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## **Legal Department**



# **LAW ON MINISTRIES AND OTHER BODIES OF ADMINISTRATION OF BOSNIA AND HERZEGOVINA**

**“Official Gazette” of Bosnia and Herzegovina, 5/03**

**NOTE:** Amendments to the Law on the Ministries and other Bodies of Administration of Bosnia and Herzegovina, published in the Official Gazette of Bosnia and Herzegovina 42/03 and 26/04, are not included in this translation.

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Representatives held on 4 February 2003 and at the session of the House of Peoples held on 13 February 2003, adopted

## **LAW ON MINISTRIES AND OTHER BODIES OF ADMINISTRATION OF BOSNIA AND HERZEGOVINA**

### **I – GENERAL PROVISIONS**

#### **Article 1**

This law shall establish the Ministries and shall identify administrative organisations and other institutions of Bosnia and Herzegovina (hereinafter: BiH) carrying out tasks and duties of administration within the competence of BiH, specify their scope of work, the manner of their management, as well as other issues concerning their functioning.

#### **Article 2**

Tasks and duties of administration from within the competence of BiH shall be carried out by: the Ministries, administrative organisations as independent administrative organisations, administrative organisations within the Ministries, as well as by other institutions of BiH as established by separate laws, or as assigned by separate laws to carry out tasks and duties of administration.

#### **Article 3**

In accordance with Article V.4.b) and IX.3 of the Constitution of BiH, the provisions of the Law on the Council of Ministers of BiH (Official Gazette BiH, 38/02), the Law on Administration (Official Gazette of BiH, 32/02) and the Law on Civil Service in the Institutions of Bosnia and Herzegovina (Official Gazette of BiH, 19/02), the composition of officials and employees of the bodies of administration referred to in Article 2 of this Law shall reflect the ethnic composition of the population according to the last BiH census.

#### **Article 4**

Ministries shall be bodies of administration carrying out administrative and professional tasks and duties from within the competence of BiH in one or several related domains where they wholly or to some extent as determined by law or regulation, directly ensure and are responsible for the implementation of laws and other regulations.

The Ministries shall prepare the laws and other regulations and general acts falling within their scope and shall perform other tasks as determined by separate laws and other regulations.

#### **Article 5**

Administrative organisations shall be established for the purpose of carrying out administrative and professional tasks whose character and the manner of their execution require a special organisation and independence in their work.

Administrative organisations shall have legal personality and may be established as organisations within a Ministry or as independent administrative organisations.

Administrative organisations may be established within a Ministry when that is necessary due to the tasks and duties from the competence of the Ministry and those of administration being related, and, in addition to some degree of independence in carrying out tasks and duties from the competence of administration, it is

necessary to ensure a guidance and supervision in carrying out such tasks and duties of those administrative organisations by the Ministry.

Administrative organisations within Ministries shall report to the Ministry within which they are placed, and independent administrative organisations shall report to the Council of Ministers of BiH.

Administrative organisations within Ministries shall be financed from the State budget through their respective Ministry.

Independent administrative organisations shall be financed from the budget consisting of funding from the state budget and independent sources.

### **Article 6**

In order to carry out professional, technical and other tasks serving the needs of the Council of Ministers of BiH and bodies of administration, certain professional, technical and other services may be established, either as common or independent services which may have legal personality.

The Council of Ministers of BiH shall decide on establishing the services referred to in Paragraph 1 of this article serving the needs of the bodies of administration.

## **II. MINISTRIES AND ADMINISTRATIVE ORGANISATIONS AND SERVICES**

### **Article 7**

The Ministries of BiH shall be as follows:

Ministry of Foreign Affairs  
Ministry of Foreign Trade and Economic Relations  
Ministry of Communications and Transport  
Ministry of Finance and Treasury  
Ministry for Human Rights and Refugees  
Ministry of Justice  
Ministry of Security  
Ministry of Civil Affairs.

