

UNIFIED RULES

FOR LEGISLATIVE DRAFTING IN THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

(“Official Gazette of BiH”, no. 11/05, 58/14 and 60/14 – unofficial consolidated version)

This unofficial consolidated version contains the text of the Unified Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH”, no. 11/05), text of the Amendments to the Unified Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH”, no. 58/14) and text of the Amendments to the Unified Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH”, no. 60/14).

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

SECTION ONE - INTRODUCTORY NOTES

Article 1

(Scope of application with regards to subjects)

- (1) Unified rules for legislative drafting in the institutions of Bosnia and Herzegovina (hereinafter: Rules) define the rules to be observed by those in charge of legislative and normative tasks when drafting the rules in the institutions of Bosnia and Herzegovina.
- (2) Other incumbents of normative tasks at lower levels of authority in Bosnia and Herzegovina, as well as the Office of the High Representative are recommended to observe these rules.
- (3) If legal acts are enacted following an emergency procedure and in case when they regulate special issues that, due to their urgent nature, specific content and particularity in relation to other regulations, these rules cannot be applied, those in charge of drafting legislation are not bound to observe these rules.

Article 2

(Scope of application regarding a subject)

- (1) According to these rules, the term “regulation” implies:
 - a) Constitution,
 - b) Agreement (if the other party agrees),
 - c) Law,
 - d) Rules of procedure,
 - e) Decision,
 - f) Instruction,
 - g) Rulebook, and
 - h) Other general legal acts.
- (2) These rules can be applied on individual acts, as well as on international agreements, resolutions and other acts of declaratory nature, if their nature allows it.

SECTION TWO - UNIFIED TECHNIQUE OF LEGISLATIVE DRAFTING

CHAPTER I - CONTENT OF REGULATION

Article 3 (Structure of regulation)

(1) Regulation is structured in the following way:

- a) Introductory part
- b) Main body
- c) Final part

(2) If the nature of regulation requires it, regulation can have its annexes.

Part A. Content of introductory part of regulation

Article 4 (Introductory part)

(1) Introductory part of a regulation comprises:

- a) Preamble,
- b) Title of regulation,
- c) Subject.

(2) Introductory part of regulation can contain definitions.

Article 5 (Preamble)

(1) Preamble is part of regulation that stands at its beginning and contains information the legal basis for adoption of the regulation, i.e. provisions from which the power of its enactment arise.

(2) Preamble of legal regulation represents the procedural manner by which the regulation has assumed its legal power, referring to the regulations of higher legal relevance, the name of the body passing it and the ordinal number of the session at which the body has adopted it as well as the date of adoption.

(3) When a body passing a legal regulation is previously obliged to obtain opinion or approval of another body, the preamble should contain the name of the body that issued its opinion, i.e. approval for passage of the regulation.

(4) Abbreviations and acronyms are not used in preamble.

(5) Paragraphs (1) and (2) of this Article do not relate to constitutional provisions.

Article 6 (Title of regulation)

(1) Title is part of regulation that follows the preamble and contains basic information on the subject regulated by the regulation according to which it is identified.

(2) Title must be written without abbreviation and acronyms and punctuation marks.

(3) Title needs be a term that is synthetic, yet adequate to the content of the legal regulation. If that is not possible, sine the regulation contains different subject s then the title contains synthetic content that is most relevant for the regulation.

Article 7
(Overview of the content)

- (1) Overview of content is part of explanation and it contains the information on the structure of the regulation.
- (2) In the formulation of content list or table is used in which all the segments of the regulation or of its articles are marked by numbers and titles.
- (3) Overview of content is particularly needed when a new subject or a complex subject is subject of regulation.
- (4) Publishing service of the House of Peoples decides on eventual need to publish the content overview in the "Official Gazette of BiH".

Article 8
(Subject)

- (1) Subject is part of regulation that follows the title or precedes the content overview and to contain information on the purpose and goals of the regulation.
- (2) When formulating the subject, basic content of the regulation relevant for the entire content of the regulation should be mentioned.

Article 9
(Definition)

- (1) Definition is part of regulation that follows the subject and contains information on the meaning of terms used in the regulation.
- (2) When formulating the definition it is important to use common and unambiguous terms that do not need further definitions.

Part B. Content of the main body of regulation

Article 10
(Main body)

The main body of legal regulation contains normative power of the regulation and determines rules that would be used in order to achieve the set goals, and it may include:

- a) General principles,
- b) Right and obligations,
- c) competencies,
- d) Application of provisions,
- e) Punitive provisions.

