

Pursuant to the Article IV 4. a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, during the session of the House of Representatives held on 23rd April 2004, and at the session of the House of Peoples held on 26th April 2004, has adopted

LAW ON STATISTICS OF BOSNIA AND HERZEGOVINA

I GENERAL PROVISIONS

Article 1

1. This Law establishes the legislative framework for the organisation, production and dissemination of statistics of Bosnia and Herzegovina within the meaning of this Law.

Article 2

1. This Law does not apply to the Central Bank of Bosnia and Herzegovina insofar as matters dealt within this law are already provided for in the Law on Central Bank of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 1/97).

Article 3

1. “*Statistics of Bosnia and Herzegovina*” shall mean information collected from a given field of statistical units and processed and/or disseminated to implement the Programme or other statistics required for Bosnia and Herzegovina or any other statistics compiled by state bodies and endorsed by the Agency. For these purposes, Statistics of Bosnia and Herzegovina shall exclude statistics that are disseminated and/or published by the Entities of Bosnia and Herzegovina for their purposes (“Entity Statistics”). Notwithstanding, the Agency may require the Entities to provide any or all data within the Entity Statistics including cells of individual Statistical Units and which the Agency deem relevant to implement the Programme to be transmitted to it in accordance with the provisions of this Law.

2. “*Competent Authorities*” shall mean the authorities at the levels of Bosnia and Herzegovina and the Entities that are responsible for organising, producing and disseminating statistics. At the level of Bosnia and Herzegovina the competent authority shall be the Agency established in accordance with the provisions of this Law. The Competent Authorities in the Entities shall be the bodies in the Entities that are tasked with carrying out these activities (“Entity Institutes”).

3. “*Production of statistics of Bosnia and Herzegovina*” shall encompass all activities necessary for the preparation, collection, storage, processing, compilation, analysis and dissemination of statistical data for Bosnia and Herzegovina.

4. “*Statistical Units*” shall mean any set or subset (including by sampling methods) comprising natural persons, legal persons, any other type of economic agents or institutions.

5. “*Statistical Programme of Bosnia and Herzegovina* (hereinafter referred to as the “Programme”)” shall mean the framework detailed in Chapter V of this Law, which deals with the co-ordination, harmonization, planning, collection, production and dissemination of Statistics of Bosnia and Herzegovina.

6. “*Confidential Data*” shall mean any information obtained by the Competent Authorities during the course of collecting data and/or for the production of Statistics of Bosnia and Herzegovina from which any individual Statistical Units may be identified directly or indirectly unless any of the provisions in Article 26 of this Law apply.

7. “*Users*” shall be all persons (including natural persons, legal persons, institutions and government bodies, or any other type of economic agents) utilising Statistics of Bosnia and Herzegovina.

II THE AGENCY FOR STATISTICS OF BOSNIA AND HERZEGOVINA

Article 4

1. Within the framework defined by this Law, the Agency for Statistics of Bosnia and Herzegovina (hereinafter Agency) performs administrative and other expert tasks within the limits of the rights and duties of the State of Bosnia and Herzegovina, unless such tasks have been assigned to other authorities, or other organisations and associations have been entrusted with such tasks by virtue of Law.

Article 5

1. The Agency referred to in this Law is the Agency established by the Council of Ministers in its Decision published in the Official Gazette of Bosnia and Herzegovina (4/97).

2. The Agency shall be reconstituted in such a way as to have the status of a legal person and shall have the competencies provided for in this Law.

3. The seat of the Agency is in Sarajevo.

4. During the Transitional Period provided for in Article 33 hereof, the Agency shall take over the statistical activities of the existing Bureau of Statistics of Brcko District. The body so taken over shall be a branch of the Agency (“Brcko Branch”). The Bureau of Statistics of the Brcko District shall undertake all necessary steps to re-constitute itself as the branch provided for herein and within the Transitional Period provided for in Article 33 herein. The Brcko Branch shall collect directly all statistical data in the area of the Brcko District required by the Programme as well as perform other functions in accordance with Article 33 of this Law.

