to in Article 75, Paragraph 2.

The decision referred to in Paragraph 1 of this article shall be subject to appeal with the competent body within a period of eight days of the receipt of the decision.

The appeal must be decided not later than within 15 days of the receipt of the appeal.

A decision on the appeal referred to in Paragraph 2 of this article shall be subject to an administrative dispute to be brought to the court.

#### **Article 79**

The inspector shall keep records on the inspection supervision completed and the administrative measures taken referred to in Article 76 of this law. The content and the manner of keeping records shall be specified by the Minister of Civil Affairs and Communications.

#### **Article 80**

The inspector may temporarily seize the documents and objects which in the minor offence or judicial proceedings may be used as evidence, on which he shall be obliged to issue a receipt.

#### **Article 81**

The inspector must monitor implementation of the administrative measures ordered by the decision referred to in Article 78 of this law and ensure their implementation within the limits of his authorisations.

If the inspector is unable to ensure implementation of the administrative measures in the manner and within the deadline as specified in the decision, he shall have a duty to notify without delay thereof the Director of the body of administration who shall be obliged to take measures in order to ensure enforcement of the measures ordered.



## **Article 82**

The inspector may also take appropriate preventive activities with a view of preventing detrimental consequences due to the omissions and irregularities in implementation of the law and other regulations the implementation of which he supervise, such as: a warning to physical and legal persons of legal obligations, information about detrimental consequences, proposing measures for removing their causes and so on.

The public corporation, chamber, public enterprise (company), agency and other legal person and institution with public authorisations or the body of administration at which inspection supervision has been carried out must comply with the decision of the inspector referred to in Article 78 of this article.

## **2. Administrative Inspection**

### **Article 83**

Tasks of administrative inspection of the implementation of this Law, of the laws governing civil servants and employees of the bodies of administration, administrative proceedings and special administrative proceedings, as well as office operations in the bodies of administration shall be carried out by the Ministry of Civil Affairs and Communications.

The tasks of administrative inspection referred to in Paragraph 1 of this Article shall be directly carried out by Administrative Inspectors.

A graduated lawyer who has passed the specialist exam for civil servants of the bodies of administration and who has a minimum of three years of experience in performing most complex administrative tasks may be appointed as an Administrative Inspector.

### **Article 84**

In carrying out inspection supervision of implementation of laws or other regulations, the administrative inspector shall carry out supervision in particular with respect to:

- realisation of rights and legal interests and meeting of obligations of citizens, public corporations, chambers of commerce, public enterprises (companies), agencies and other legal persons in administrative proceedings;
- application of regulations governing the organisation and the manner of work of bodies of administration;
- working relations in bodies of administration and meeting of requirements by civil servants dealing with administrative decision-making in institutions with public authorisations;
- deciding administrative matters within specified deadlines;
- regularity of application of regulations in administrative proceedings;
- manner of collection of evidence in administrative proceeding, in particular of evidence collected ex officio;
- implementation of administrative execution;
- rendering legal aid to citizens, public corporations, chambers of commerce, public enterprises (companies), agencies and other legal persons in administrative proceedings;
- keeping records on administrative cases;
- application of the regulations governing office operations.

### **Article 85**

If the administrative inspector has established that the irregularities and omissions in work are caused by a lack of competence of a civil servant to perform the duty to which he has been assigned, he shall propose to the Director of the body of administration to reassign the civil servants to other duties.

## **Article 86**

In carrying out inspection supervision, the administrative inspector shall make a record on the inspection supervision, which includes in particular the established factual situation and irregularities and omissions in the work. A copy of the record shall be submitted to the Director of the body of administration or institutions and, if needed, to the Council of Ministers.

## **Article 87**

If, in carrying out inspection supervision, the administrative inspector has established that a law or another regulation has been violated, he must issue a decision ordering the measures referred to in Article 76 of this law.

The decision referred to in Paragraph 1, Article 78 of this law may be appealed by the Director of the body of administration and institution with public authorisations to the Minister of Civil Affairs and Communications within eight days of the receipt of the decision.

An appeal referred to in Paragraph 1 of this article shall stay execution of the decision.

A decision of the Minister of Civil Affairs and Communications shall be subject to an administrative dispute to be initiated before the court.

## **Article 88**

If the administrative inspector has established that violations of the law and other regulations have made impossible for citizens, public corporations, chambers of commerce, public enterprises (companies), agencies and other legal persons to realise their rights and legal interests in specified deadlines, or in another manner, he is obliged to notify thereof without delay the Council of Ministers, to indicate the consequences that have resulted or might result from such a situation and to propose appropriate measures to be taken.

