

**BOSNA I HERCEGOVINA**  
*Konkurencijsko vijeće*



**БОСНА И ХЕРЦЕГОВИНА**  
*Конкуренијски савјет*

**BOSNIA AND HERZEGOVINA**  
*Council of Competition*

**RULES OF PROCEDURE**  
**OF THE COUNCIL OF COMPETITION OF BOSNIA AND HERZEGOVINA**

**Sarajevo, January 2005.**

Pursuant to Article 24.,paragraph (4) and Article 25.,paragraph (1), item a) of the Competition Act («Official Gazette of BiH» No. 48/05) the Council of Competition of Bosnia and Herzegovina at its 21st session held in January 21, 2006 has adopted the following

**RULES OF PROCEDURE**  
**Of the Council of Competition of Bosnia and Herzegovina**

**I GENERAL PROVISIONS**

**Article 1.**

This Rules of Procedure (hereinafter: Rules) shall define working methods and other issues relating to the functioning and running of the sessions of the Council of Competition of Bosnia and Herzegovina (hereinafter: Council).

**Article 2.**

- (1) The Council shall perform its functions and activities at the sessions and in the commissions of the Council pursuant to the law and by-law regulations.
- (2) The President of the Council pursuant to the Act on Competition (hereinafter: Act) convenes and presides over the sessions and in absence of the President it shall be the Council member appointed in writing by the President or designated in the proceeding session for the next session of the Council.

**II PREPARING AND CONVENING A SESSION**

**Article 3.**

- (1) A session of the Council is prepared by the Expert unit.
- (2) The Expert unit is obliged to provide a draft of resolutions and other acts to be included to Agenda of the session of the Council; the draft is to be comprised of a short description and other relevant data and attachments important for the sessions and decision making procedure.
- (3) The President of the Council, on the basis of the provided materials referred to in previous paragraph of this Article and after the commission of the Council which he found necessary to be held before the session, shall approve a draft of the Agenda and determine the time of the session of the Council seven days before the session.
- (4) Members of the Council shall be provided by the material for the session at least three days before the session. In exceptional circumstances, a subject- matter can be included at the session of the Council without previously provided materials in writing to the Council members.
- (5) The material for the session of the Council is provided in writing to the Council members.

#### **Article 4.**

- (1) Materials referred to in Article 3., paragraph (5) of this Rules as a rule contain a request for initiation of the proceedings, short overview of evidences and legal grounds of the subject-matter and decision proposals.
- (2) Materials referred to in paragraph (1) of this Article may contain other documentation depending on the complexity of a subject-matter which is to be discussed at the Council.

#### **Article 5.**

- (1) As well as the Council members, a recording secretary is obliged to present the sessions of the Council.
- (2) Officials and other employees of the Expert unit and external experts, in a case of need, may present to the sessions of the Council for some items of the Agenda.
- (3) Council members are obliged to inform in writing the President on their failure to present the session, but in cases when the absence is reasonably grounded pursuant to the law the Council shall be informed at the session.

#### **Article 6.**

- (1) Required majority of the Council members present in the session of the Council and required majority for passing the decisions of the Council is regulated by the Act.
- (2) In a case when the required number of Council members is not present to a session, the session is postponed and the President shall determine new date for the session.
- (3) A session may be held in the President's absence, and in that case the president is obliged in advance to appoint in writing or appoint at the proceeding session a Council member to preside over the next session

### **III COURSE OF THE SESSION AND WAY OF FUNCTIONING**

#### **Article 7.**

The session is called and presided by the President of the Council, and in his absence by a Council member appointed by the President pursuant to the Article 6., paragraph (3) of this Rules.

#### **Article 8.**

When the session starts, the President of the Council shall identify the presence of the Council members and other invited persons and record that in the minutes.

#### **Article 9.**

- (1) The Agenda shall be approved on the basis of the draft of Agenda which is submitted to the Council members.
- (2) The draft of the Agenda referred to in paragraph (1) of this Article may be amended at the request in writing or verbal explanation of at least two Council members and that request is to be put to Council members for adoption.

- (3) A Council member may propose amendment of the Agenda and that proposal is to be elaborated and then the Agenda is to be put to for adoption.
- (4) If the authorized Council member for the case of the draft of Agenda fails to appear at a session, as a rule that item on Agenda may not be a topic of discussion at that session.
- (5) When the Agenda is approved then the single tasking of items defined on the Agenda is started.