### **Article 8**

The Ministry of Foreign Affairs shall be responsible for:

- implementation of foreign policy of BiH and development of international relations in accordance with the positions and directions of the Presidency of Bosnia and Herzegovina;
- proposing adoption of positions concerning the issues of interest for foreign policy activities and the international position of BiH;
- representing BiH in diplomatic relations with other countries, international organisations and at international conferences, and direct communication with foreign diplomatic and representation offices and missions of international organisations in BiH, and carrying out the professional tasks in relation to that;
- monitoring of the state and development of international relations of BiH with other countries, international organisations and other participants in international law and international relations and reporting on that to the Parliamentary Assembly of BiH, the Presidency of BiH and the Council of Ministers of BiH (hereinafter: the Council of Ministers);
- proposing to the Presidency of BiH the establishment and termination of diplomatic or consular relations with other countries;
- co-operation with international organisations, proposing to the Presidency of BiH membership or participation of BiH in the work of international organisations;

- organisation, direction and co-ordination of the work of diplomatic and consular representations of BiH abroad;
- preparation and organisation of international visits and meetings;
- preparation of bilateral and multilateral agreements,
- carrying out duties concerning the stay and protection of the rights and interests of BiH citizens permanently and temporarily staying abroad and of domestic legal entities abroad;
- monitoring, in co-operation with competent ministries and institutions, international economic trends and relations and informing thereof the competent authorities as well as of international economic relations of BiH with individual states or regions;
- promotion, development and co-ordination of co-operation with the emigrated citizens of BiH;
- preparing documents, analyses, information and other materials serving the needs of the Presidency of BiH, the Council of Ministers and other bodies competent for the foreign policy implementation.

### **Article 9**

The Ministry of Foreign Trade and Economic Relations shall be responsible for:

- foreign trade policy and customs tariff policy of BiH;
- preparation of contracts, agreements and other acts in the domain of economic relations and trade with other countries;
- preparation of bilateral and multilateral agreements and other acts related to reconstruction and recovery of BiH;
- relations with international organisations and institutions in the domain of foreign trade and economic relations;
- preparation and drafting of macroeconomic or strategic documents in the domain of economic relations;
- business environment, single economic space;
- development and promotion of entrepreneurship;
- control of goods and services of special regime in trade or in import and export;
- consumer protection;
- competition;
- co-ordination of international economic aid to BiH, except for the part relating to the EU aid;
- veterinary.

This Ministry shall also be responsible for carrying out tasks and discharging duties which are within the competence of BiH and relate to defining policy, basic principles, co-ordinating activities and harmonising plans of the Entity authorities and bodies at the international level in the fields of:

- agriculture;
- energy;
- protection of the environment, development and use of natural resources;
- tourism.

Within this Ministry, there shall be the BiH Veterinary Office as an administrative organisation.

### **Article 10**

The Ministry of Communications and Transport shall be responsible for:

- policy and regulation of common and international communication facilities;
- international and inter-Entity transportation and infrastructure;
- preparation of treaties, agreements and other acts in the field of international and inter-Entity communications and transport;

- relations with international organisations in the field of international and inter-Entity communications and transport;
- preparation and drafting of strategic and plan documents in the field of international and inter-Entity communications, transport, infrastructure and information technologies;
- tasks of control of smooth transport in international transportation;
- civil aviation and air traffic control.

Within this Ministry, there shall be the BiH Directorate of Civil Aviation as an administrative organisation, the rights and duties of which shall be defined by a special law.

### **Article 11**

The Ministry of Finance and Treasury shall be responsible for:

- principles of tax policy, tariffs and regulations;
- relations with international and domestic financial institutions;
- preparation of contracts, agreements and other acts creating credit and other financial obligations for BiH with respect to other countries and international organisations;
- planning and managing the debt of BiH, meeting of the international financial obligations of BiH;
- policy of new debts in the country and abroad;
- preparation of BiH Budget and of BiH Annual Balance Sheet;
- co-ordination of activities to secure BiH budgetary funds;
- execution of BiH Budget and taking care of financing of the BiH institutions;
- managing the activities concerning succession issues to the former SFRY;
- banking regulations relating to the functioning of the Central Bank of BiH;
- BiH institutions property administration;
- compilation, dissemination and publication of consolidated general government fiscal data.

