

FINAL

Pursuant to article 17 of the Law on Council of Ministers of Bosnia and Herzegovina (BiH Official Gazette, no 30/03 and 42/03) and article 75.(2) of the Uniform Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina ('Official Gazette', no. 11/05), the Council of Ministers of Bosnia and Herzegovina, at its 128th session held on 7 September 2006, issued:

REGULATIONS ON CONSULTATIONS IN LEGISLATIVE DRAFTING

Article 1.

(Statement of purpose)

These regulations establish procedures for consultation with the public and organizations to be followed by all ministries and other institutions of Bosnia and Herzegovina (hereinafter: institutions) when drafting legislation.

Article 2.

(Definitions)

For the purpose of these regulations:

- a) 'Public' means the general public;
- b) 'Organizations' mean legal persons and groups of people that are not affiliated with the government.

Article 3

(Maintain list)

- (1) Each institution shall maintain a list of organizations and individuals interested in its legislative activities and shall make the list available to anyone requesting a copy in writing.
- (2) Each institution shall add to the list the names of individuals or organizations that request in writing to be added to the list.

Article 4

(Consultation coordinators)

(1) Each institution shall designate a consultation coordinator who shall be responsible for coordination of all consultation obligations performed by the institution, including the minimum consultation requirements of article 6. and certification requirements of article 24. of these regulations.

(2) Each institution may designate an official involved in the drafting of a particular legislation to be responsible for carrying out the consultations required by these regulations.

Article 5

(Publishing of planned legislative activities)

(1) When an institution creates a list of planned legislative activities as part of its annual work program, it shall place the list on its website. The institution shall indicate which of the legislation on the list may have significant public impact in accordance with article 8. of these regulations.

(2) Each institution shall provide a copy of the list of its planned legislative activities to those on its consultation list and to anyone requesting a copy in writing.

Article 6

(Minimum consultation obligations for preliminary draft legislation)

(1) Each institution shall comply with the minimum consultation obligations for preliminary draft legislation.

(2) Once the text of preliminary draft legislation has been finalized, the minimum consultation obligations of each institution are as follows:

a) Post the preliminary draft legislation on the institution's website, if it has one, which shall include a means to submit comments via the internet; and

b) Solicit comments by notifying those on the institution's consultation list and provide them with information how they may obtain a copy.

c) The deadline for submission of comments shall be at least 21 days.

Article 7

(Reason for legislation)

Each institution shall provide short reason for the legislation with each notice provided to an organization or an individual for comment pursuant to these regulations.

Article 8

(Legislation with significant public impact)

When deciding which legislation will be drafted, each institution shall assess whether a piece of legislation has significant public impact by applying criteria stated in articles 9 through 13 of these regulations. In addition to the minimum consultation obligations of article 6. of these regulations, significant public impact legislation shall be subject to enhanced consultation obligations as regulated in articles 15. through 23. of these regulations.

Article 9

(Legislation effecting a change of legal status)

Legislation that changes the legal status of persons with regard to any rights or privileges has a significant public impact, such as:

- a) criminal legislation and criminal procedure legislation,
- b) legislation limiting or extending eligibility for government benefits,
- c) legislation affecting voting rights,
- d) legislation affecting rights of citizenship and residency rights of foreigners in BiH,
- e) legislation affecting access to the courts, and
- f) legislation altering legal principles that have been relied upon in the past.

Article 10

(Legislation effecting a change in economic status)

Legislation that has an impact on the economic status of persons, including that with modest affect on large numbers of persons and that with substantial affect on a limited number of persons, may have a significant public impact, such as:

- a) amendments to tax and customs legislation,
- b) amendments related to the level of government benefit or subsidy payments,
- c) amendments to the rules governing legislative and executive government contracts,
- d) amendments to the general contract legislation,
- e) amendments to the legislation affecting labor relations,
- f) amendments to the legislation affecting fiscal and economic policies, or
- g) amendments to the legislation affecting ownership of property.

Article 11

(Conforming to international standards)

Legislation that must be enacted to satisfy international obligations of the state or to conform to international standards may have a significant public impact, such as:

- a) legislation harmonized with European directives, or
- b) legislation to comply with or implement international treaty and convention obligations

Article 12

(Legislation affecting the environment)

Legislation that affects the environment, including the quality of water and air, and that imposes or reduces obligations regarding use of land and other natural resources, may have a significant public impact, such as:

- a) legislation that restricts emissions of pollutants (gas and alike) into the environment,
- b) legislation that imposes damages or penalties for environmental degradation,

- c) legislation that restricts land use for environmental reasons, or
- d) legislation that creates waivers or exceptions to environmental legislation.

Article 13

(Other criteria)

In considering the scope of public impact, institutions may take into account a variety of other criteria, such as

- a) whether the legislation is a novelty;
- b) whether the legislation is a refinement of legislation;
- c) whether the legislation is an adaptation to technological changes;
- d) whether the changes are compelled by judicial decisions invalidating the previous legislation
- e) the number of people affected by the change nationally, regionally or locally; or
- f) the financial impact nationally or regionally, or by economic sector.

Article 14

(Legislation without significant public impact)

Certain kinds of legislation can be presumed not to have substantial public impact, unless circumstances indicate otherwise, and are only subject to the minimum consultation obligations of article 6., such as:

- a) amendments to correct spelling or other grammatical mistakes;
- b) legislation codifying or otherwise consolidating, reorganizing or moving provisions to different sections of the legislation without substantive change.

Article 15

(Consultation for legislation with significant public impact)

When an institution determines that its draft legislation may have a significant public impact, it shall carry out broader consultation than defined in article 6. of these regulations in accordance with the