Article 11
(General principles)

- (1) General principles are part of regulation that is put in the beginning of the main body of the regulation and it contains information on the key values the regulation regulates.
- (2) The content of principles should be clearly explained, except in the case when the principles correspond to a well-known legal concept.

Article 12
(Rights and obligations)

- (1) Rights and obligations are part of regulation that follows general principles, if they exist, and they contain information on the effect of regulation on those concerned.
- (2) Provisions relating rights and obligations should be defined as clearly as possible, with particular emphasis on their effect on the budget.

Article 13
(Competencies)

- (1) Competencies are part of regulation that follows rights i obligations, if they exist, and it contains information on additional by-laws that should be adopted by different bodies in the framework of implementation of the regulation.
- (2) Competence for passing regulation indicates:
 - a) The body responsible for passing a by-law,
 - b) Scope of by-law,
 - c) Included time frame and can contain a clause whereby by-laws' validity terminates automatically after a certain period of time.

Article 14
(Application of provisions)

- (1) Application of provisions is part of regulation that follows competencies, if they exist, and it contains information on institutions and procedures necessary to implement the regulation.
- (2) Provisions establishing new institutions must clearly determine their responsibility, management structure and obligations.
- (3) Provisions establishing new procedures must clearly determine the situations in which general rules of administrative procedure are not applied.

Article 15
(Penal provisions)

- (1) Penal provisions are part of regulation that follows provisions on application, if they exist, and they contain information on sanctions in case of violation of a certain provision of the regulation.
- (2) Each punitive provision indicates the punitive actions and relevant sanctions, taking into account that:
 - a) Definition of punitive action is determined without the possibility of different interpretation,
 - b) Definition of sanction is determined within the limitations of their maximum and minimum sanction.

Part C. Content of the final part of regulation

Article 16
(Final part)

- U final part of legal regulation, information is contained on the time when the regulation enters into force and the initial period of its application and it may include:
- a) Transitional provisions,
 - b) Final provisions,
 - c) Date and signature.

Article 17
(Transitional provisions)

(1) Transitional provisions are part of regulation at the beginning of the final part of regulation, and they contain information on special circumstances envisaged for the period of the start of application of the regulation.

(2) Transitional provisions incorporate the provisions on transition to the new system that regulates a certain situation or relationship in a different manner.

Article 18
(Cases, i.e. proceedings pending before legally valid decision)

Transitional provisions regulate the cases, i.e. proceedings that are not concluded in a legally binding manner on the date of entry into force of the regulation:

a) By determining deadline after which a new manner of regulating cases, i.e. proceedings shall be applied,

b) Allowing for cases, i.e. proceedings that were initiated on the basis of earlier provisions to be concluded, using the following formulation:

"All cases, i.e. proceedings that were not concluded in a legally binding manner until the date of entry into force of this regulation, shall be concluded following the provisions of the regulation that was in force at the time of its entry into force."

Article 19
(Limiting provisions)

(1) Limiting provisions are part of regulation that follows transitional provisions, if they exist, and they contain information on special limitations in the application of the regulation with regards to space and time.

(2) Limitations in the application of the regulation with regards to space may be solved by using the following formulation:

"these regulations are valid only for..."

(3) Limitations in the application of the regulation with regards to time may be solved by using the following formulation:

"these regulations are valid only until... or ... from..."

Article 20
(Provisions on putting regulation out of force)

(1) Provisions on putting regulation out of force are part of regulation that follows the limiting provisions, if they exist, and they contain information on regulations that are put out of force by entry of the new regulation into force.

(2) Provisions on putting regulation out of force must state clearly every regulation that is put out of force.

Article 21
(Final provisions)

(1) Final provisions are part of regulation that follows transitional provisions and they contain information on when the regulation enters into force.

(2) Regulation, in terms of constitutional principles, enters into force upon the expiry of a certain deadline after their publication and it must be stated that way. In the case of law, it is a period of eight days, and never earlier than one day after the day of publication.

(3) Existence of temporal distance between the date of entry into force of regulation and the beginning of application of individual provisions of the regulation may be solved by the following formulation:

"This regulation enters into force on ... day from the day of publication, and shall be applied from"

(4) Regulations do not determine the time of their publication. Regulations passed by the institution they refer to are published:

- a) only in the "Official Gazette of Bosnia and Herzegovina" (laws and other regulations that are of public concern),
- b) in internal media or on notice board (individual acts).

Article 22 (Dating)

(1) Dating is special temporal clause that follows the body text of regulation and it shows the date when the regulation was made.