### **Article 12**

The Ministry for Human Rights and Refugees shall be responsible for:

- monitoring and implementation of international conventions and other documents on human rights and fundamental freedoms;
- promoting and protection of individual and collective human rights and freedoms,
- co-ordination and preparation of reporting to the competent domestic and international human rights treaty bodies, and implementation and execution of decisions of human rights treaty bodies;
- designing and implementing activities to facilitate the fulfilment of Bosnia and Herzegovina's obligations concerning accession to Euro-Atlantic integration, in particular concerning the application of the European Convention on Human Rights and its Protocols;
- monitoring, drafting and disseminating information on standards, achievements and activities in the area of human rights;
- co-operation with religious communities;
- co-operation with national minorities and their associations;
- co-operation with institutions and organisations responsible for tracing missing persons in BiH;
- co-operation with the Red Cross of BiH and the International Committee of Red Cross and humanitarian organisations;
- taking care of asylum issues and the rights of refugees coming to BiH;
- implementing Annex VII to the GFAP and in particular overseeing and monitoring the implementation of this Annex;
- formulating and implementing the BiH policy in the field of return of refugees and displaced persons in BiH, reconstruction projects and ensuring other conditions for sustainable return;

- within the State Commission for Refugees and Displaced Persons co-ordinating, directing and assessing the activities of the Entities and other institutions in BiH responsible for issues related to the implementation of the policy in this field;
- any other activities required by law, and/or pertaining to implementation of Annex VI and Annex VII of the GFAP;
- all data it considers relevant in accordance with all applicable data protection standards;
- co-operation with non-governmental organisations on the issues from within the competence of the Ministry;
- formulating the policy of immigration and asylum in BiH;
- formulating the BiH policy related to the emigrated citizens;
- collecting, systematising, publicising and disseminating all data from within the competence of the Ministry.

### **Article 13**

The Ministry of Justice shall be responsible for:

- administrative functions related to the judicial institutions at the state level;
- international and inter-Entity judicial co-operation (mutual legal assistance and contacts with international tribunals);
- drafting of relevant legislation to address the issues referred to in sub-paragraphs 1 and 2 of this article;
- ensuring that legislation and implementation by BiH at all levels is in compliance with the obligations of BiH deriving from international treaties;
- co-operating both with MoFA and with the Entities in the drafting of International Bilateral and Multilateral Treaties;
- providing guidelines and monitoring legal education to ensure inter-Entity harmonization and compliance with best practice;
- generally acting as central co-ordinating body for ensuring inter-Entity legislative and justice system harmony and best practice, whether by providing good offices for discussion or co-ordinating initiatives;
- extradition;
- tasks of administrative inspection of legislation governing civil servants and employees of the bodies of administration, of administrative proceedings and special administrative proceedings, as well as of office operations in the bodies of administration;
- the issues of association of citizens and keeping of registers of associations of citizens and of non-governmental organisations operating within BiH;
- other tasks and duties which are not within the competence of other Ministries of BiH and which are related to the tasks and duties of this Ministry.

### **Article 14**

The Ministry of Security shall be responsible for:

- protection of international borders, domestic border crossings and traffic regulation at BiH border crossings;
- prevention and tracing of perpetrators of criminal offences of terrorism, drug trafficking, counterfeiting of domestic and foreign currencies and trafficking in persons, and of other criminal offences with an international or inter-Entity element;
- international co-operation in all areas within the remit of the Ministry;
- protection of persons and facilities;
- collection and use of data relevant for security of BiH;
- organisation and harmonisation of the activities of the Entity Ministries of Internal Affairs and of the District of Brcko of BiH in accomplishing the tasks of security in the interest of BiH;
- meeting of international obligations and co-operation in carrying out of civil defence, co-ordination of

- activities of the Entity civil defence services in BiH and harmonisation of their plans in the event of natural or other disasters afflicting BiH, and adoption of protection and rescue plans and programmes;
- implementing BiH immigration and asylum policy and regulating procedures concerning movement and stay of aliens in BiH

Within this Ministry, there shall be: the State Border Service, the Information and Protection Agency as administrative organisations whose rights, duties and operational autonomy shall be regulated by separate laws, and the Office for Co-operation with Interpol, as an autonomous service whose rights and duties shall be regulated by separate regulations.

### **Article 15**

The Ministry of Civil Affairs shall be responsible for:

- Citizenship, citizen registration and records, personal data protection, residency registration, identity documents, travel documents and vehicle registration process,
- mine action.

This Ministry shall be responsible for carrying out tasks and discharging duties which are within the competence of BiH and relate to defining basic principles, co-ordinating activities and harmonising plans of the Entity authorities and defining a strategy at the international level in the fields of:

- health and social care;
- pensions;
- science and education;
- labour and employment;
- culture and sport;
- geodetic, geological and meteorological affairs.

