

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 3 July 2002 and at the session of the House of Peoples held on 25 June 2002, adopted the

L A W
ON CIVIL SERVICE IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

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CHAPTER I
GENERAL PROVISIONS

Article 1
Scope of the Law

1. This Law regulates the legal status of civil servants in ministries, independent administrative organisations and administrative organisations within ministries, as well as in other institutions of Bosnia and Herzegovina established by a special law or entrusted by a special law with the performance of administrative tasks (hereinafter: institutions).
2. A civil servant is a person appointed by an administrative act to a post in the civil service, in accordance with the law.
3. Terms used only in the masculine gender shall refer equally to both the masculine and feminine genders, while gender-sensitive language shall be used when designating functions, ranks and titles.

Article 2
Recruitment and Representativeness

1. The recruitment and the professional career advancement of a civil servant shall be based upon open competition and professional merit.
2. The structure of civil servants within the civil service shall generally reflect the ethnic structure of the population of Bosnia and Herzegovina in accordance with the last census.
3. National representativeness of civil servants shall be based upon voluntary declaration in accordance with this Law.

Article 3
Principles of the Law

1. The civil service shall ensure respect for and application of the following principles:
 - a) legality;
 - b) transparency and publicity;
 - c) accountability;
 - d) efficiency and effectiveness;
 - e) professionalism and impartiality.

Article 4
Exemptions from Application

1. Members of the Parliamentary Assembly of Bosnia and Herzegovina (hereinafter: the Parliamentary Assembly), members of the Presidency of Bosnia and Herzegovina (hereinafter: the Presidency), the Council of Ministers (hereinafter: the Council of Ministers), ministers, deputy ministers, members of the Standing Committee on Military Matters, judges of the Constitutional Court of Bosnia and Herzegovina (hereinafter: the Constitutional Court), judges of the Court of Bosnia and Herzegovina (hereinafter: the Court of Bosnia and Herzegovina), the Ombudsman of Bosnia and Herzegovina, the Chief Prosecutor, Deputy Chief Prosecutors and Prosecutors of Bosnia and Herzegovina, the Attorney General and Deputy Attorneys General of Bosnia and Herzegovina, members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, members of the Election Commission of Bosnia and Herzegovina, professional military personnel in the institutions of Bosnia and Herzegovina, the Governor and Vice-Governors of the Central Bank of Bosnia and Herzegovina (hereinafter: the Central Bank), the Auditor General and Deputy Auditors General of the Audit Office of the Institutions of Bosnia and Herzegovina (hereinafter: the Audit Office) are not civil servants, and their legal status shall be regulated by other regulations.
2. Secretaries of the Houses of the Parliamentary Assembly of Bosnia and Herzegovina and the Secretary of the Joint Service of the Parliamentary Assembly of Bosnia and Herzegovina are not civil servants.
3. Persons employed as advisers to members of the Parliamentary Assembly, members of the Presidency, the Chair of the Council of Ministers, ministers and deputy ministers, and the Governor and Vice-Governors of the Central Bank are not civil servants.

Article 4a

Secretaries of the Houses and the Secretary of the Joint Service

The following provisions of the Law on Civil Service in the Institutions of the Authorities of Bosnia and Herzegovina shall apply to the secretaries referred to in Article 4, paragraph 2, namely: Articles 14., 15.1.f) and g), 18, 22 paragraph 1, and 45.

Article 5

Advisers

1. The following Articles shall apply to the advisers referred to in Article 4, paragraph 3: Articles 14.3.a), 14.5, 15.1.f), 18, 22 except points a), c) and e), and Articles 45 and 46 of this Law.

Article 6

Diplomatic and Consular Service, State Investigation and Protection Agency and Border Service

1. This Law shall apply to civil servants of the diplomatic and consular service, the State Investigation and Protection Agency and the border service.
2. With the exception of the provisions of Articles 1, 2 and 3 of this Law, the Council of Ministers may, by decision and upon obtaining the prior opinion of the Civil Service Agency (hereinafter: the Agency), determine that issues related to the diplomatic and consular service shall be regulated differently in respect of certain provisions of this Law.
3. This Law shall not apply to persons employed in the Central Bank of Bosnia and Herzegovina.
4. This Law shall not apply to persons employed in the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina.
5. This Law shall not apply to police officers as defined by the Law on Police Officers of Bosnia and Herzegovina.

CHAPTER II

CIVIL SERVICE POSITIONS

Article 7

Civil service positions

1. A civil servant shall be appointed to one of the following positions:
 - a) Senior civil servants:

1. Secretary and Secretary with a special assignment;
2. Assistant Minister, Assistant Director, and Chief Inspector.

b) Other civil servants:

1. Head of an internal organisational unit;
 2. Inspector;
 3. Senior Adviser;
 4. Senior Officer;
 5. Associate.
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2. The categories within the positions referred to in paragraph 1 of this Article shall be determined by decision of the Council of Ministers.

Article 8

Secretary and Secretary with a Special Assignment

1. The Secretary performs managerial duties and coordinates the work of sectors. The Secretary is responsible for the use of financial, material, and human resources allocated to the institution. The Secretary is accountable for their work and management to the head of the institution referred to in Article 4(1).
2. The Secretary with a Special Assignment performs managerial duties and is responsible for carrying out special tasks determined by a decision of the Council of Ministers or other regulations. The same conditions shall apply to a Secretary with a Special Assignment as to a Secretary, unless otherwise provided by this Law. The Secretary with a Special Assignment is responsible for their work and administration to the Council of Ministers.

Article 9

Assistant Minister, Assistant Director, and Chief Inspector

1. The Assistant Minister performs managerial duties within a basic organisational unit or sector and is responsible for the use of financial, material, and human resources allocated to the basic organisational unit.
2. The Assistant Director manages a specific area of work or a particular organisational unit and performs other tasks within that area as assigned by the Director.

3. The Chief Inspector directly organises and manages the work of the inspectorate in a specific area of inspection supervision.
4. The Assistant Minister, Assistant Director, and Chief Inspector are accountable for their work and management to the head of the institution.

Article 10

Head of an Internal Organisational Unit

1. The Head of an internal organisational unit performs more complex tasks and is responsible for the use of financial, material, and human resources allocated to the internal organisational unit.
2. The Head of an internal organisational unit is accountable for their work and management to the Assistant Minister, or to the Secretary if there is no Assistant Minister in the Institution concerned.

Article 10a

Inspector

1. An Inspector is a civil servant with special powers who performs inspection supervision over the implementation of laws and other regulations adopted on the basis of law, in a specific area of inspection supervision.
2. An Inspector shall be independent and autonomous in the performance of their duties within the limits of the powers prescribed by law.
3. An Inspector shall submit reports to the Chief Inspector.

Article 11

Senior Adviser

1. The Senior Adviser is a civil servant whose duties entail responsibility, a high level of expertise and autonomy in specific areas of work within an organisational unit.
2. The Senior Adviser shall report to the Head of the organisational unit.

Article 12

Senior Officer

1. The Senior Officer shall perform functions of responsibility within a given organisational unit.
2. The Senior Officer shall report to the Head of the organisational unit.

Article 13
Associate

1. An Associate is specialised in a specific area of work.
2. An Associate shall report to the head of the organisational unit.

