

Pursuant to Article 61, paragraph (2) of the Law on Administration („Official Gazette of BiH“, no. 32/02 and 102/09), the Director of the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina, has passed the

GUIDELINES
for the Implementation of Regulations on Consultations
in Legislative Drafting in the
Agency for Identification Documents, Registers and Data Exchange

Article 1
(Subject)

The Guidelines for Implementation of the Regulations on Legislative Drafting (Official Gazette of BiH, no. 81/06) (hereinafter: the Guidelines) establish procedures for consultations to be followed by the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (hereinafter: the Agency) when drafting legislation.

Article 2
(Purpose)

Purpose of these Guidelines is to ensure:

- a) consistent implementation of the Regulations on Legislative Drafting (hereinafter: the Regulations),
- b) active participation of citizens and civil society organizations during the process of preparation, development and monitoring of legal regulations and implementation of public policies at the BiH level,
- c) efficiency of policy adoption,
- d) legitimacy and support of policy,
- e) prevention of the public criticism of closure and exclusion.

Article 3
(Principles behind Consultations)

When implementing the obligations set forth in the Regulations, the following principles shall be applied:

- a) transparency,
- b) expertise,
- c) efficiency and economizing,
- d) professionalism.

Article 4
(Consultation Coordinator)

(1) The Agency is required to designate Consultation Coordinator who shall be

responsible for the administrative and technical activities related to implementation of the Regulations.

- (2) Responsibilities of the Consultation Coordinator are
 - a) to support the teams for legislative drafting and introduce them with the role of the Coordinator and obligation to submit reports to Consultation Coordinator on plans for initiating consultations for legislative drafting,
 - b) to answer the queries related to consultations,
 - c) to update information related to consultations on the website of the Agency,
 - d) to inform the employees of the Agency on opportunities of education and familiarizing with new trends and positive practice in the field related to consultations;
 - e) to prepare evaluation reports on implemented consultations.
- (3) The name of the Coordinator and his contact information may be found on the website of the Agency.
- (4) Irrespective of paragraph (1) of this Article, the Agency shall designate an officer, who participates in the legislative drafting, to be responsible to manage consultation process.

Article (5) (Consultation List)

- (1) Consultation Coordinator shall maintain, update and post on the website the list of organizations and individuals interested in legislative activities.
- (2) Consultation list shall contain contact information and an abstract on academic and professional references of the subjects referred to in paragraph (1) of this Article.
- (3) Consultation Coordinator shall update the list based on a written request submitted by an individual or organization.

Article 6 (Publication of Planned Normative and Legal Activities)

- (1) Upon creation of the list of planned normative and legal activities of the Agency as a part of the annual work programme, Consultation Coordinator shall publish the list on the website of the Agency.
- (2) Consultation Coordinator shall regularly update each modification of the list of planned normative and legal activities of the Agency on the website of the Agency.

Article 7 (Organizations and individuals involved in consultations)

- (1) The team, which is in charge of legislative drafting in the Agency, shall consider which individuals, apart from those on the list referred to in Article 5 Paragraph (1) of the “Guidelines” or organizations may be interested in or affected by the Regulation, and which of the entities may provide relevant and professional comments to the subject regulation.
- (2) Consultation Coordinator shall collect comments from the entities referred to in paragraph (1) of this Article.

- (3) With a public call for submission of comments in accordance with these Guidelines, the Agency shall post on its website a Statement of purpose of a legal regulation.
- (4) A Statement referred to in Paragraph (3) of this Article shall particularly include a list of questions that are, according to the opinion of the creators of a regulation, as well as target groups to whom the regulation is particularly aimed, of significant interest for the regulation, which is being drafted and subject to consultation process.

Article 8 (Time of Consultations)

Consultations may be made at any stage of the development of a regulation, however, the time required for development of the regulation must be planned after the consultations are finished.