Within this Ministry there shall be the Directorate for CIPS Implementation, and the Commission for Demining of BiH as autonomous services, the rights and duties of which shall be regulated by special regulations.

### **Article 16**

As stipulated under article 13, the Ministry of Justice shall carry out tasks and duties which are not within the competence of other Ministries.

In the event of a conflict of competence between the Ministries or in the event that individual tasks and duties are not expressly provided for as falling within the scope of work of a Ministry while being related to other tasks and duties carried out by that Ministry, the Council of Ministers of BiH shall issue a Decision identifying the Ministry to which specific tasks and duties belong.

## **III. INDEPENDENT ADMINISTRATIVE ORGANISATIONS**

### **Article 17**

Independent administrative organisations shall be as follows:

1. BiH Statistical Agency;
2. Institute for Accreditation of BiH;
3. Institute for Standardisation, Metrology and Intellectual Property of BiH.

In addition to the administrative organisations referred to above in this Article, other independent administrative organisations from within the competence of the Council of Ministers may be established by a separate law.

The rights and duties, as well as other issues of relevance for the work of independent administrative organisations, shall be such as set out in the Law on Administration and separate laws and regulations.

#### **IV. DIRECTORATE FOR EUROPEAN INTEGRATION**

##### **Article 18**

Further to Article 23 of the Law on the Council of Ministers of BiH the Directorate for European Integration shall be responsible for:

- coordination of activities concerning the harmonisation of the BiH Legal System with European *acquis communautaire* Standards;
- checking compliance of all draft laws and decrees submitted by the ministries and administrative organisations to the Council of Ministers with the Directives of “The White Book - the Preparation of the Associated Countries of Central and East Europe for Integration in the Union's Inner Market” and the procedures of meeting the requirements of the relevant Directive.
- harmonisation of activities of bodies and institutions in BiH relating to the relevant activities necessary for European integration;
- participation as the technical operational contact body for the European Commission;
- co-ordinating implementation of decisions taken by the competent authorities and institutions of BiH, of the Entities and of the District Brcko of BiH with respect to all activities required by BiH for European integration;
- participating in activities or drafting draft laws, other regulations and directives relating to the carrying out of activities that BiH is required to take in the European integration process;
- acting as the main operational counterpart to the European Commission institutions in the Stabilisation and Association Process,
- co-ordination of EU aid to BiH.

The Directorate will establish the functional relationship with Ministries, administrative organisations and Entity governments on the issues related to EU integration strategy and policy, harmonisation of legislation and aid co-ordination.

#### **V. MANAGING THE MINISTRIES, ADMINISTRATIVE ORGANISATIONS AND SERVICES**

##### **Article 19**

Management of the Ministries, administrative organisations and services, rights, duties, responsibility, appointment and dismissal of officials and managing employees shall be as set out in the Law on the Council of Ministers of BiH (Official Gazette of BiH, 38/02), the Law on Administration (OG, 32/02), the Law on Civil Service in the Institutions of BiH (OG BIH, 19/02) and special laws and regulations governing the establishment of administrative organisations and services.

##### **Article 20**

The Ministries shall be managed by Ministers in co-operation with Deputy Minister and Secretary of the Ministry.

The Ministers shall be responsible for their work and the situation in the fields falling within the scope of work of their respective Ministries, to the Council of Ministers.



A Minister shall have one Deputy Minister, who shall be appointed in the same manner as the Minister, provided that he or she may not come from the same people as the Minister.

#### **Article 21**

Administrative organisations shall be managed by Directors, or managing officials, whose title shall be such as determined by law or by a decision on establishment of the administrative organisation concerned.

Managers of administrative organisations shall be responsible for their work and the situation in the fields falling within the scope of work of their respective administrative organisations, to the body that has appointed them.

Managers of administrative organisations within the Ministries shall also be responsible for their work to the Minister managing the Ministry within which that administrative organisation is established.

### **VI. ORGANISATION, ACTIVITY PROGRAMME AND ACTIVITY REPORTS OF THE MINISTRIES, ADMINISTRATIVE ORGANISATIONS AND SERVICES**

#### **Article 22**

The internal organisation of the Ministries and administrative organisations shall be based on the principles defined in the Law on Administration and it shall be governed by a Rule Book on Internal Organisation.