(2) Dating is a formal act and may be expressed in the following manner:

- a) Original manner - where the date given at the bottom of published text of regulation is treated as the date it emerged. This is valid for all regulations except laws.
- b) Un-original manner - if the date the regulation is conceived is not given, and then the date of regulation is the date of its publication in the relevant Official Gazette.

Part D. Content of annex to regulation

Article 23 (Purpose and validity of annexes)

(1) If there are practical reasons, due to the volume or special way of expressing technical rules or data in the normative part of regulation, these rules are regulated through annexes.

(2) Annexes are, in any case, integral part of regulation they are passed with and the text of the law should refer to the annexes.

Article 24 (Structure of annexes)

(1) Annexes must have uniform structure and be written in such the way as to have a clear content, with full observance of the rules of the relevant scientific discipline.

(2) If there is more than one annex, they are marked with Roman (ordinal) numbers.

CHAPTER II - FORM OF REGULATION

Part A. Internal division of regulation

Article 25 (Types of internal division)

(1) Internal division of regulation with regards to their form opts for the solution that enables a good setup of the regulated subject matter thus making it user-friendly. Internal division of regulation can be done in the form of:

- a) sections
- b) chapters
- c) parts

(2) Regulation and each of its internal divisions may not be less than two articles.

Article 26
(Section)

- (1) Regulation may be divided at least into two sections. Section covers a thematic whole of regulation.
- (2) Section is marked by ordinal number starting from number one. Numbers are written in capital letters: E.g. SECTION ONE.
- (3) Section may have a title. If one section has a title, then all the sections of a regulation should also have them.

Article 27
(Chapter)

- (1) Section may be divided into two chapters. Chapter occurs with the division of section onto several functional or logical wholes.
- (2) Chapter is marked by Roman number that is written after the word "CHAPTER". E.g.: CHAPTER I.
- (3) Chapter may have a title. If one chapter has a title, then all the chapters of a regulation should also have them.

Article 28
(Part)

- (1) Part is an integral part of chapter, as one of the elements of a whole.
- (2) Part is marked by a capital alphabet letter followed by a punctuation mark "full stop". E.g.: Part A.
- (3) Part Chapter may have a title. If one part has a title, then all the parts of a regulation should also have them.

Part B. Article and internal division

Article 29
(Article)

- (1) Article contains one or several ideas that can be taken as one logical whole.
- (2) Article is marked by Arabic number, starting from number one and then following the order of numbers until the last article of the regulation.
- (3) Article has a title what is added under the numerical designation and put into brackets.

Article 30
(Internal division of article)

- (1) Article is divided into:
 - a) paragraphs,
 - b) paragraphs into points,
 - c) points into lines.
- (2) Provisions of an article, paragraph, point and line consist of one sentence each. Only if the interest of comprehensibility requires so, provision may exceptionally consist of two or more sentences.
- (3) Provisions of article and paragraph always end with a punctuation mark "full stop", and provision of point and line end with the punctuation sign of "comma" or "full stop", ending with "full stop" in every case.

Article 31
(Paragraph)

(1) Article may consist of one or several paragraphs.

(2) Paragraph is marked with an Arabic number, with an open bracket before and closed bracket after it. E.g.: (1). If article consist of only one paragraph, that paragraph is not marked numerically.

Article 32
(Point)

(1) Paragraph may consist of one or several points.

(2) Point is marked by a small letter before the text of the provision following the alphabetic order. Brackets follow the letter. E.g.: a).

Article 33
(Line)

(1) Point may consist of one or several lines.

(2) Line is marked by Arabic number, starting from the number one, with the closed bracket after it. E.g.: 1).

CHAPTER III - STYLE OF REGULATION

Part A. Terminology

Article 34
(General principles of terminology)

(1) Regulation is written in clear style, simple words and precisely expressed intentions of legislator.

(2) Terminology used in regulations must be:

- a) clear,
- b) consistent,
- c) precise,
- d) necessary.

Article 35
(Clear terminology)

(1) Regulation uses the terminology with as few diversions as possible from the everyday meaning of the words, with regards to their legal and professional meaning.

(2) Usage of terminology that has two or more meanings should be avoided. If that is not possible, then the desired meaning should be defined by a separate to be included in the introductory part of the regulation.

Article 36
(Consistent terminology)

(1) Usage of terminology throughout the text of regulation should be internally consistent as well as consistent to the regulations that are in force.

(2) When a term in a regulation is used in one meaning, it must be used in the same meaning throughout the regulation.

Article 37
(Precise terminology)

- (1) Regulation uses precise terminology whose legal consequences may be undoubtedly clear.
- (2) Usage of common, and imprecise notions such as “immediately”, “without delay”, “timely”, “as the rule”, etc. should be maximally avoided in determining the time frame.