Article 9 (Comments)

- (1) Comments and proposals of amendments to the pre-draft shall be delivered to the Agency on the foreseen form, which may be found in Annex 1 of these Guidelines.
- (2) For the purpose of their usage during preparation of a regulation draft, the Agency shall collect comments and proposals of amendments in the foreseen form, which may be found in Annex 2 of these Guidelines.
- (3) The Agency shall provide the feedback to the providers of comments and proposals of amendments to the pre-draft of the regulations on the foreseen form, which may be found in Annex 3 of these Guidelines. “

Article 10 (Minimum Consultation Obligations)

- (1) Minimum consultation obligations upon arrangement of the pre-drafted text of the regulation are:
 - a) to publish a pre-draft regulation on the website of the Agency,
 - b) to call for providing comments and to notify the entity referred to in Article 5 of the Guidelines.
- (2) The deadline for providing comments is 15 days at least.
- (3) Minimum obligations regarding consultations are not related to:
 - a) amendments aimed to correct orthographic or spelling errors; and
 - b) legal regulations where codification shall be done or where provisions are consolidated or reorganized in a different manner or transferred in other parts of the legal regulation with no change of contextual meaning.

Article 11
(Legal Regulations with Significant Influence on the Public)

- (1) The Team for legislative drafting in each specific case shall assess whether or not the regulation has significant influence on public, taking into consideration the criteria specified in the Rules.
- (2) If a regulation has significant influence on public, apart from minimum consultation obligations referred to in Article 9 of the Guidelines, additional consultations subject to the Rules shall be applied.
- (3) Regulations having significant influence to public shall be particularly specified in the list of planned normative and legal activities which is to be published on the website of the Agency.

Article 12
(Consultation Forms)

- (1) The Agency shall decide of the form of consultations for legislative drafting of regulations that significantly affect public, which will most probably provide relevant guidelines for legislative drafting of the regulations. Those forms of consultations particularly include:
 - a) notice or publication of the pre-draft regulation in print media,
 - b) informing and publication of the pre-draft legal regulation via radio and television,
 - c) direct delivery of the pre-draft legal regulation to organizations and individuals,
 - d) public meetings or roundtables with selected organizations and individuals,
- (2) In each individual case it shall be determined, which form of consultations referred to in paragraph (1) of this Article is to be used, taking into account the following:
 - a) time constraints for the adoption of a legal regulation;
 - b) novelty or technical complexity of the subject matter of the pre-draft regulation;
 - c) possibility of the entity from the list to participate in the consultation process.

Article 13
(Exemption from Consultation Obligation)

- (1) In exceptional circumstances, for the purpose of protection of health and security of citizens and property or adoption of budget, the Director of the Agency may decide to exempt the Agency from the consultation obligation in the following cases:
 - a) emergency circumstances;
 - b) unexpected international obligations;
 - c) judicial annulment of the whole law or its parts.
- (2) The Director of the Agency shall provide the Council of Ministers of BiH with the detailed explanation of the reasons for exemption.

Article 14
(Agency Statement)

(1) When submitting the draft regulation to the Council of Ministers of BiH, the Agency shall enclose a Statement which includes:

- a) a statement that the minimum consultation obligations have been met;
- b) an explanation of the conclusion whether the regulation has a significant impact on the public or not;
- c) an explanation of the decision on the selected form of consultations and description of conducted consultations;
- d) a statement on applied procedure for collecting comments and attached written report on comments referred to in Article 9 of the Guidelines.

(2) The Statement shall be posted on the website of the Agency.

(3) Foreseen form of the Statement may be found in Annex 4 of these Guidelines.

Article 15
(Budget for Consultations)

The Agency shall plan necessary funds to meet the obligations regarding consultations for each fiscal year.

Article 16
(Entering into force)

These Guidelines shall enter into force on the day of their adoption.

Director
Siniša Macan, M.Sc.

Annex 1 - Instruction for filling up the form

In the title of the **Form for submission of comments on and proposals of amendments to a pre-draft of regulation**, please specify the exact title of the regulation on which you give comments and propose amendments.

In the row **General observations regarding the pre-draft regulation**, please insert your observations regarding the pre-draft of regulation which is in the consultation process and on which you give comments. Those observations may relate to the need for enacting the regulation on which you give comments, its relation with other regulations that directly or indirectly regulate the same or similar matter, sequence of the articles in the text of the regulation and their possible different sequence, lack of some important provisions etc.

In the column **Individual comments on the articles of the pre-draft regulation**, please specify the exact article and paragraph your comment is related to. Within that column, please give for each such article or paragraph a comment, explanation, i.e. a reason why you think that the offered solution is not appropriate, and finally explain the consequences of the adoption of the offered text of the regulation. Apart of that, please offer the text of the article or paragraph concerned within the proposed amendment to the article or paragraph concerned as you consider it should be formulated.