## **Article 89**

Citizens, public corporations, chambers, public enterprises (companies), agencies and other legal persons shall have the right to, in order to protect their rights stipulated by this law and other regulations, approach, orally or in writing, the administrative inspector in all cases when fast and effective realisation of the rights and legal interests or meeting of their obligations at the body of administration, agency or institution with public authorizations, is made difficult, in particular:

- 1) if their requests and complaints in administrative proceedings are not decided in the legally prescribed deadline;
- 2) if they are required in administrative proceedings to prove facts by certificates and other public documents that is an ex officio duty of the civil servant conducting the proceedings;
- 3) if the administrative acts issued for realisation of the rights and legal interests in administrative proceedings are not enforced;
- 4) if they are denied legal aid in realising their rights and legal interests and in meeting the obligations in administrative proceedings.

The administrative inspector shall be obliged to comply immediately with the request referred to in Paragraph 1 of this article in such a manner as defined in provisions of Article 73, Paragraph 3 of this law.

## **CHAPTER X – FUNDS FOR THE WORK OF BODIES OF ADMINISTRATION**

### **Article 90**

Funds for the functioning of bodies of administration shall be shown in the Budget adopted by the Parliamentary Assembly at the proposal of the Presidency and at the recommendation of the Council of

Ministers.

Funds for the functioning of bodies of administration shall consist of: funds for salaries and compensations, funds for material and services, capital expenses and special purpose programmes.

Revenues generated by bodies of administration through their activities shall make budgetary funds.

## **Funds for salaries**

### **Article 91**

Bodies of administration shall obtain funds for salaries of civil servants and employees, in accordance with the Rule Book on job systematisation and depending on the number and structure of employees.

Salaries of civil servants and employees in bodies of administration shall be regulated by a special by-law issued under law.

## **Funds for material and services**

### **Article 92**

Funds for material and services shall serve for the following:

- purchase of consumables, small inventory and payment of district heating bills;
- payment of electricity and cleaning bills;
- payment of telephone bills, rents and regular maintenance costs;
- purchase of technical publications, literature and printing of official materials;
- payment of travel and other expenses which represent personal income and which are granted to bodies of administration under special regulations;
- payment of other expenses necessary for carrying out of the activities of bodies of administration;
- payment of meal vouchers for civil servants and employees during work hours, local public transportation bonuses for civil servants and employees, vacation allowance and so on;
- payment of insurance expenses and of other capital expenses.

### **Article 93**

Funds for material and services common for two or more bodies of administration (heating, electricity, maintenance of the premises, and so on) shall be allocated, as a rule, to the body or service in the scope of activities of which are duties that make common expenses, which shall be decided by the Council of Ministers at the proposal of the Minister of Civil Affairs and Communications.

Special purpose programmes

### **Article 94**

Special purpose programmes shall serve for satisfying certain special needs concerning the work of the body of administration.

Funds for special purpose programmes may be used directly from the Budget or transferred to a special account of the bodies of administration.

## **Capital expenses**

### **Article 95**

Capital expenses for

- inventory and other movables;

- expenses for purchase of equipment.

#### **Article 96**

A body of administration may use funds for capital expenses together with other bodies of administration and other institutions.

The Council of Ministers may define that certain funds referred to in Paragraph 1 of this article shall be mandatory use by all bodies of administration or by two or more bodies of administration and shall determine a manner of such common use of the funds.

#### **Article 97**

The Ministry of Treasury of Institutions of BiH shall issue regulations and general acts on material and financial operations of bodies of administration.

### **CHAPTER XI – REGULATIONS AND OTHER ACTS OF BODIES OF ADMINISTRATION**

#### **Article 98**

Bodies of administration shall issue general acts from within their competence with a view of enabling implementation of laws and shall issue individual acts.

Bodies of administration may only issue acts referred to in Paragraph 1 of this article when they are expressly authorised to do so by law.

#### **Article 99**

General acts in accordance with this law shall be: instructions, directions and orders (general acts).

Instructions shall provide for a manner of work in performing certain tasks of administration from within the competence of bodies of administration.

Directions shall define detailed rules and guidance for the work in implementing and applying certain laws and other regulations.

Orders shall order or ban from acting in a situation of general relevance.

General acts referred to in Paragraphs 2, 3 and 4 of this article shall be published in the Official Gazette of BiH, Official Gazette of the Federation of BiH and Official Gazette of the Republika Srpska.

### **CHAPTER XII – SUPERVISION OF IMPLEMENTATION OF THE LAW**

#### **Article 100**

The implementation of this law shall be supervised by the Ministry of Civil Affairs and Communications through administrative inspection.