Article 38
(Terminology)

- (1) Regulation uses only the terminology that has identical meaning in the languages officially used in Bosnia and Herzegovina.
- (2) Usage of two or several terms that could be expressed by one term alone with the same meaning, as well as foreign terms, should be avoided.
- (3) Foreign word can be used in the meaning they have in the languages in official use in Bosnia and Herzegovina.
- (4) Foreign term used in regulation is put in the bracket after the local term with the same meaning.

Part B. References, quotations and abbreviations

Article 39
(References)

- (1) Reference in a regulation to the provisions of other regulations is done by referring to them and not by repeating the provision itself.
- (2) Reference to another regulation is done in an open and closed manner:
 - a) closed reference is done by referring to the title of regulation, marking in the brackets and with inverted commas the title, number and the year of publication of the Official Gazette in which the regulation referred to is published with all the modifications and amendments.
 - b) open reference is done by quoting the generic term for a certain type of regulation, e.g. law or decision, and the field it regulates.
- (3) In case of closed reference to several regulations with different titles, relevance and nomotechnical origin, the order of reference is related to their relevance: constitutions, agreement, law, rules of procedure, decision, instruction, rulebook etc. If regulation of the same relevance is referred to (e.g. two laws), reference is first made to the regulation that was published earlier.

Article 40
(Quotations)

- (1) Reference in a regulation to parts of the same regulation is done by quotation. Quotation can be solved in the following manner:
 - a) *“from Article x. of this regulation”, if reference is made to Article, or*
 - b) *“from paragraph (y) of this Article”, if reference is made paragraph.*
- (2) Usage of terms such as previous, next, below etc. for the purpose of quotation should be avoided.

Article 41
(Abbreviations)

(1) In case of repetition of abbreviation of titles or other terms in a regulation, then only general title of the regulation phrased as “hereinafter” is used put into the brackets after the punctuation mark “colon”.

(2) In case of repetition, abbreviation in which initial letters of individual word is followed by ”full stop” should be avoided, unless the abbreviation is a common one.

Part C. Grammar

Article 42
(Usage of verbs)

In regulation, verbs are used in present tense and active voice.

Article 43
(Usage of singular)

(1) In regulation, words are used in singular.

(2) It is not correct to use alternative (singular and plural), e.g. “award(s), “candidate(s), authority (ies).

Article 44
(Usage of masculine and feminine genders)

(1) In regulation, where possible, gender-neutral form “person“ is used.

(2) When defined, words are given in masculine and feminine gender with a slash, and afterwards, for the purpose of clarity and readability, words are used only in masculine or feminine gender.

Article 44a.

(1) In Rules and any regulation adopted pursuant to the Rules, words given, for the purpose of clarity, in one grammatical gender relate to both men and women without discrimination.

(2) Those in charge of normative tasks are obliged to provide definition from the paragraph (1) of this Article in the introductory part of a regulation.

Article 45
(Writing numbers)

(1) In regulation, numbers are written in letters, unless denoting a date or a sum of money.

(2) In regulation, numbers up to number 10 are written in letters and above 10 in digits.

CHAPTER IV - MODIFICATION AND CONFIRMATION OF REGULATION

Part A. Modifications and amendments

Article 46
(Purpose and scope of modifications and amendments)

(1) Modifications and amendments are made when regulations do not correspond to the changes in the legal system, the changes in the policy in a certain field, or when they should be adapted to real needs.

(2) Main regulation may be completely modified, except for the title of regulation and its date.

(3) If more than one-half of articles of original regulation are modified, i.e. amended, enactment of a new regulation must be initiated.

Article 47

(Manner of introducing modifications and amendments)

- (1) Modifications and amendments of regulation may be done only by a regulation of the same relevance and in the same procedure as it was done with the regulation that is being modified.
- (2) Modifications and amendments of one regulation cannot carry out modification in a regulation regulating another field.
- (3) Modification of regulation is carried out in such the way as to make one amendment encompassing all the modifications and amendments that relate to one article, and modifications and amendments relate to different goals, i.e. purposes, modification of regulation is done by several amendments to one article.

Article 48.

(Title of modifications and amendments)

- (1) Title of modifications and amendments in regulation need to correspond to its content. If there is:
 - a) only one modification and amendment, regulation is entitled “on a modification” or “on an amendment”,
 - b) one modification and several amendments, regulation is entitled on a modification and amendments”, i.e. “on modifications and an amendment”,
 - c) at least two modifications and at least two amendments, regulation is entitled “on modifications and amendments”.
- (2) Title of regulation on modifications and amendments should refer as the whole to the title of the regulation that is being modified.