<i>Name and surname of the person or name of the organization providing comments</i>		
<i>General observation on a draft document</i>		
<i>Individual comments on the articles of a pre-draft regulation</i>		
<i>Article__Paragraph__</i>	<i>Comment</i>	
	<i>Explanation</i>	
	<i>Proposed text of the amendment to the article concerned</i>	
<i>Article__Paragraph__</i>	<i>Comment</i>	
	<i>Explanation</i>	
	<i>Proposed text of the amendment to the article concerned</i>	
<i>Article__Paragraph__</i>	<i>Comment</i>	
	<i>Explanation</i>	
	<i>Proposed text of the amendment to the article concerned</i>	
<i>Article__Paragraph__</i>	<i>Comment</i>	
	<i>Explanation</i>	
	<i>Proposed text of the amendment to the article concerned</i>	

Annex 2 – Form for consolidation of comments on and proposals of the amendments to a pre-draft regulation

Instruction for filling up the form

In the title of the **Form for consolidation of comments on and proposals of amendments to a pre-draft regulation**, please specify the exact title of the regulation on which you give comments and propose amendments.

In the row **Summary of observations on a pre-draft regulation**, please insert your consolidated comments and observations that comment providers specified in the Form for submission of comments on a pre-draft of regulation in the column named general observation. If equal or similar observation appears several times by various comment providers, please specify the number of appearance of such an observation next to it.

In the column **Individual comments on the articles of the pre-draft regulation**, please specify the exact articles and paragraphs on which the comment providers gave specific comments and amendment proposals. Please, insert comments, with explanations, as well as amendment proposals of a specific article or paragraph in exact words as comment providers specified it in the provided part of the Form for submission of comments to the pre-draft regulation.

In case more than one comment providers share the same or essentially similar comment, specify the number of the comment providers who share equal opinion.

Moreover, in this part of the form there is a space provided for comments on and proposals of the amendments to regulation in case where several comment providers have different opinions on the same articles and paragraphs.

Finally, please specify any comment provider, individual or organization, where foreseen.

Summary of the observations on a pre-draft regulation		
Individual comments on the articles of a pre-draft regulation		
Article__Paragraph__:	1. Comment and explanation	
	Proposed text of the amendment to the article concerned	
	2. Comment and explanation	
	Proposed text of the amendment to the article concerned	
Article__Paragraph__:	1. Comment and explanation	
	Proposed text of the amendment to the article concerned	
	2. Comment and explanation	
	Proposed text of the amendment to the article concerned	

Annex 3. – Form for providing feedback to providers of comments on and proposals of the amendments to a pre-draft regulation

<i>Providers of comments and amendment proposals to whom feedback on acceptance or unacceptance of their proposals is to be delivered</i>		
<i>Summary of general observations on pre-draft regulation</i>		
<i>Individual comments on articles of a pre-draft regulation</i>		<i>Feedback on acceptance or unacceptance of the proposed comment, and, when unaccepted, appropriate explanation thereof</i>
<i>Article__Paragraph_ _:</i>	<i>1. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	
	<i>2. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	
<i>Article__Paragraph_ _:</i>	<i>1. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	
	<i>2. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	
<i>Article__Paragraph_ _:</i>	<i>1. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	
	<i>2. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	
<i>Article__Paragraph_ _:</i>	<i>1. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	
	<i>2. Proposed text of the amendment to the article, i.e. paragraph concerned:</i>	

Annex 4 – Statement Form

Pursuant to Article 24 of the Rules for Consultations in Legislative Drafting („Official Gazette of BiH“, 81/06 and 80/14), the Agency for Identification Documents, Registers and Data Exchange of BiH, together with a pre-draft of _____ provides a

STATEMENT

1.	<i>Minimum obligations regarding consultations</i>	
2.	<i>Explanation of the conclusion whether a legal regulation significantly affects public or not</i>	
3.	<i>Explanation of the decision on applied form of consultations</i>	
4.	<i>Non-governmental organizations engaged in the consultation process</i>	
5.	<i>Opinion of the nongovernmental sector (support, accepted after adoption of proposals and text amendments subject to the requests of the NGO, supportless)</i>	
6.	<i>Methods of informing the public and public opinion</i>	
7.	<i>Consultations with national and international consultants</i>	
8.	<i>A statement that the institution has handled the received comments subject to this procedure and delivered required report in accordance with Article 23 Paragraph (3) of the Rules for Consultations in Legislative Drafting</i>	
9.	<i>Other information</i>	

DIRECTOR:
