

REGULATIONS

ON CONSULTATIONS IN LEGISLATIVE DRAFTING

(“Official Gazette of BiH”, no. 81/06 and 80/14 – unofficial consolidated version)

This unofficial consolidated version contains the text of the Regulations on Consultations in Legislative Drafting (“Official Gazette of BiH“, no. 81/06) and Regulations on Amendments to the Regulations on Consultations in Legislative Drafting (“Official Gazette of BiH“, no. 80/14).

Unofficial consolidated version can be used only for internal purposes and cannot be used for official purposes.

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’ means legal persons that are not affiliated with the government and informal civil initiatives.

Article 3

(Maintain list)

- (1) Each institution shall maintain, update and post on the website a list of organizations and individuals interested in its legislative activities.
- (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)

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.

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 website, 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.
- (3) The deadline for submission of comments shall be at least 15 days.
- (4) Minimum obligations in terms of consultations shall not apply to:
 - a) Amendments to correct spelling or other grammatical errors; and
 - b) Legislation codifying or otherwise consolidating or reorganizing or moving provisions to different sections of the legislation without substantive changes.

Article 7

(Reason for legislation)

- (1) Along with the public invitation to submit comments in accordance with these regulations, the institution shall post on its website the Statement of purpose of the legal regulation.
- (2) The Statement referred to in paragraph (1) of this article shall particularly contain the list of issues that are, according to the opinion of legislative drafter, of particular importance to the legislation that is being prepared and consultation process, as well as to the target groups that are particularly affected by the legislation.

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) legislation limiting or extending eligibility for government benefits;
- b) legislation affecting voting rights;
- c) legislation affecting rights of citizenship and residency rights of foreigners in BiH;
- d) legislation affecting access to the courts; and
- e) 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 *acquis*; 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.