CHAPTER III

DUTIES AND RIGHTS OF CIVIL SERVANTS

Article 14
Duties of the civil servant

1. A civil servant shall perform the duties specified in the job description, as well as other tasks and duties assigned by their superior that are related to the position and shall apply and ensure compliance with the constitutional and legal order in Bosnia and Herzegovina.
2. If a civil servant receives an order that is presumed to be unlawful, the civil servant shall proceed as follows:
 - a) draw the attention of the person issuing the order to its unlawfulness;
 - b) if the person issuing the order reiterates the order, the civil servant shall request a written confirmation stating the identity of the person issuing the order and the precise content of the order;
 - c) if the order is confirmed, the civil servant shall inform the immediate superior of the person issuing the order and shall be obliged to carry it out, unless the order constitutes a criminal offence. In such a case, the civil servant shall refuse to carry it out and shall report the case to the competent authority.
3. A civil servant shall act impartially and, in particular, shall:
 - a) avoid activities or omissions in the performance of their professional duties that violate or are incompatible with the duties prescribed by this Law, and shall refrain from publicly expressing their political views;
 - b) neither seek nor accept, for themselves or their relatives, any gain, benefit, or compensation in money, services, or otherwise, except as permitted by this Law.
4. In the performance of their duties, a civil servant shall be guided by the public interest and, in particular, shall:

- a) serve and assist the public;
 - b) provide the public, interested parties, and public institutions with information requested in accordance with the law.
5. A civil servant shall be obliged to behave and act in accordance with the Code of Conduct for Civil Servants, adopted by the Council of Ministers upon the proposal of the Agency.
6. A civil servant shall perform other duties prescribed by this Law.

Article 15

Rights of a Civil Servant

1. A civil servant shall have the right:
- a) to permanent employment until meeting the conditions for retirement, unless otherwise provided by this Law;
 - b) to leave as prescribed by law, as well as to resume work in the same or a similar position upon the expiry of such leave;
 - c) to be rewarded on the basis of duties performed and work results, as provided in Chapter V of this Law;
 - d) to a salary and allowances in the manner prescribed by a special law;
 - e) to support and assistance in professional education and professional development for the purpose of career advancement, through training and other means;
 - f) to protection of their physical and moral integrity by the State while performing official duties;
 - g) to be treated by their superiors with respect for their human dignity;
 - h) to establish or join, but not to be obliged to join, a trade union or professional association in accordance with the law;
 - i) to strike in accordance with the law.
2. A civil servant shall have the right to fair and equitable treatment in all aspects of human resources policy, regardless of nationality, social origin, entity citizenship, place of residence, religion, political or other beliefs, sex, race, birth, marital status, age, property status, disability, or other status.
3. The Council of Ministers shall adopt a regulation governing the conditions and manner of protection of the physical and moral integrity of a civil servant in the performance of duties, including the prescribing of misdemeanours in the event of a breach of such regulation.

Article 16

Incompatibilities

1. A civil servant shall not perform any duty, activity, or hold any position that leads to a conflict of interest with their official duties, and in particular:
 - a) A civil servant shall not engage in any additional activity for which remuneration is received, except when approved by the Minister or head of the institution. Subordinate acts shall regulate the cases in which such approval may be granted;
 - b) A civil servant who has been relieved of duty shall not, within two years from the date of relief, be employed by an employer to whom they were a direct superior, nor be employed in a company over which they exercised regular oversight. They shall also not receive any compensation from that employer or company within two years from the date of relief from duty;
 - c) Except for senior civil servants, a civil servant shall be considered on leave from the civil service from the moment their candidacy for a public office to which they are elected directly or indirectly is confirmed, or from the moment they are appointed to a position in any legislative or executive body at any level of government in Bosnia and Herzegovina. In such a case, a senior civil servant shall resign from their civil service position;
 - d) A civil servant referred to in paragraph 1 (c), except for senior civil servants, shall return to the same or a similar position no later than one month after the occurrence of any of the following: failure in elections, completion of the mandate, or termination of a function in a legislative or executive body at any level of government in Bosnia and Herzegovina;
 - e) A civil servant shall not be a member of management or other boards of political parties and shall not follow instructions of political parties.
2. In accordance with this Law, upon appointment to a civil service position, a civil servant shall provide full information on assets available to the civil servant or to members of their immediate family, as well as on the activities and functions performed by the civil servant and members of their immediate family.
3. All data shall be kept in the Civil Service Register in accordance with the data protection regulations in force in Bosnia and Herzegovina.

Article 17

Secretary with Special Assignment

1. A Secretary with Special Assignment who previously held the status of a civil servant shall return to the same or a similar position if he/she loses the special assignment in the following cases:

- a) improper appointment;
- b) unsatisfactory probationary period;
- c) completion of the special assignment;
- d) voluntary resignation from the position.

Article 18

Rights and Obligations of the Secretaries of the Houses, Secretary of the Joint Service, and Advisers

(Amendment to this Article contains an error, which reads as follows:

Article 6.

In Article 18, paragraph 1(c), the words: “Secretaries of the Houses, Secretary of the Joint Service, and” shall be deleted.)

1. The Secretaries of the Houses, Secretary of the Joint Service, and Advisers shall not be guaranteed security of tenure:
 - a) The Secretaries of the Houses, Secretary of the Joint Service, and Advisers may be relieved of duty at any time by the authority that appointed them, upon proposal of the authorized proposer;
 - b) The mandate of the Secretaries of the Houses and the Secretary of the Joint Service shall not exceed the term of the Parliamentary Assembly of Bosnia and Herzegovina, provided that the same persons may be reappointed to the same position, and their rights and obligations shall be regulated by the act on the organisation of the Secretariat of the Parliamentary Assembly of Bosnia and Herzegovina;
 - c) The mandate of an Adviser shall not exceed the term of the person they advise;
 - d) Appointment to the position of Secretary of the Houses, Secretary of the Joint Service, or Adviser cannot be converted into a civil service position with guaranteed security of tenure.
2. If a civil servant, except for senior civil servants, is appointed to the position of Secretary of the Houses, Secretary of the Joint Service, or Adviser, they shall be considered on leave from the civil service from the moment of appointment. In such a case, a senior civil servant shall resign from their civil service position.
3. A civil servant referred to in paragraph 2, except for senior civil servants, shall return to the same or a similar position no later than one month after the termination of their appointment.

4. A Secretary of the Houses, Secretary of the Joint Service, or Adviser shall resign from the moment their candidacy for an elective position is confirmed, or from the moment they are appointed to a position in any legislative or executive body at any level of government in Bosnia and Herzegovina.
5. Subordinate acts shall determine specific cases of incompatibility with the positions of the Secretaries of the Houses, Secretary of the Joint Service, and Advisers.