The Rule Book on Internal Organisation of the Ministries shall be passed by the Ministers, and that of administrative organisations shall be passed by the managers of the administrative organisations.

Prior to passing the Rule Book on Internal Organisation, the Minister or the manager of the administrative organisation must obtain the opinion of the Minister of Justice.

The Rule Book on Internal Organisation shall be considered passed when approved by a Decision of the Council of Ministers.

#### **Article 23**

The Ministries and administrative organisations shall be obliged to establish their Activity Programme for each calendar year.

Activity Programmes must include activities according to the policies formulated by the Chair and Deputy Chairs of the Council of Ministers in accordance with Article 29 of the Law on the Council of Ministers of BiH.

Activity Programmes shall be submitted, together with a previously obtained opinion of the Ministry of Finance and Treasury pertaining to the financial side of the Activity Programme, to the Council of Ministers for approval.

#### **Article 24**

Ministries and administrative organisations shall be obliged to submit an Activity Report on their work and the situation in the administrative fields their scope of work relates to, for each calendar year.

Activity Reports shall be submitted to the Council of Ministers.

### **VII. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 25**

Within the period of fifteen days after this Law comes into effect, the Council of Ministers shall adopt a special decision regulating the manner of re-allocation of tasks and duties between the Ministries established by

the previous Law on the Council of Ministers and of Ministries of BiH (OG BiH, 11/00) and the Ministries established by this Law, in particular concerning the manner of redeployment of civil servants and other employees and distribution of the files, registry materials, documents, material and technical resources, financial and other commitments, identifying the seat of the Ministries and governing other issues relevant to the efficient and continued operations of the Ministries.

#### **Article 26**

Administrative proceedings that have not been ended by a final decision in the bodies of administration that are being abolished by this Law or whose scope of work has been modified, shall be continued in the bodies competent for conducting such administrative proceedings.

#### **Article 27**

Within thirty days after this Law comes into effect, the appointed Ministers and the managers of the administrative organisations and services shall have a duty to submit to the Council of Ministers of BiH proposed Rule Books on Internal Organisation.

#### **Article 28**

Within the period of ninety days after this Law comes into effect, the Council of Ministers shall pass a separate decision establishing the method of incorporation of the existing independent administrative organisations and services into the ministries in accordance with this Law, as well as other issues of relevance for providing continuity in the work of these organisations and services.

#### **Article 29**

Pursuant to the provisions of this Law, the following bodies of administration established before the enactment of the Constitution of Bosnia and Herzegovina shall cease to operate: the Health Care Institute, the Employment Bureau, the Institute for International Scientific, Technical, Educational and Sports Co-operation, the Institute for the Protection of Cultural, Historical and Natural Heritage, the Institute for Geodetic Survey, the Meteorological Bureau and the Institute for Geology. Their activities shall, as provided for by Articles 8 and 15 of this Law, be assumed by the Ministry of Civil Affairs and the Ministry of Foreign Affairs.

A decision on the status of equipment, inventory and other objects, assets, registries and documentation, business premises and employees of the bodies of administration referred to in Paragraph 1 of this article shall be taken by the Council of Ministers in co-operation with the Agency for Civil Service within 90 days.

#### **Article 30**

Within sixty days after this Law comes into effect the Council of Ministers of Bosnia and Herzegovina shall initiate the procedure before the Parliamentary Assembly of BiH in order to regulate through law the issue of succession of operation of other institutions, services and bodies established by the regulations of BiH and the Republic of BiH, which performed or are performing the administrative, professional or other activities falling within the competencies of Bosnia and Herzegovina or serving the needs of the authorities of Bosnia and Herzegovina.

#### **Article 31**

Within the period of three months after this Law comes into effect the Council of Ministers of BiH shall initiate the activities of harmonising the previous laws and regulations covering the issues of establishment and work of the bodies and institutions in the domain of public administration with this Law, as well as the Law on the Council of Ministers of BiH and the Law on Civil Service in the Institutions of BiH.

### **Article 32**

This Law shall come into effect on the eighth day after it is published in the "Official Gazette of BiH".

PS BiH No. 9/03  
13 February 2003  
Sarajevo

Chair  
of the House of Representatives  
of the Parliamentary Assembly  
Sefik Dzaferovic

Chair  
of the House of Peoples  
of the Parliamentary Assembly  
Velimir Jukic