

**LAW ON
AMENDMENTS TO THE
LAW ON
PERSONAL IDENTIFICATION NUMBER**

Pursuant to Article IV.4.a of the Constitution of Bosnia and Herzegovina the Parliamentary Assembly of Bosnia and Herzegovina, at the 33 session of the House of Representatives held on 29 July 2008 and at the 20 session of the House of Peoples held on 30 July 2008 has adopted the

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PERSONAL IDENTIFICATION NUMBER**

Article 1

In Article 1 paragraph (1) of the Law on personal identification number (“Official Gazette of BiH, No. 32/01 and 16/02) is amended and says:

“This Law stipulates designation, allocation, registration, use, record, structure, annulment and replacement of personal identification number (hereinafter: JMB) of citizens of Bosnia and Herzegovina and aliens in Bosnia and Herzegovina”.

Article 2

In Article 3, paragraph (1) is amended and says:

“The designation, annulment and replacement of a JMB shall be carried out within their respective jurisdictions in Federation BiH by the Cantonal Ministries of Interior, by the RS Ministry of Interior in the Republic of Srpska, and by the competent authority, functionally acting as a state institution in the Brcko District (hereinafter: competent authority)”.

Paragraph (2) the word “issue” shall be replaced by word ”designate”.

Paragraph (3) is amended and says:

“The competent authority shall act as a second-instance authority in the appellate procedure regarding decisions of the respective authority deciding as a first-instance body regarding designation, annulment and replacement of JMB.”

Article 3

In Article 10, paragraph (3) the word “copy” is erased.

In paragraph (5) words: ”through channels outlined” shall be replaced by words in a way outlined.”

After paragraph (5) a new paragraph (6) shall be added, which says:

“Submission of the request and notification of the request submitter concerning allocated JMB referred to in paragraphs (3), (4) and (5) of this Article may be carried out electronically between BiH DCO and the competent authority. At the occasion of allocation of JMB electronically, a request submitter is obliged to enclose birth certificate and BiH citizenship certificate which are to be provided to the competent authority.”

Article 4

In Article 11 the text “(“Official Gazette of BiH” No.13/99)” shall be erased, and the text “permanent residence in BiH” shall be replaced by “approved residence in BiH”.

Article 5

Article 12 is amended and says:

“Article 12

A personal identification number shall be allocated to an individual who obtains BiH citizenship pursuant to Article 11 of this Law and who has been allocated a JMB in one of the former republics of the SFRY.”

Article 6

Article 14 of the Law shall be erased.

Article 7

In Article 16, paragraph (1) is amended and says:

“A BiH citizen shall be allocated only one JMB. A JMB may not be allocated to more than one person.”

Article 8

In Article 25, paragraph (2) text: “Law on immigration and asylum of Bosnia and Herzegovina (“Official Gazette of BiH” No. 23/99)” shall be replaced by “regulation which governs the stay of aliens in BiH”.

Article 9

In Article 28, paragraph (3) is amended and says:

“In the event that two or more persons have identical JMB, the competent authority shall annul all JMB except the first registered JMB in the central register. The competent authority, i.e. authorities, shall subsequently allocate new JMB to replace the annulled one.

Article 10

In Article 29, paragraph (1) is amended and says:

“The body responsible for issuing decisions on the correction of an individual’s registered day, place and year of birth, as well as the body responsible for issuing decisions on enrolment of an individual’s change of sex and total adoption, shall be obliged to submit one copy of the issued decision to the relevant competent authority, within 30 days as of the effective date of the decision.”

In paragraph 2 words: “shall contact the person” shall be replaced by words:”shall inform the person”.

Paragraph (3) shall be erased.

Article 11

In Article 41, paragraph (1), as well as in Article 47, paragraph (1) the word “copy” shall be erased.

Article 12

In Article 48, paragraph (3) the text “through the channels outlined” shall be replaced by “in a way outlined”.

Article 13

In Article 53 the words “from 10 to 100 BAM” shall be replaced by “from 30 to 300 BAM”.