CHAPTER IV

VACANT POSITIONS, TRANSFER, EMPLOYMENT, PERFORMANCE EVALUATION, PROMOTION

Article 19

Vacant Positions

1. If there is a vacant position in an institution that cannot be filled by an internal transfer of a civil servant employed in a similar position within the institution, the institution may, in accordance with the act referred to in Article 32(4) of this Law, first announce the position internally.
2. If such an internal transfer is not possible, the Agency, in accordance with Article 32(4) or Article 33 of this Law, shall attempt to fill the vacant position through an external transfer of a civil servant holding a similar position in another institution.
3. If such an external transfer is not possible, the vacant position shall be announced through a public competition, conducted in accordance with this Law.
4. Notwithstanding paragraphs 1, 2, and 3 of this Article, in the event that a new institution of Bosnia and Herzegovina is established based on the transfer of competencies from the entities to Bosnia and Herzegovina, or when Bosnia and Herzegovina, in accordance with the Constitution, assumes certain competencies, the vacant position may be filled through an internal or external transfer of a civil servant from the corresponding state service/administration body of the entity to that institution of Bosnia and Herzegovina, or through a public competition, in accordance with Article 32a of this Law.

Article 20

Internal Announcement

1. The Agency shall announce the vacant position.
2. The internal announcement shall be published at least eight (8) days before the deadline for applications within the institution where the vacant position has arisen.

3. The internal announcement shall contain:
 - a) a description of the vacant position;
 - b) a description of the type of competition;
 - c) a list of the main areas covered by the competition;
 - d) a list of required documents, the deadline, and the place for their submission;
 - e) specific academic and professional requirements for the position to be filled;
 - f) other requirements that may be considered appropriate for the relevant position.

Article 21

Public Announcement

1. The Agency shall announce the vacant position.
2. The public announcement, or a summary thereof, shall be published in three domestic media outlets accessible throughout the territory of Bosnia and Herzegovina, and the full text of the public announcement shall be published on the official website of the institution issuing the announcement and of the Agency.
3. In addition to the information deemed necessary by the institution issuing the competition, the summary of the public announcement shall include the information on the website where the full text of the public competition can be accessed.
4. The public announcement shall indicate the application deadline, which shall not be shorter than 21 days from the date the text of the announcement is sent to the institution.
5. The institution is obliged to publish the announcement or summary of the public announcement in newspapers no later than seven days from the date of receipt of the announcement text from the Agency.
6. The public announcement shall contain the general requirements for appointment as a civil servant, as well as the requirements listed in Article 20(3) of this Law.

Article 21a

Cancellation of an Announcement

The Agency may cancel a published announcement upon a reasoned request from the institution, no later than the submission of the results of the selection process, or the list of successful

candidates to the Agency. In such a case, the same positions cannot be announced again within one year from the date of the original announcement.

Article 22

General Requirements for Appointment as a Civil Servant

1. To be appointed to a civil service position, a person must meet the following general requirements:
 - a) be a citizen of Bosnia and Herzegovina;
 - b) be over 18 years of age;
 - c) hold a university degree and other educational or academic qualifications of at least level VII of professional education, or higher education of the first, second, or third cycle under the Bologna system, as determined by the regulation governing the basic and auxiliary-technical duties and the conditions for their performance in the administrative bodies of the institutions of Bosnia and Herzegovina;
 - d) be medically fit to perform the specific duties envisaged for the position;
 - e) not have reached the legally prescribed retirement age, or not have acquired the right to a personal pension on any basis;
 - f) not have been dismissed from the civil service as a result of a disciplinary measure at any level of government in Bosnia and Herzegovina, refusal to take the oath, voluntary abandonment of civil service, or providing false or inaccurate information upon entry into the civil service, within three years prior to the date of publication of the vacant position;
 - g) not be subject to criminal proceedings;
 - h) not be covered by the provision of Article IX.1 of the Constitution of Bosnia and Herzegovina.
2. Exceptionally from the requirements established in paragraph 1 of this Article, civil servants previously appointed to the position of Associate may, within a period not exceeding four years from the entry into force of this Law, be persons who have completed higher professional education (level VI).

Article 23

Non-discrimination

1. When organising a public competition, the Agency shall ensure that no discrimination occurs in the selection of a civil servant, in accordance with Article 15(2) of this Law.

Article 24
Selection Committees

1. The Agency shall appoint special selection committees that are independent and impartial in conducting the public competition.
2. In a manner determined by subordinate acts, the selection committee shall consist of five members, of whom two shall be civil servants from the institution to which the public competition relates and who have academic and professional experience in areas covered by the public competition process, while the remaining three members shall be appointed from a list of experts established by the Agency.
3. The selection committees shall elect a chairperson from among their members and adopt rules of procedure by a majority vote of all members.
4. Members of the committee shall be entitled to remuneration for their work, as determined and paid by the Agency.
5. When appointing special selection committees, the Agency shall ensure equal representation of genders.
6. If the institution does not have one or both civil servants referred to in paragraph 2 of this Article, the head of the institution, with a Secretary with a Special Assignment leading an independent administrative organisation, may, with the consent of the Agency, propose a senior civil servant from other institutions to serve on the selection committee.

Article 25
Resignation and Recusal of Members of the Selection Committee

1. If a conflict of interest arises concerning a member of the selection committee, that member shall resign from the committee.
2. In the event of the resignation of a committee member due to a conflict of interest or any other justified reason that must be explained, the Agency shall appoint a new member of the selection committee no later than seven (7) days. If the new member is to be appointed from the institution to which the public competition relates, and the institution cannot provide a member with academic and professional experience in areas covered by the public competition process, the Agency shall appoint a new member from the list of experts.
3. Any registered candidate may request and obtain from the Agency the names of the members of the selection committee.
4. Any registered candidate shall have the right, no later than the moment of taking the professional examination, to submit a request for the recusal of any member of the selection committee to the Civil Service Appeals Committee (hereinafter: “the Committee”) on the grounds of:

- a) those established in Article 16 of this Law;
 - b) an obvious risk of prejudice or bias;
 - c) lack of adequate professional knowledge and experience.
5. The Committee shall decide on the recusal request within eight (8) days from the date of receipt of the request.
 6. The recruitment process shall not be suspended during the examination of the recusal request. If the Committee or the competent court so requests, the entire candidate selection process shall be declared null and void. In such a case, the Agency shall reorganise the public competition procedure in accordance with this Law.

Article 26

Public Competition

1. The Agency shall determine the character and content of the public competition.
2. The public competition shall include:
 - a) a general exam;
 - b) a specialized exam.
3. The Council of Ministers, upon the proposal of the Agency, shall determine by subordinate act the procedure and program for conducting the examinations.

Article 27

Selection Process

1. The selection committee shall review and select candidates based on professional abilities assessed through a public competition that is identical for all candidates applying for the same position.
2. Subordinate acts shall determine the points allocation system for each candidate in accordance with Articles 26 and 64 of this Law.
3. The Agency shall publish the results of the public competition and notify all candidates in writing of the results they have achieved, in accordance with this Law.