Article 49

(Reference to original regulation)

- (1) When original text of regulation is modified, then it should refer to “original text”, and when modification is carried out of already modified and amended regulation, then it should refer to “this regulation”.
- (2) Regulation on modifications and amendments need to contain in the first article reference to the original regulation and the designation of the first article that is modified or amended, while other articles follow the running order of the text.

Article 50

(Formulation of modification of regulation)

- (1) Modification of regulation may be solved by the following formulations:
 - a) if entire article is modified,
”*In regulation (title) Article x. is modified and reads:*
‘Article x
a, b, c’”;
 - b) if a part, e.g. a paragraph, is modified
”*In Article x. paragraph (1) is modified and reads:*
“(1) a, b, c””;
 - c) if one or more words within an article are modified,
”*In Article x. paragraph (1), words ‘a, b, c’ are substituted by the words ‘d, e, f.’*”
- (2) If a provision or part of the provision is deleted, the modification may be solved by the following formulation:
”*In Article x. paragraph (1), words ‘a, b, c’ are deleted.*”

(3) The same formulations delete other types of provisions of higher structural degree (sentence, line, point) and the term "word" is substituted by the term used for the structure that is deleted.

Article 51
(Formulation of amendment to a part of regulation)

If a provision of regulation is amended by amending a part of regulation, e.g. one chapter, amended part is marked by the same number as the previous one of the same type followed by progressive letter. Formulation of amendment reads:

"After (following) Chapter 12, Chapter 12a is amended reading. Wrong example:

'Chapter 12a

Article xa"

Article 52
(Formulation of amended Articles)

If amendment of regulation is done by amending an article or several articles, the new article is marked by the same number as the previous one, followed by progressive letter. The formulation of the amendment reads:

"In regulation (title) after Article x., Article that reads is amended:

'Article xa

a, b, c'."

Article 53
(Formulation of amendments to parts of articles)

(1) If amendment to regulation is done by adding a paragraph or several paragraphs, the following formulation is used.

"In Article x., after paragraph (2,) a new paragraph (3) is added, that read:

"(3) a, b, c.'"

(2) In the case from paragraph (2), the consequence of amendment may be twofold:

a) if Article x. consists of two paragraphs, then proposed formulation is final, and the new paragraphs is simply added with progressive number or letter.

b) if Article x. consists of three or more paragraphs, then the provision continues with one more paragraphs that reads:

"Previous paragraph (3) becomes paragraph (4)."

Part B. Refined text and rectification of regulation

Article 54 (Refined text)

(1) When institution that applies these rules requests from its service to prepare a final draft, this task is approached in the manner referred to in Article 53 of these Rules, whereby the formulation

”final draft” below the title of regulation indicates it.

(2) Articles of final draft in that case get new numbers.

(3) Corrections may be contained in the final draft.

(4) Official version of consolidated text is sent to both Houses of the Parliamentary Assembly of BiH for adoption.

(5) Official version of consolidated text is published in the “Official Gazette of BiH”.

(6) Unofficial version of consolidated text is established in the manner and according to the procedure prescribed by the Rules of Procedure.

Article 55 (Correction)

(1) Correction is used to carry out the modification of regulation after its publishing in order to correct obvious errors, i.e. differences between signed and published versions of regulation.

(2) Institution competent to adopt regulation is competent for its correction in one of the next issues of Official Gazette.

(3) Correction refers both to the incorrect and to the correct text of regulation, as well as the place, time and body that made the correction.

Part C. Confirmation of decisions made by the High Representative in Bosnia and Herzegovina

Article 56 (Law on adoption of laws)

With regards to adoption of the decision by which the High Representative in Bosnia and Herzegovina, in line with his competences, pronounced laws on temporary basis, competent legislative body enacts the law on its adoption, without modification and amendments and additional conditions.

Article 57 (Content of law)

Law on adoption contains: title of the decision by which the High Representative in Bosnia and Herzegovina pronounced the law on temporary basis, the number of the issue of Official Gazette in which the decision was published and the date of its entry into force, without the publication of the text of the law, e.g.

“LAW ON ADOPTION OF THE LAW ... (quote the title of the law)

Article 1

(1) By this law, the Law (quote), which was passed on temporary basis by the High Representative in Bosnia and Herzegovina, published in... (quote the Official Gazette and number of its issue).

(2) Law and all by-laws passed pursuant to this Law are applied from the date of entry into force of the Law (quote earlier Official Gazette I which the regulation was published.)

Article 2

This Law shall be published in the “Official Gazette...”.”