Modalities of supervision referred to in Paragraph 1 of this article shall be subject to provisions from Art. 83 to 89 of this law.

### **CHAPTER XIII – APPLICATION OF THE PROVISIONS OF THIS LAW TO CERTAIN BODIES AND SERVICES IN BIH**

#### **Article 101**

The provisions of this law on funds for the functioning of bodies of administration shall be accordingly applied to the Parliamentary Assembly, the Presidency, the Council of Ministers and their services and judicial institutions, unless otherwise provided for by law for some of these bodies, services and institutions.

The provisions of this law on directors of bodies of administration, their deputies and managerial civil

servants shall be accordingly applied to directors, their deputies and managerial civil servants in technical services of bodies of administration and other bodies, unless otherwise provided by law.

## **CHAPTER XIV – PENAL PROVISIONS**

### **Article 102**

A fine of between KM 2000 to 8000 shall be imposed for a violation on a public corporation, chamber, public enterprise (company), agency and another legal person as well as an institution with public authorisations:

- if, at the request of the body of administration, they fail to provide a report, data and information from within the area of their activity (Art. 26, Paragraph 2 and Article 38, Paragraph 2);
- if they do not decide a client's request within the specified period (Art. 39);
- if they fail to follow a submission, proposition or complaint of a client and do not provide an answer in writing (Art. 41);
- if they do not obtain, ex officio, certificates and other public documents on the facts that are subject to official record or if they request that a client obtain such certificates and public documents (Art. 42);
- if they make impossible for the inspector to carry out inspection supervision and do not provide him with necessary data and information (Art. 74, Paragraph 3);
- if they fail to comply to the preventive measures of the inspector or to the decision of the inspector (Art. 76 and 78);
- if it is made impossible or difficult for citizens, public corporations, chambers, public enterprises (companies), agencies and other legal persons to realise their rights and legal interests (Art. 89, Paragraph 1).

A fine of between KM 200 to 1000 shall be imposed for the violation referred to in Paragraph 1 of this article also on the responsible person in the body of administration, agency or institution with public authorisations.

A fine of between KM 200 to 1000 shall be imposed on the administrative inspector if he fails to comply with the request referred to in Article 89, Paragraph 2 of this law.

### **Article 103**

A fine of between KM 1000 to 4000 shall be imposed for a violation on a public corporation, chamber, public enterprise (company), agencies and other legal person if failing to provide within the specified deadline the body of administration with the data or acts required relating to actions in administrative proceedings, conducting administrative supervision or following the situations in certain field.

A fine of between KM 200 and 800 shall be imposed for the violation referred to in Paragraph 1 of this article on the responsible official of the public corporation, chamber, public enterprise (company), agency, body of administration and other legal person.

### **Article 104**

A fine of between KM 150 and 500 shall be imposed for a violation on the responsible official of the body of administration if he fails to comply with the provisions of Art. 11, 35, 39, 41, 42, 43, 70, 79, 81 and Art. 89 of this law.

### **Article 105**

A responsible official of the body of administration for the purpose of Article 102 to 104 of this law shall be considered the Director of the body of administration, inspector, as well as civil servant assigned to directly perform a job and he has failed to do so or has performed an action contrary to his assignment.

### **Article 106**

Proceedings following the violations under the provisions of this law shall be conducted by such institution as identified by law.

Funds that are collected by the bodies referred to in Paragraph 1 of this article by imposing fines in proceedings following violations, conducted under this or another law, shall be considered as revenue of the Budget.

## **CHAPTER XV – FINAL PROVISIONS**

### **Article 107**

The Council of Ministers shall prescribe principles for establishing internal organisation of bodies of administration and office operations in bodies of administration within six months of the entry into force of this law.

Directors of bodies of administration who are authorised, pursuant to the provisions of Article 61 of this law, to issue regulations for implementation of certain provisions of this law shall issue such regulations within a period of six months of the entry into force of this law.

### **Article 108**

Upon the entry into force of this law, the Law on State Administration in the Republic of Bosnia and Herzegovina shall cease to apply (Official Gazette of R BiH, 26/93, consolidated text).

### **Article 109**

This law shall enter into force on the eighth day of the publication in the Official Gazette of BiH, and it shall be published in the Official Gazette of Federation of BiH and the Official Gazette of Republika Srpska.

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30 September, 2002  
Sarajevo

Chairman  
House of Representatives  
Parliamentary Assembly of BiH  
Mariofil Ljubic

Chairman  
House of Peoples  
Parliamentary Assembly of BiH  
Nikola Spiric