Article 28
Appointment of a Civil Servant

1. A civil servant shall be appointed by the Agency in accordance with the results achieved by the candidate in the selection process.
2. Senior civil servants shall be appointed by the competent institution, following a prior opinion obtained from the Agency, from the list of successful candidates who have passed the public competition.
3. If the appointment referred to in paragraph 2 of this Article is not carried out within 30 days from the date of receipt of the Agency's opinion and the list of successful candidates, unless a shorter period is prescribed by a special regulation, the Agency shall, ex officio, appoint the most successful candidate within three (3) days.
4. The Agency shall, no later than five (5) days before the expiry of the period for the competent institution to appoint the most successful candidate referred to in paragraph 2, notify the appointing authority of the approaching deadline.
5. The reserve list of successful candidates shall be kept until the completion of the probationary period of the appointed civil servant.
6. The appointment shall be made by an administrative act published in the "Official Gazette of Bosnia and Herzegovina." Before assuming duties, the appointed civil servant shall receive a written job description and a description of the terms of service.
7. The appointment act shall contain:
 - a) the full name of the civil servant;
 - b) the name of the institution to which the civil servant is appointed;
 - c) the title of the position and the pay grade.
8. The appointed civil servant shall assume duties by taking the oath of allegiance. The text of the oath shall be determined by the Agency. The signed oath shall form an integral part of the civil servant's personal file.
9. If the appointed civil servant unjustifiably fails to assume duties, the authority that made the appointment shall annul the appointment within fifteen (15) days from the date set for assuming the position, and the person shall be suspended from participating in public competitions for civil service positions in institutions for a period of two (2) years from the finality of the annulment act.

Article 28a
Fixed-Term Employment

1. If a vacant civil service position in an institution must be urgently filled in accordance with operational needs, and an internal filling of the position is not possible, the institution may fill the position by employing a person in accordance with the Labour Law in the institutions of Bosnia and Herzegovina, in the status of an employee.
2. A fixed-term employment relationship may last no longer than nine (9) months, except in cases of sick leave or maternity leave of a civil servant, but in no case longer than two (2) years.
3. The institution is obliged to request the Agency's consent to fill the position in accordance with paragraph 1 of this Article, and the Agency shall provide a response no later than eight (8) days from the date of receipt of the request.
4. The provisions of this Article do not apply to senior civil servants.

Article 29
Probationary Period

1. After assuming duties, a civil servant shall undergo a probationary period. The probationary period includes an introduction to the job and the period of performing duties, and shall last a total of twelve (12) months, unless otherwise provided by this Law.
2. The immediate superior civil servant shall be appointed as the supervisor responsible for evaluating the performance at the end of the probationary period. The probationary evaluation of secretaries and assistant ministers shall be conducted by the Minister and Deputy Ministers.
3. If the performance evaluation is:
 - a) satisfactory, the institution shall confirm the civil servant's appointment;
 - b) unsatisfactory, the institution shall relieve the civil servant of duties, terminating the employment relationship without entitlement to severance pay. The civil servant has the right to appeal the dismissal decision to the Committee within eight (8) days from receipt of the decision.
4. Exceptionally from paragraph 3 of this Article, the head of the institution may, upon a reasoned request from the civil servant, extend the probationary period for an additional six (6) months.

5. If a civil servant is relieved of duties in accordance with paragraph 3(b) of this Article or for any other legal reason, the next successful candidate from the reserve list under Article 28(4) of this Law shall be appointed to the vacant civil service position.
6. The probationary period does not apply to a person who was a civil servant of the institution at the time of appointment, except for civil servants referred to in Article 7(1)(a) of this Law.

Article 30

Performance Evaluation

1. The performance evaluation of a civil servant entails supervision and evaluation of the performance of duties determined by the job position during the period of service. The civil servant shall cooperate on an equal basis during the given period with his/her direct supervisor.
2. The performance evaluation of senior civil servants shall be determined by the head of the institution.
3. The performance evaluation of secretaries and assistant ministers in the Council of Ministers shall be determined by the minister and deputy minister.
4. The performance evaluation of a Secretary with Special Assignment in the Council of Ministers shall be determined by the Council of Ministers, upon the proposal of a special commission appointed by the Council of Ministers in accordance with the regulation on the performance evaluation of civil servants.
5. The direct supervisor shall evaluate the performance of all civil servants once a year (regular evaluation), or at least six months after a negative performance evaluation (extraordinary evaluation), subject to confirmation by the head of the institution; where the institution has only a head, the evaluation shall be determined by the head.
6. In the event that a civil servant, due to sick leave, maternity leave or parental leave, has not worked for more than six months and therefore cannot be evaluated, the results of work achieved in the period of the previous year prior to taking justified leave from work shall be taken into account.
7. The performance evaluation shall be based on the results achieved in carrying out tasks envisaged by the job description and on the objectives determined for the given period by the direct supervisor.
8. The results of the performance evaluation shall be taken into account in promotion and internal transfer procedures.

All civil servants:

- a) shall have unrestricted access to their performance evaluations contained in their personnel file, in accordance with Article 60, paragraph 2 of this Law;
 - b) shall have the opportunity, within an appropriate time limit, to submit written comments attached to their performance evaluation and shall have the possibility to request a review of their case by the Board, in accordance with Article 63 of this Law.
9. Where the performance evaluation is negative, the civil servant shall, for the purpose of improving the situation, undergo a special programme determined by his/her direct supervisor in consultation with the civil servant.
10. Where two consecutive performance evaluations are negative, the Agency shall, upon obtaining the opinion of the competent institution referred to in Article 7, paragraph 1(b) of this Law, dismiss the civil servant from duty. Where two consecutive performance evaluations are negative for senior civil servants referred to in Article 7, paragraph 1(a) of this Law, the competent institution shall dismiss them upon obtaining the opinion of the Agency. The civil servant may request a review of the dismissal by the Board in accordance with Article 63 of this Law.

Article 31

Promotion

1. The promotion of a civil servant to a higher job position referred to in Article 7, paragraph 1 of this Law, within the same institution or in another institution of Bosnia and Herzegovina, shall be carried out through an internal or public competition.
2. The promotion of a civil servant to a higher category referred to in Article 7, paragraph 2 of this Law, i.e. to a higher internal pay grade, shall be based on a positive performance evaluation and shall be decided by the institution in accordance with the regulations on salaries and allowances of employees in the institutions of Bosnia and Herzegovina.

Article 32

Internal and External Transfers

1. An internal transfer of a civil servant to a similar job position, in accordance with the needs of the service, shall be carried out by the head of the institution.
2. An external transfer of a civil servant to a similar job position in another institution, in accordance with the needs of work, shall be carried out by the Agency, upon a proposal or with the consent of the heads of the institutions.

3. By means of a rulebook, the Agency shall prescribe the conditions and manner of conducting internal competitions and internal and external transfers of civil servants, subject to prior consent of the Council of Ministers.

Article 32a

Appointment of a Civil Servant in the Event of the Establishment of a New Institution Based on the Transfer or Assumption of Competences

1. Under the circumstances referred to in Article 19, paragraph 4 of this Law, an institution of Bosnia and Herzegovina shall decide whether the vacant position shall be filled through an internal or external transfer of a civil servant or through a public competition. The institution of Bosnia and Herzegovina may decide to conduct any of these procedures simultaneously or successively.
2. Under the circumstances referred to in Article 19, paragraph 4 of this Law, the Civil Service Agency shall conduct the following procedure:
 - a) By way of exception to Article 20, paragraph 2, Article 21, paragraphs 2, 3 and 4, and Articles 26 and 27 of this Law, the Civil Service Agency shall immediately announce the vacant position(s) on its official website or in any other manner deemed appropriate by the institution of Bosnia and Herzegovina in which the vacancy has arisen, at least eight (8) days prior to the deadline for submission of applications. The vacancy announcement shall contain the information referred to in Article 20, paragraph 3 of this Law and, in the case of a public competition, the general requirements for appointment of a civil servant.
 - b) The Civil Service Agency shall appoint a selection committee to conduct the candidate selection procedure for the new position(s) in the relevant institution of Bosnia and Herzegovina.
 - c) The selection committee shall be appointed in accordance with Article 24 of this Law.
 - d) The selection committee shall submit to the Civil Service Agency a list of candidates who meet the requirements for transfer or appointment to the institution of Bosnia and Herzegovina.
 - e) The appointment of a civil servant shall be carried out on the basis of the recommendation of the selection committee and in accordance with Article 28 of this Law. Thereafter, the selected civil servants shall be appointed to the institution of Bosnia and Herzegovina and the provisions of this Law shall apply to them.