SECTION THREE - UNIFIED TECHNIQUE OF DRAFTING EXPLANATION

CHAPTER I - FORM OF EXPLANATION

Article 58

(Obligation of submitting explanation)

(1) When drafting regulation or proposal of regulation in the institutions of Bosnia and Herzegovina, the proponent is bound to submit explanation together with the draft or the proposal the explanation.

(2) Regulation with which explanation is submitted are: constitutions, drafts and proposals of laws, drafts and proposals of agreements, decisions, instructions, conclusions, declarations, resolutions and all other regulations that fall under the competence of the institutions of Bosnia and Herzegovina, including amendments submitted in the parliamentary procedure.

Article 59

(Structure of explanation)

Explanation, in the form of appendix, is submitted as separate document together with draft or proposal of regulation and is not considered to be annex to the draft or proposal of regulation.

CHAPTER II - STRUCTURE AND CONTENT OF EXPLANATION

Article 60

(Content of explanation)

(1) Explanation of regulation contains:

- a) constitutional and legal basis for the introduction of the regulation,
- b) reasons for introduction of the regulation and explanation of the policy opted for,
- c) harmonization of regulation with European legislation,
- d) mechanisms of implementation and manner of ensuring observance of regulation,
- e) explanation of financial resources for implementation of regulation and of financial effects of regulation,
- f) description of consultations conducted in the process of drafting the regulation,
- g) schedule of potential revision of the introduced regulation.

(2) If it is estimated that the nature of regulation does not require explanation according to one of the points of the paragraph (1) of this Article, departure from the regulation is possible. The institution competent for passing the regulation may decide that the explanation is not complete and demand additional explanations from the drafters.

Article 61

(Constitutional and legal examination)

(1) Constitutional and legal basis for introduction of regulation contains the examination of:

- a) Constitutional and legal competences for regulation of the matter and enactment of regulation,
- b) Harmonization with existing legislation, including international agreements.

(2) If necessary, Constitutional and legal basis included also the harmonization of regulation with binding legal principles such as legal certainty, proportionality and equality before the law, as well as procedural requirements.

Article 62

(Reason for introduction of regulation)

(1) Reasons for introduction of regulation and explanation of the policy opted for must be based on clear evidence that the problem contained in the subject matter chosen did exist and that the introduction of regulation is justified, stating in particular:

- a) analysis of current situation,
- b) values the drafters were led by and current policy of the institution with regards to them, and
- c) probability of benefits from introduction of regulation, based on realistic assessment of efficiency of the institution.

(2) Whenever it is possible, reasons for introduction of regulation and explanation of the policy opted for needs also to be based on evidence that debate was held on alternative forms of regulating the subject matter, such as economic regulation, non-binding agreements, self-regulation, presenting information and other non-normative forms of regulation.

Article 63

(Harmonization with the EU legislation)

(1) When, in order to harmonize the legislation of BiH with that of the EU, modification and amendment of the existing regulation is made, or a new regulation is passed, the institution that prepares the draft or proposal of the regulation shall make efforts to ensure the overview of harmonization of the regulation with the legal legacy of the EU (*acquis communautaire*).

(2) Institutions of BiH undertake obligation from paragraph (1) of this Article to gradually and successively, until the moment when BiH, in the process of realizing its contract with the EU, begin the mandatory harmonization of its legislation, and when the overview of harmonization of the regulation with the legal legacy of the EU becomes mandatory for every institutions in the full sense of the term.

Article 64

(Verification of implementation)

(1) Implementation mechanisms and manner of ensuring the observance of regulation relate to the methods of implementation of laws and other regulations or acts, i.e. mechanisms used in order to make the individuals to which regulatory relationship relates to observe its provisions.

(2) Methods and strategies referred to in paragraph (1) of this Article enable the determination of the following:

- a) measures and actions for implementation and observance of regulations, and particularly ensuring full administrative capacities for realization of tasks and obligations,
- b) bodies competent for implementation and deadlines that should be respected, and
- c) activities by which potential conflict and misunderstanding should be avoided with the individual to which the regulation relates.

Article 65

(Assessment of financial resources and benefits)

(1) Explanation of financial resources contains an assessment of necessary resources, their sources and method of their ensuring for implementation of the regulation.

(2) The proponent of regulation is bound to present an assessment of expected costs and benefits from the introduction of regulation and of potential alternatives to the regulation.

(3) Assessment referred to in paragraph (2) of this Article should be available in the format accessible to administrative, executive and legislative bodies in which decisions are made.