#### **Article 10.**

- (1) Reporter of each item of the Agenda may explain verbally or amend the suggestions which were previously submitted within materials.
- (2) After the reporter's introductory explanation, a discussion starts in the way that the persons notified for discussion shall be called to speak by the President.
- (3) A person who is called to speak is obliged to give explanation distinctly and concisely and keep to the subject -matter and the item of the Agenda during the discussion.
- (4) The President has a right to rule a participant out of order when she/he doesn't follow the regulations referred to in the previous paragraph of this Article.

#### **Article 11.**

- (1) When the discussion about an item of the Agenda is completed, then voting about the decision- making starts.
- (2) If the Council member proposes a decision different to a proposal submitted in the materials, then voting about the submitted proposal shall start the first.

#### **Article 12.**

- (1) Voting is open.
- (2) The number of votes FOR and AGAINST the decision- making shall be ascertained at voting.
- (3) Upon the explicit request of the Council member who votes AGAINST the decision-making, the data on her/his voting shall be recorded in the Minutes.

#### **Article 13.**

- (1) A session lasts until the discussion on all items of Agenda is brought to an end.
- (2) If it is not possible to complete discussion on all items of Agenda at the session, then the President of the Council shall decide to break the session and determine the time of continuance of the session.
- (3) The President of the Council may not adjourn a session arbitrarily.
- (4) The President of the Council and Council members may not leave the session arbitrarily or due to unjustified reasons

## **IV MINUTES AND DECISIONS OF THE SESSION**

### **Article 14.**

- (1) Minutes at the session is taken by the recording secretary. A minutes shall specify the place, date, the names and last names of the Council members present at the session , names and family names of absent Council members, names of other persons present at the session , the Agenda, decision or conclusion on each item of Agenda, and number of votes FOR and AGAINST.
- (2) A recording secretary is obliged to make draft of minutes referred to in paragraph (1) of this Article within three (3) days following the day of the end of the session.
- (3) A Council member may require that his discussion is to be recorded in minutes.
- (4) A dissenting opinion of the Council member who votes AGAINST may be recorded in minutes upon the request of that member and it is obliged to be dictated or submitted in writing within two days.

### **Article 15.**

- (1) Approved minutes shall be signed by the President of the Council and recording secretary.
- (2) Minutes and decisions of a Council session and all other attachments shall be filed sequentially, archived and stored as permanent documents.

### **Article 16.**

The President of the Council is responsible for supervision and execution of the decisions and conclusions of the Council sessions.

### **Article 17.**

A Council member authorized for a case concerning the infringement of the Act is obligatory present at the sessions during the decision –making procedure of the Council.

## **V HEARING SESSION**

### **Article 18.**

- (1) Conditions, method and course of a hearing session in the decision- making procedure are regulated by the Act and Law on Administration proceedings of Bosnia and Herzegovina.
- (2) A hearing session referred to in previous paragraph of this Article shall be called and presided by a Council member who is authorized for the case concerned.
- (3) An employee of the Expert unit appointed by the Council member who is authorized for the case being concerned is obligatory present to a hearing session.
- (4) Other members of the Council may present to the hearing session.

**Article 19.**

Besides cases defined in the Act when a hearing session is obligatory held, an authorized Council member may initiate a hearing session for any case when it is deemed useful.

**VI PRESENTING THE COUNCIL**

**Article 20.**

The President of the Council or a Council member appointed by the President presents a Council in public media.

**VII AMANDMENTS TO THE RULES**

**Article 21.**

Amendments to this Rule may be proposed by any Council member and that is to be set out in the prescribed way and procedure.

**VIII TRANSITIONAL AND FINAL REGULATIONS**

**Article 22.**

The Rules of Procedure of the Council of Competition of Bosnia and Herzegovina («Official Gazette of BH», No.1/05) shall cease on the first day of application of this Rules of Procedure.

**Article 23.**

This Rules of Procedure shall enter into the force on the eight day of the publication in the «Official Gazette of BH» and it shall be published in official gazettes of Entities and Brčko District of Bosnia and Herzegovina.

**C.C Number 01-01-34-104-I/06**

**Sarajevo February 21, 2006.**

**President**

**Council of Competition**

**Sena Hatibović**