3. If the external transfer procedure conducted pursuant to paragraph 2 of this Article does not ensure a sufficient number of candidates for transfer to the institution of Bosnia and Herzegovina, the institution to which the transfer is to be made may decide to proceed with the assignment of civil servants instead of announcing the vacancy through a public competition. The selection committee referred to in paragraph 2, item c) of this Article shall propose to the head of the competent state administration authority of the Republika Srpska or the civil service authority of the Federation of Bosnia and Herzegovina a list of civil servants from the relevant entity state service/administration authority for assignment to the institution of Bosnia and Herzegovina, in accordance with entity law. When proposing the list, the selection committee shall take into account the duties and tasks of all civil servants from the relevant entity state service/administration authority, as well as the nature of the competences transferred to Bosnia and Herzegovina or assumed by Bosnia and Herzegovina, in accordance with the Constitution, which had previously been performed by the entities.
4. The Civil Service Agency shall regulate in more detail the procedure for transfer or appointment of civil servants referred to in paragraph 2 of this Article.
5. In order to be selected for transfer or appointment, a civil servant must meet the requirements referred to in Articles 22 and 64 of this Law, as well as the additional requirements stipulated by the Rulebook on Internal Organization of the institution of Bosnia and Herzegovina.
6. The promotion procedure referred to in Article 31, paragraph 1 of this Law shall not apply to transfers or assignments carried out pursuant to this Article.

Article 32b

Direct Transfer of Civil Servants

1. A civil servant who holds such status in accordance with the laws of the Federation of Bosnia and Herzegovina or the Republika Srpska and who meets the general requirements prescribed by this Law and the specific academic and professional requirements for the position to be filled may be taken over into an institution of Bosnia and Herzegovina without prior announcement or competition, on any grounds.
2. A civil servant may be directly taken over exclusively to a similar job position. By means of a rulebook, the Agency shall prescribe which job positions are considered similar, taking into account the provisions of this Law and the entity laws regulating matters defining the status-related issues of civil servants.
3. A direct transfer of a civil servant shall be effected by concluding an agreement between the institution of Bosnia and Herzegovina into which the civil servant is taken over and the

entity civil service authority or administration from which the civil servant is taken over, subject to the prior consent of the civil servant. The agreement shall be approved by the Agency and the competent entity agency, after they determine that the civil servant meets the prescribed requirements for transfer.

4. In accordance with the agreement and the submitted evidence of fulfilment of the requirements, the civil servant shall be appointed by the Agency, while a senior civil servant shall be appointed by the competent institution, in accordance with this Law.
5. Under the conditions prescribed in paragraphs 1, 2, 3 and 4 of this Article, a civil servant may be taken over from an institution of Bosnia and Herzegovina into an entity civil service authority or administration.
6. The provisions of paragraphs 1, 2, 3, 4 and 5 of this Article shall apply accordingly to the Brčko District of Bosnia and Herzegovina.

Article 33 ***Redundancy***

1. Redundancy shall arise exclusively as a consequence of reorganization or a reduction in the scope of activities of an institution.
2. The Agency shall declare a civil servant redundant upon a proposal of the institution.
3. A civil servant who has been declared redundant shall, in accordance with Article 19 of this Law, be assigned exclusively to a similar vacant civil servant position in another institution:
 - a) if such assignment is not possible, the civil servant who has been declared redundant shall be offered early retirement in accordance with the law;
 - b) if early retirement is not possible, the authority competent for appointment shall relieve the redundant civil servant of duty, and the civil servant may request a review of such dismissal by the Board in accordance with Article 63 of this Law;
 - c) a civil servant who has been declared redundant shall be entitled to severance pay and to unemployment benefits in accordance with the law.

Article 34 ***Secretary with Special Assignment***

1. All positions of Secretary with Special Assignment shall be announced through a public competition for employment in accordance with Article 21 of this Law.

2. The Secretary with Special Assignment shall be appointed by the Council of Ministers, or another institution, for a fixed term not exceeding five years. The maximum total period of appointment to the same position shall be ten years.
3. The special assignment shall define the duties and objectives that the Secretary is required to fulfil. The content of the special assignment shall be published in the *Official Gazette of Bosnia and Herzegovina* at the same time as the appointment of the Secretary with Special Assignment.
4. The achievement of the objectives defined by his/her mandate shall be assessed through an annual work evaluation.
5. Articles 19(1), (2) and (4), Articles 31, 32, 32a, 32b and 33 of this Law shall not apply to the Secretary with Special Assignment.

CHAPTER V

SALARIES AND ALLOWANCES

Article 35

Criteria for Determining Salaries

A civil servant shall be entitled to a salary corresponding to the civil servant's job position.

Articles 36 - 44

Deleted

CHAPTER VI

WORKING CONDITIONS

Article 45

Labour and Social Security Regulations

1. The Labour Law of the Institutions of Bosnia and Herzegovina and other laws regulating rights and obligations arising from employment relationships shall apply to civil servants, unless otherwise provided by this Law.

Article 46
(Leave and Annual Leave)

1. A civil servant shall be entitled to paid annual leave in the duration determined by an act of the head of the institution, amounting to at least 20 working days, and to paid leave of five working days in one calendar year.
2. The annual leave referred to in paragraph 1 of this Article shall be increased on the basis of length of service and other individually determined criteria, in accordance with a by-law.
3. The total duration of annual leave may not be less than 20 nor more than 30 working days.

Article 47
Unpaid Leave and Part-Time Work

1. The conditions under which a civil servant may take unpaid leave, and the circumstances in which the duties of a civil servant may be performed on a part-time basis, shall be regulated by a by-law.

Article 48
Secretary with Special Assignment

1. A Secretary with Special Assignment shall not be permitted to work on a part-time basis.

Article 49
Professional Education and Training

1. Civil servants shall be obliged to continuously work on their professional education and training.
2. A civil servant shall have the right and the obligation to participate in conferences and other forms of educational activities.
3. Participation of civil servants in conferences and other forms of educational activities shall be decided by the head of the institution, or by a person designated by a by-law, taking into account equal participation of all civil servants.
4. With regard to participation of civil servants in conferences and other forms of educational activities organised by the Agency, the final decision shall be taken by the Agency, upon prior opinion of the institution, taking into account that participation is enabled for as many civil servants as possible.

5. Participation of civil servants in conferences and other forms of educational activities shall be a right and an obligation of every civil servant, which the institution may not prevent, except in justified cases related to the current obligations of the institution.
6. The planning, conditions, manner and procedure for determining the participation of civil servants in conferences and other forms of education organised by the Agency, as well as the determination of special credits for such purposes, shall be regulated by a decision of the Agency.