(4) Assessment of most important regulations include the costs and benefit assessment for the key sub-elements of regulation in order to divide justified elements from those that are not.

(5) If necessary, assessment also should include:

a) all the economic costs to be covered by companies, citizens and other levels of authority competent for implementation of the regulation,

b) costs of the choice of policy and administrative formalities;

c) administrative and fiscal costs for the regulation as well as of the non-regulatory alternatives, including the costs of implementation of the regulation.

(6) In any case, the drafter should present a reasonable assessment of justification for the costs incurred, by the way of presentation of their benefits prior to the initiation of the process of adopting of the regulation.

Article 66

(Consultations among institutions)

(1) Each time the process of introduction of regulation requires the participation of more than one institution or levels of authority, the explanation contains the overview of consultation conducted among institutions.

(2) Drafters explain the mechanisms used in order to conduct all the necessary consultation, including, depending on the individual case, horizontal and vertical coordination and cooperation among institutions and levels of authority.

Article 67

(Revision of existing regulations)

(1) In order to avoid the situations where regulations become outdated, inconsistent or poorly drafted, the institutions of Bosnia and Herzegovina shall establish systemic and periodical reviews of existing regulations.

(2) In the explanation, attached to the draft or proposal of regulation, drafters shall mention the time schedule of reviews of the regulation, in the manner referred to in paragraph (1) of this Article.

(3) Drafters shall mention also the obligation of reporting and accountability.

(4) Drafters of regulation may re-consider the need to introduce the regulation prior to the time schedule referred to in paragraph (2) of this Article, if a change of conditions occurs after the adoption of the regulation. In this case, all the necessary measures are taken to revise or annul the existing regulations.

SECTION FOUR- ORGANIZATION OF TASKS ARISING FROM NORMATIVE ACTIVITIES

CHAPTER I - COMPETENT UNITS OR SPECIALIZED STAFF

Article 68

(Establishment of units or specialized workplace)

(1) Pursuant to the Rulebook on Internal Organization and in a precise manner, every institution involved in the process of drafting and processing normative acts shall establish:

- a) unit for “normative tasks”, comprising two or more officers with special competence of drafting and processing normative acts, or
- b) workplace of specialist for “normative tasks”, explicitly competent for drafting normative acts.

(2) If the workload on drafting normative acts does not justify establishment of a unit or a workplace solely committed to ”normative tasks”, then an adequate job description may contain additional tasks, such as administrative-legal tasks.

Article 69

(Expert tasks)

(1) The unit or the specialized staff competent for drafting normative acts should possess appropriate university degree and specialist knowledge as well as experience in all the issues relating implementation of these unified Rules.

(2) In order to develop and advance their own expertise, competent units or specialized staff is entitled to occasional training organized and supervised jointly by the head of the unit and competent managers of the institutions.

CHAPTER II - PROCEDURE OF DRAFTING REGULATION

Article 70

(Competence for preparation of regulation)

(1) Initiative of the bodies of authority for drafting a normative act begins with the inclusion of that act in the work plan of that body.

(2) When formulating its initiative the body making its plan shall:

- a) task one of the institutions as well as others who shall participate under its supervision, in the drafting of the normative act,
- b) explain in sufficiently clear terms the goal of the normative act that is being drafted,
- c) determines the deadline for submission of the draft of normative act.

Article 71

(Composition of the regulation drafters’ team)

(1) The institution tasked with the drafting of normative act shall draft hit together with the unit or specialized staff competent for normative tasks, with the participation of expert team working in that institutions or within its internal organizational units.

(2) If competence cannot be ensured by the institution itself, the manager of the institution may propose to the proponent of the act, depending on the specific case, the request for establishment of an advisory working group made of experts from other institutions of BiH. The work of the working group is coordinated by the unit or specialized staff competent for normative tasks within the institution takes with drafting the regulation.

(3) If competence cannot be ensured by the institutions of BiH, the manager of the institution may ensure it by outsourcing. These outsourced experts, who may be domestic or international, act under the supervision of the unit or specialized staff competent for normative tasks within the institution tasked with drafting regulation.

Article 72
(Preparation of theses)

(1) The regulation drafting team prepares the theses that outline main concept relating the drafting of the normative act.

(2) Theses may be presented in the form of a limited number of alternative options for regulation of the specific subject matter.

Article 73
(Approval of theses)

(1) The regulation drafting team submits its theses to the manager of the institution for his approval.

(2) In case there are alternatives with regards to specific subject matter, approval should indicate which of the options shall be considered in the further procedure.

Article 74
(Preparation of preliminary draft)

(1) In accordance to the approved theses, the regulation drafting team prepares the preliminary draft of normative act.