Article 14

In the whole text of the Law, the name “Ministry of Civil Affairs and Communications - MCAC” shall be replaced by the “Ministry of Civil Affairs -MCA” in relevant case.

Article 15

This law shall enter into force 8 days as of the date of its publication in the “Official Gazette of BiH”, and shall be published in the official gazettes of the entities and Brcko District of Bosnia and Herzegovina.

PA BiH No.240/08

30.07.2008.

Sarajevo

Chairman
of the House of Peoples
of the BiH Parliamentary Assembly
_____, signed

Chairman
of the House of Representatives
of the BiH Parliamentary Assembly
_____, signed

EXPLANATION

**OF THE LAW ON AMENDMENTS TO THE LAW ON PERSONAL
IDENTIFICATION NUMBER**

LEGAL BACKGROUND

Legal background for issuing Law on amendments to the Law on personal identification number is comprised within the provision of Article IV.4.a) of the Constitution of Bosnia and Herzegovina which provides for that the Parliamentary Assembly of Bosnia and Herzegovina is responsible for passing laws necessary to implement decisions of the Presidency of BiH or to carry out the activities of the Assembly pursuant to the Constitution.

REASONS FOR PASSING THE LAW AND EXPLANATION OF PARTICULAR PROVISIONS

Grounds for passing of the Law on amendments to the Law on Personal Identification Number (“Official Gazette of BiH” No. 32/01) are encompassed in the necessity for harmonization of the Law with the amendments related to responsibilities for activities concerning JMB, type of equal activities, rules for designation of JMB for BiH citizens abroad, erasure of the non-effective laws from the text of the Law, harmonization with provisions of the Law on Penalties of BiH (“Official Gazette of BiH, No. 20/04), as well as certain lexical adjustment of the text.

Therefore, matters provided for by this Law for the purpose of clarification and harmonization of terms related to activities concerning JMB are stated in Article 1.

In Article 2, competent authorities in FBiH, RS and Brcko District of BiH are foreseen, due to the fact that there have been certain changes in internal organization of the competent authorities meaning that police stations and stations for public security do not carry out stated activities, although those activities are within the responsibility of the competent MoI. The second-instance body in the appellate procedure related to JMB has been clarified.

Due to present problems in practice and facilitation and acceleration of the procedure for designation of JMB for BiH citizens abroad, through amending of Article 10 of the Law submission of requests electronically through DCOs and competent authorities has been enabled, although foreseen manner of submission of the requests is still kept as well as subsequent deliverance of original documentation accompanied with the request.

In Article 5 of the Law, it has been clarified that JMB of BiH is allocated to a person who acquires BiH citizenship, because pursuant to Article 39 of the Law, transfer of JMBs of the ex-SFRY republics may only be carried out for a person to whom that number has been designated before entering into force of this Law.

Article 14 shall be erased because it is not the subject matter of this Law.

Article 9 of the Law clearly prescribes manners for solving problems of two or more persons having the same JMB, in a manner that all JMB, except the first JMB registered in the central register are annulled. This is a usual manner of acting prescribed by the Instruction of the MCA BiH due to difficult procedure of determining time when JMBs were allocated.

In Article 10 of the Law, events when JMBs are changed has been stipulated, and unlike the previous text, the same obligation is foreseen in event of complete adoption, and unlike before the same obligation is not foreseen in event of change of name, because that was the reason in practice to request change of personal name for unjustifiable reasons.

Harmonization with provisions of the Law on Penalties of BiH, where in Article 53 of the Law, instead of fine of 10 to 100 BAM, a fine of 30 to 300 BAM is foreseen.

In the text of the Law certain linguistic harmonization is carried out, as well as change of the name of the Ministry of Civil Affairs and Communications with the name the Ministry of Civil Affairs of BiH, for the purpose of harmonization with actual names of the institution.

FINANCIAL RESOURCES

No additional financial resources are needed for the purpose of implementation of this Law.