CHAPTER VII

EMPLOYMENT TERMINATION

Article 50

Termination of Civil Servant Employment

1. A civil servant's employment in the civil service shall terminate in the following cases:
 - a) voluntary resignation from the civil service, in which case the employment terminates:
 - 1) by agreement with the institution, on the date agreed upon in the agreement;
 - 2) in the case of unilateral resignation, with a notice period of 30 days from the date of submission of the request.
 - b) upon reaching the age of 65 with at least 20 years of insurance service, or upon reaching 40 years of insurance service regardless of age;
 - c) permanent incapacity for work;
 - d) loss of citizenship of Bosnia and Herzegovina;
 - e) acquisition of citizenship of another state contrary to the Constitution of Bosnia and Herzegovina and its laws;
 - f) redundancy;
 - g) expiration of the term for which a Secretary with Special Assignment was appointed, in cases where the Secretary with Special Assignment was not a civil servant prior to appointment;

- h) refusal to take the oath and/or sign the text of the oath;
 - i) unsatisfactory probationary period;
 - j) two consecutive negative work evaluations;
 - k) conviction for a criminal offence resulting in a prison sentence exceeding six months;
 - l) termination of employment based on an imposed disciplinary measure;
 - m) unjustified absence from work for more than five consecutive working days;
 - n) if it is determined that, when entering into employment, the civil servant provided false information that served as a basis for employment, or if it is determined that the civil servant subsequently ceased to meet the requirements prescribed by this law.
2. A civil servant dismissed under paragraph 1, points h), l), m), or n) may not be re-employed in the civil service for three years from the date of dismissal.
 3. The Council of Ministers shall, by a special decision, regulate the procedure for reviewing the fulfilment of the requirement under Article 22, paragraph 1, point d) of this law.

Article 51

Procedure for Termination of Employment

1. A civil servant shall be dismissed by the Agency, based on the opinion of the competent institution, with the exception of Article 50, paragraph 1, point i) of this law.
2. Senior civil servants shall be dismissed by the body competent for appointment, based on the opinion of the Agency, with the exception of Article 50, paragraph 1, point i) of this law.
3. A civil servant referred to in paragraphs 1 and 2 of this Article may request the Board to review the dismissal decision in accordance with Article 63 of this law.

Article 52
Compensation

A civil servant shall not be entitled to severance pay upon losing civil servant status, unless otherwise prescribed by the law governing salaries and compensations.

Article 53
Irregular Appointments

1. The Board shall annul the decision on the appointment of a civil servant who was appointed contrary to the provisions of this law.
2. The Council of Ministers, by a special decision and on the proposal of the Agency, shall regulate the conditions and procedure in the case of appointments made contrary to the provisions of this law.

CHAPTER VIII

DISCIPLINARY LIABILITY OF CIVIL SERVANTS

Article 54
Disciplinary Liability

1. A civil servant may be held disciplinarily liable for violations of official duties established by this law, resulting from their fault.
2. Violations of official duties may include:
 - a) committing acts that constitute a criminal offense against official duties or any other criminal offense or misdemeanour causing harm to the reputation of the civil service, rendering the civil servant unfit for work in the civil service;
 - b) disclosure of state, military, or official secrets, or violation of regulations regarding the protection of such secrets;
 - c) abuse or exceeding official powers;
 - d) failure to perform, or negligent and careless performance of, assigned duties and tasks;
 - e) refusal to carry out lawful orders of a superior;

- f) deliberate violation of the provisions of this law or other laws of Bosnia and Herzegovina in the performance of service or in connection with the service, or violation of the Civil Servants' Code of Conduct;
 - g) engaging in activities or work contrary to the interests of the civil service;
 - h) causing significant material damage intentionally or through gross negligence;
 - i) unjustified absence from work;
 - j) violation of work discipline rules in the civil service;
 - k) untimely or improper execution of assigned duties and tasks in the civil service;
 - l) inappropriate behaviour toward citizens, colleagues, or other persons in the performance of civil service or in connection with the service;
 - m) discrimination, and gender-based or sexual orientation-based violence, harassment on the basis of gender, sexual harassment, as well as any other form of discrimination, in accordance with the law.
3. Responsibility for committing criminal offenses and misdemeanours does not exclude disciplinary liability of a civil servant, provided that such an act simultaneously constitutes a violation of official duties.
4. By decision of the Council of Ministers, detailed rules shall be established regarding violations of official duties, disciplinary measures, and disciplinary proceedings.

Article 55

Disciplinary Procedure

1. Civil servants and employees of institutions have the right, if there is a presumption that a civil servant has violated Article 54 of this law, to submit a request for disciplinary proceedings to the institution, at their discretion.
2. The rights under paragraph 1 of this Article belong to the minister, deputy minister, another person, or a collegial body who is a superior to the civil servant.
3. Upon receiving a request for disciplinary proceedings against a civil servant, the institution:
 - a) issues, upon receipt of the information, a written confirmation to the person who submitted the request, and simultaneously sends a copy of the written confirmation to the Agency;
 - b) after the procedure is conducted, imposes disciplinary measures of a written warning or written reprimand, and if it considers that the violation of duties by the civil servant

warrants a stricter measure, the case shall be forwarded to the Agency, with the prior opinion of the appointing authority.

4. The procedure for determining the disciplinary liability of a civil servant for violations of official duties is conducted in accordance with the principles of criminal proceedings, unless otherwise provided by this law.
5. No appeal may be filed against the act initiating disciplinary proceedings.
6. No administrative dispute may be initiated against the final decision on the imposition of a written warning or written reprimand.

Article 56

Disciplinary Measures

If a civil servant commits a violation of official duties under Article 54 of this law, the following disciplinary measures may be imposed:

- a) written warning;
- b) written reprimand;
- c) salary reduction of up to 10% for a period of one to three months;
- d) demotion to a lower category within the same position;
- e) suspension of the right to participate in civil service competitions in institutions of Bosnia and Herzegovina for a period of up to two years;
- f) salary reduction of 15 to 30% for a period of three to six months;
- g) demotion to an immediately lower position;
- h) termination of employment in the civil service.

Article 57

Criminal Proceedings

1. In the event that criminal proceedings are initiated against a civil servant based on the same facts that were considered in a disciplinary proceeding, all ongoing disciplinary proceedings shall be suspended, with the exception of Article 58 of this Law, until the competent court issues a final judgment in the criminal proceedings.

2. If the accused civil servant is acquitted:
 - a) the civil servant shall return to their previous position, and their personnel file must not contain any information regarding the criminal proceedings and/or preventive suspension related to those proceedings;
 - b) disciplinary measures may not be taken based on the same facts for which the civil servant was acquitted.
3. When proceedings are initiated in accordance with Article 55 of this Law, the institution employing the civil servant shall suspend them in cases where:
 - a) there is a well-founded suspicion that the civil servant might commit further violations of official duties during the disciplinary proceedings;
 - b) there is a well-founded suspicion that the civil servant might influence witnesses;
 - c) there are other reasons that the institution considers justified.
4. If the charge against the civil servant is dismissed, a disciplinary proceeding may be initiated based on the same facts in accordance with Article 54 of this Law.
5. If the civil servant against whom criminal proceedings have been initiated is found guilty, the institution is obliged to act based on the facts established by the competent court.