(2) When preparing the preliminary draft the criteria stipulated in Chapters I - III of these unified Rules are applied. Unit or specialized staff competent for normative tasks in given institution maintains continuous flow of information relating the draft with the competent units of the proponent.

Article 75
(Process of consultation)

(1) Based on preliminary draft, the regulation drafting team conducts consultations with

a) unit or person tasked with charged with drafting normative acts in the competent Ministry of Bosnia and Herzegovina, aimed at ensuring necessary budgetary funds for the implementation of the normative act that is being drafted,

b) unit or person tasked with charged with drafting normative acts in the institution competent for European integration, aimed at verifying that the normative act is being drafted in accordance with the EU requirements.

(2) The same staff shall consult, to the greatest possible extent, with:

a) other institutions of Bosnia and Herzegovina to which the normative act that is being prepared relates,

b) public bodies to which the normative act that is being prepared, including competent entity institutions and all their administrative units,

c) private individuals representing registered citizen's associations,

d) international institutions relevant for the subject matter of the normative act that is being prepared.

Article 76
(Preparation of draft)

(1) Based on the outcome of consultations, the regulation drafting team prepares a draft of normative act.

(2) While preparing the draft of normative act the criteria determined in Chapters I -III of these unified Rules shall be applied. Unit or specialized staff competent for normative tasks in given institution maintains continuous flow of information to the competent units of the Council of Ministers or the Presidency of Bosnia and Herzegovina.

Article 77
(Approval of draft)

(1) The regulation drafting team submits a draft for the approval of the manager of the institution.

(2) In case the draft is approved. It shall be forwarded to the Council of Ministers of Bosnia and Herzegovina or the Presidency of Bosnia and Herzegovina, depending on the regulation, accompanied by:

- a) explanation that meets the criteria referred to in Chapter II of these unified Rules,
- b) theses for drafting regulation, approved by the manager of the institution,
- c) preliminary draft of normative act used in the course of consultation,
- d) documentation on the consultations that were carried out.

CHAPTER III - ENSURING IDENTICAL VERSIONS OF REGULATION IN THE OFFICIAL LANGUAGES

Article 78
(Identical wording of regulations in the three official BiH languages)

(1) Provisions of regulations must be identical in all the three official languages of Bosnia and Herzegovina.

(2) Requirement for regulations to be identical in the three official languages is applied on the regulation at the moment of its proposal.

Article 79
(Internal proofreading)

(1) In order to ensure identical linguistic versions of regulation in the process of consideration and decision-making, competent services of the proponent of regulation shall provide for a professional proofreader (i.e. language expert).

(2) Proofreader shall advise and assist the expert referred to Article 72 of these Rules.

(3) Proofreaders are responsible to test whether the text of the regulation is identical in all the three official languages.

Article 80
(Final proofreading)

Prior to official publishing in the "Official Gazette of BiH", all the adopted regulations shall be controlled with regards to the language used by the Service for Publication of the House of Peoples of the Parliamentary Assembly of BiH, in order to ensure the accurate and identical versions of the regulation in the three official languages.

Article 81
(Commission for Linguistic Policy in the Legislation of BiH)

(1) Commission for Linguistic Policy in the BiH Legislation shall be established, to which the Service for Publication of the House of Peoples of the Parliamentary Assembly of BiH shall serve as the secretariat.

(2) Commission for Linguistic Policy in the BiH Legislation is a body that is convened, when necessary, and which comprises six distinguished linguistic experts, nominated by the House of Peoples of the Parliamentary Assembly of BiH. The Commission shall have equal number of members representing three constituent peoples.

(3) Commission for Linguistic Policy in the BiH Legislation shall meet at least once a year in order to:

- a) decide on complaints relating linguistic accuracy and correctness and whether terms used in regulations that are in force are identical,
- b) compile and update tri-lingual official lexicon of terms used in regulations,
- c) decide about dictionaries and grammatical rules to be used in the forthcoming year.

SECTION FIVE - FINAL PROVISIONS

Article 82
(Control of the Rules)

(1) Within six months from the date of entry into force of these Rules, competent institutions referred to in Article 1.(1) of these Rules shall incorporate the provisions of these Rules into their acts (rules of procedures, rulebooks etc.)

(2) With the aim of updating and constant amending of these Rules, the institution referred to in Article 1 paragraph (1) of these Rules shall at least once a year look into the content of the Rules to establish whether they are adapted to the current practice.

Article 83
(Entry into force)

These Rules shall enter into force on the eighth day from the day of their publication in the Official Gazette of Bosnia and Herzegovina”.