Article 58

Preventive Suspension

1. When an order is issued against a civil servant to conduct an investigation for criminal offenses of corruption or criminal offenses against official and other responsible duties, or if the civil servant is placed in detention, the institution employing the civil servant shall immediately suspend them.
2. When proceedings are initiated in accordance with Article 57 of this Law, the institution employing the civil servant shall suspend them in cases where:
 - a) a criminal proceeding has been initiated against the civil servant for a criminal offense punishable by imprisonment of at least five years;
 - b) the civil servant is caught committing a criminal offense punishable by imprisonment of at least five years;
 - c) there are serious grounds indicating the commission of a criminal offense.
3. When proceedings are initiated in accordance with Article 55 of this Law, the institution employing the civil servant shall suspend them in cases where:

- a) there is a well-founded suspicion that the civil servant might commit further violations of official duties during the disciplinary proceedings;
 - b) there is a well-founded suspicion that the civil servant might influence witnesses;
 - c) there are other reasons that the institution considers justified.
4. For senior civil servants, the suspension is imposed by the authority competent for the appointment.
5. In the case of preventive suspension:
- a) the suspended civil servant shall receive full salary until the conclusion of the criminal or disciplinary proceedings;
 - b) the disciplinary proceeding shall be suspended until a final judgment is rendered by the competent court.

CHAPTER IX

CIVIL SERVICE MANAGEMENT

Article 59

Guidelines for Personnel Policy Management

The competent institution shall establish general guidelines for the management of personnel policy within institutions and shall adopt subordinate legislation arising from this Law.

Article 60

Institutions

1. Each institution shall establish a unit responsible for the implementation of the provisions of this law (hereinafter: the Unit).
2. The Unit in the institutions ensures personnel management and maintains a file for each civil servant, guaranteeing that every civil servant performing duties in the institution has unrestricted access to their administrative file.
3. The Unit of the institution coordinates the activities of the institution and cooperates with the Agency.
4. With prior approval of the head of the institution, the appointing authority shall submit an annual report and work plan for the following year to the Agency.

5. In the case of establishing a new institution at the level of Bosnia and Herzegovina, the Council of Ministers or another designated institution shall submit to the Agency an operational staffing plan for that institution. The Agency is obliged to publish the first public competition for filling positions in the newly established institution no later than 15 days from the receipt of the operational staffing plan.

Article 61 ***Ombudsman***

1. The Ombudsman assists in the implementation and observance of the principles established by this law and, in accordance with the provisions of this law, acts as a mediator in matters relating to the status of civil servants.
2. All civil servants and employees of the institution shall elect one civil servant as the Ombudsman. The Ombudsman may not be a member of the appointing authority within the institution in which they perform their duties. The same person may be appointed as Ombudsman for two or more institutions.
3. The appointment of the Ombudsman shall be confirmed by the appointing authority.

Article 62 ***Civil Service Agency***

1. The Agency is established by this Law as an independent administrative organization with legal entity status.
2. The Agency:
 - a) ensures:
 - 1) the implementation of the civil service recruitment process at the request of institutions;
 - 2) assists institutions in implementing their human resources policies, organizational development, as well as in establishing a human resources management information system, while also operating the recruitment and registry modules, containing the data referred to in Article 62a of this Law;
 - 3) training and development of the civil service;
 - b) submits an annual report on its work and a work plan for the following year to the Council of Ministers for approval, and publishes a semi-annual report on its activities on the Agency's official website, while providing a summary version to the public media;
 - c) conducts surveys within institutions at the request of the Council of Ministers;

- d) performs other tasks and duties established by this Law.
- 3. The Council of Ministers appoints the Director of the Agency, who holds the position of Secretary with a Special Assignment, and is elected and appointed in accordance with Article 34 of this Law, for a term of five years.
- 4. The provisions of the Law on Public Procurement of Bosnia and Herzegovina do not apply to the implementation of the procedures referred to in paragraph 2(a)(3) of this Article.
- 5. The Council of Ministers, in accordance with institutional work requirements, shall, by a special decision, regulate the formation of a body responsible for civil service training.
- 6. When applying the information system module referred to in paragraph 2 of this Article (recruitment module), which will enable electronic candidate applications (online application), the implementing act shall regulate the manner and procedure for submitting such applications, including electronic collection of data and documentation required for the implementation of the relevant announcement or competition.

Article 62a ***Employee Register***

- 1. The Employee Register represents the personnel record of employees, maintained by the Agency in cooperation with institutions, and constitutes one of the modules of the Human Resources Management Information System.
- 2. The Employee Register is used for personnel management in relation to employment and is maintained in electronic form as a computerized database.
- 3. The Employee Register contains data on civil servants and employees, as well as all other categories of employees, except for police officers, professional military personnel, employees of the Intelligence-Security Agency of Bosnia and Herzegovina, and employees of the Prison Administration of Bosnia and Herzegovina, for whom, through the appropriate interface, access is limited to statistical data only.
- 4. The Employee Register contains information on: full name, unique identification number, birth surname, date of birth, citizenship, gender, nationality, address, education and professional training, skills, appointments, dismissals, service length and experience, salaries and allowances, work evaluations, disciplinary measures, and criminal convictions, all of which are relevant for human resources management.
- 5. Personal data maintained in the Employee Register, except for the full name, are not public.

6. In addition to the data referred to in paragraph 4 of this Article, the Employee Register contains all necessary information on institutions.
7. The Council of Ministers, upon the proposal of the Agency, shall regulate in detail the establishment and maintenance of the Employee Register.
8. The Employee Register shall be established no later than two years from the date of entry into force of this Law.

Article 63

Civil Service Appeals Board

1. The Civil Service Appeals Board is, in accordance with this Law and its subordinate acts, responsible for reviewing all final decisions, actions taken, or omissions of institutions and/or the Agency, including institutions referred to in Article 4, paragraph 1 of this Law, relating to the status of civil servants, at the request of:
 - (a) the civil servant to whom the disputed decision, action taken, or omission relates, provided the civil servant has a clearly defined legal interest;
 - (b) the institution in which the civil servant performs their duties;
 - (c) the Agency.
2. The Board shall:
 - a) hear the complainant, if appropriate to the situation;
 - b) summon witnesses and experts when deemed necessary;
 - c) request and obtain all relevant information from competent authorities;
 - d) adopt rules of procedure, which shall be published in the “Official Gazette of Bosnia and Herzegovina.”
3. Board decisions must be based on legal grounds and on properly and fully established facts. Board decisions are:
 - a) final, and may be judicially reviewed in accordance with the Law on Administrative Disputes of Bosnia and Herzegovina;
 - b) delivered to the complainant within eight days from the date of adoption.

4. The Council of Ministers shall establish a Board composed of three members.

a) A public competition for filling vacant positions in the Board shall be announced on the official website of the Agency and in at least three daily newspapers distributed throughout the territory of Bosnia and Herzegovina, at least 15 days before the deadline for submission of applications. The announcement shall contain the same requirements specified in Articles 20.3 and 22 of this Law.

b) An independent candidate selection committee, appointed by the Council of Ministers, shall select the Board members based on their work experience and demonstrated ability to perform duties within the Board. Articles 24.2, 24.3, and 25.1 of this Law shall also apply to the selection committee and the selection procedure;

c) The Council of Ministers shall appoint Board members for a four-year term, with the possibility of reappointment without a public competition for the same term;

d) A Board member shall:

1) be independent and impartial;

2) not be in a public office to which they were elected directly or indirectly, nor be appointed to any position in any legislative or executive body at any level of government in Bosnia and Herzegovina;

3) resign before the end of the term only at the initiative of the Council of Ministers, triggered by exceptional circumstances and with the consensus of the other Board members.

5. Exceptionally, under the provisions of this Law and its subordinate acts, the time limit for submitting an appeal against all acts is eight days, and the time limit for filing a lawsuit in court is 15 days.

6. An appeal to the Board against acts of placement, appointment, transfer, or dismissal of a civil servant shall not suspend their execution.

7. Final decisions of the Board relating to the public competition procedure, or in connection with a public competition procedure, may be subject to an administrative dispute for the protection of the rights of applicants.

CHAPTER IXa

PENAL PROVISIONS

Article 63a

Fines for Offenses

1. A legal entity - employer or company - shall be fined BAM 20 000 to BAM 50 000 for an offense if, within two years from the date of dismissal of a civil servant, it employs or pays any compensation to a civil servant who conducted regular oversight over the same employer or company (Article 16, paragraph 1, point b)).
2. A natural person within a legal entity, as well as a natural person - independent entrepreneur (craftsperson), shall be fined BAM 2 000 to BAM 5 000 for the offense referred to in paragraph 1 of this Article (Article 16, paragraph 1, point b)).
3. Any person who, within two years from the date of dismissal of a civil servant, becomes employed or receives any compensation from an employer or company over which they conducted regular oversight, shall be fined BAM 2 000 to BAM 5 000 (Article 16, paragraph 1, point b)).
4. A senior civil servant who fails to resign from their position in the civil service after being confirmed as a candidate for a public function to which they are directly or indirectly elected, or after being appointed to a position in any legislative or executive body at any level of government in Bosnia and Herzegovina (Article 16, paragraph 1, point c)), or to a position referred to in Article 18, paragraph 2, or a person referred to in Article 18, paragraph 4 who fails to resign, shall be fined BAM 2 000 to BAM 5 000.
5. A civil servant who is a member of administrative or other boards of a political party, or follows instructions of political parties, shall be fined BAM 2 000 to BAM 5 000 (Article 16, paragraph 1, point e)).
6. A responsible person in an institution who fails or refuses to implement a decision of the Board (Article 63) shall be fined BAM 2 000 to BAM 5 000.
7. A civil servant shall be fined BAM 1 000 to BAM 2 000 for an offense if they:
 - a) engage in an additional activity for which compensation is paid contrary to the subordinate regulations and without approval from the head of the institution (Article 16, paragraph 1, point a));
 - b) upon appointment, fail to provide all information regarding assets held by themselves or members of their immediate family, or regarding activities and functions performed by themselves or members of their immediate family (Article 16, paragraph 2).

8. A civil servant shall be fined BAM 200 to BAM 800 for an offense if they:
- a) publicly express their political beliefs (Article 14, paragraph 3);
 - b) commit discrimination, gender or sexual orientation-based violence, harassment based on sex, sexual harassment, or any other form of discrimination in accordance with the law (Article 54, paragraph 2, point m)).
9. A responsible person in an institution shall be fined BAM 200 to BAM 800 for an offense if they:
- a) cancel a vacancy announcement without a justified request or attempt to repost the same position before one year has passed since cancellation (Article 28, paragraph 8);
 - b) employ or promote a civil servant contrary to procedures prescribed by law or subordinate regulations (Article 31);
 - c) fail without justification to dismiss a civil servant within the legal deadline (Article 51);
 - d) fail to establish or ensure the uninterrupted operation of the unit responsible for implementing this law (Article 60);
 - e) fail or refuse to implement the final decision of the Agency issued under the provisions of this law.
10. A responsible person in an institution shall be fined BAM 150 to BAM 500 for an offense if they:
- a) confirm an order despite the civil servant's warning, where it is determined to be obviously illegal (Article 14, paragraph 2);
 - b) propose a person without civil servant status to the selection committee representing the institution (Article 24, paragraph 2);
 - c) employ a trainee in the civil service contrary to the law (Article 28a);
 - d) fail to evaluate a civil servant or fail to ensure that civil servants are properly and timely evaluated (Articles 29, 30, and 64);
 - e) unjustifiably or contrary to the Agency's decision, prevent a civil servant from participating in professional education and training (Article 49).

Article 63b
Responsible Person

A responsible person in an institution or administrative body shall be considered the head of the administrative body, as well as any other official in these institutions and bodies who is authorized and entrusted with the direct execution of certain tasks but has failed to perform them or has performed an action contrary to the prescribed duty.

CHAPTER X

TRANSITIONAL PROVISIONS

Article 64
Existing Employees

1. The legal status of employees in existing institutions shall remain the same on the day of entry into force of this Law, until the Agency conducts a complete review procedure for their positions in accordance with this Article.
2. The Agency shall issue a decision on the termination of employment for employees referred to in paragraph 1 of this Article who are employed contrary to the provisions of the Law on Public Administration or who do not meet the requirements of Article 22 of this Law. For the vacant positions, a public competition shall be organized. The decision on termination of employment shall take effect after the completion of the entire public competition procedure in accordance with this Law.
3. The prior experience of a candidate who previously held the position subject to the public competition may be taken into account during the public competition process.
4. Employees referred to in paragraph 1 of this Article who were employed in accordance with the Law on Public Administration in force at the time of their appointment and who meet the requirements of Article 22 of this Law, and whose employment is confirmed as lawful by the Agency, shall undergo an evaluation process lasting 12 months. The evaluation procedure shall be prescribed by the State Civil Service Agency, taking into account the provisions of Article 30 of this Law.
5. The institution in which the civil servant is employed shall confirm the appointment of those employees who successfully complete the evaluation process and shall terminate the employment of those who do not successfully complete the evaluation process or do not meet the professional qualification requirements from Article 22, paragraph 1, within the

timeframe prescribed in paragraph 2 of the same Article. For the vacant positions, a public competition shall be organized.

Article 65

Compensation

1. An employee whose employment is terminated in accordance with Article 64 of this Law shall be entitled to compensation equal to the average monthly salary paid by the institution in the month preceding the month in which this Law enters into force.
2. The compensation referred to in paragraph 1 of this Article shall be paid to the employee for the total length of insurance-covered service, and shall be calculated by multiplying the average salary from paragraph 1 of this Article by the coefficient, as follows:

Length of Insurance 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

Issuance of the Decision on Employment Termination

1. Simultaneously with the issuance of the decision on the employment termination, the competent authority for appointment shall decide ex officio on the employee's right to compensation pursuant to Article 65 of this Law.
2. Compensation based on the decision issued pursuant to paragraph 1 of this Article shall be paid by the Ministry of Treasury of the Institutions of Bosnia and Herzegovina.

Article 67

Appeal

1. An employee who believes that the competent authority for appointment has violated any of their rights may, within eight days from the receipt of such decision, file an appeal with the Board in accordance with Article 63 of this Law.

Article 68
Deleted

CHAPTER XI

FINAL PROVISIONS

Article 69
Deleted

Article 70
Final Provision

This Law shall enter into force on the eighth day following its publication in the “Official Gazette of Bosnia and Herzegovina.”