5. The Agency may establish other branches as it deems appropriate to carry out its purposes.

Article 6

1. The following provisions shall apply to the re-constitution of the Agency and Brcko Branch.

2. The Agency has a seal, made in accordance with the Law on Seals of Institutions of Bosnia and Herzegovina (“Official Gazette” of Bosnia and Herzegovina No. 12/98).

3. The title of the Agency and the State Coat of Arms shall be indicated on the premises in which the Agency is located.

4. The title of the Agency shall be written in Bosnian, Croatian and Serbian language, in Latin and Cyrillic alphabets.

5. The Agency shall prepare a seal for the Brcko Branch which shall be the same as that of the Agency's except that it shall carry the words "Brcko Branch".

6. The name of the Brcko Branch shall be visibly displayed on its premises. All its official correspondence shall indicate that it is a branch office of the Agency and shall carry the words "Agency for Statistics of Bosnia and Herzegovina (Brcko Branch)" on its letterhead.

Article 7

1. Languages that are in official use in Bosnia and Herzegovina shall be used in the Agency on an equal basis.

III COMPETENCIES OF THE AGENCY

Article 8

1. The Agency is the competent body to process, disseminate and endorse Statistics of Bosnia and Herzegovina within the meaning of Article 3.

2. The Agency shall:

(a) perform international representation and co-operation with organisations and other bodies and carry out Bosnia and Herzegovina's international responsibilities in the field of statistics;

(b) establish and maintain contacts with the donor community and propose distribution of the donations for the Agency and Entity Institutes in accordance with the donor's expressed preferences or if there are no preferences in accordance with the Statistical Programme.

(c) determine the statistical standards for the implementation of the Programme. This comprises all the measures necessary to harmonise the statistics at the level of Bosnia and Herzegovina in order to achieve best quality and comparability of the results including in matters of statistical techniques, classifications, nomenclatures, definitions and other applicable standards and practice. Determinations of such statistical standards shall take account of existing practices within Bosnia and Herzegovina and shall be in accordance with internationally accepted standards and practices.

(d) determine standards to be applied in statistical activities undertaken by the state bodies.

(e) collect, process and disseminate Statistics of Bosnia and Herzegovina in accordance with internationally accepted standards based on data submitted by the Entity Institutes and/or data collected directly by the Agency. For these purposes the Agency may (i) where it considers necessary for the performance of its statutory functions provided herein collect statistical data from any Statistical Unit in the Entities; and (ii) collect data for its statutory functions provided herein from BiH Institutions; legal entities at the State level; international organisations operating within BiH borders and foreign owned and controlled companies;

(f) require (where necessary for compiling statistics at the level of Bosnia and Herzegovina) Entity Institutes to provide data at the level of individual Statistical Units. Such data may include Confidential Data within the meaning of this Law or data that Entity legislation may classify as confidential.

- (g) require Entity Institutes to collect and provide statistical data that the Agency determines necessary for Statistics of Bosnia and Herzegovina.
- (h) disseminate the Statistics of Bosnia and Herzegovina to all Users including Governments, Institutions, social and economic operators and the public in general as soon as they are established in such a way that access is rendered simple and impartial using appropriate media and without divulging any Confidential Data;
- (i) foster co-operation between Entities' Institutes and ensure a regular exchange of information between these Institutes;
- (j) subject to and in accordance with the provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina including, without limitation, Annexes 7 and 10 hereof, co-ordinate the planning, conduct and dissemination of results of a census of population and housing of Bosnia and Herzegovina as and when deemed necessary by the State authorities.
- (k) monitor the application and utilisation of the standards issued and report on compliance in the Agency's Annual Report.

IV AUTHORITIES, OBLIGATIONS AND RESPONSIBILITIES OF THE DIRECTOR OF THE AGENCY AND HIS DEPUTY

Article 9

1. The Director of the Agency (hereinafter Director) manages the work of the Agency for Statistics.
2. The Director represents the Agency and acts for it, organises and ensures the lawful and efficient performance of the tasks, issues regulations when authorised to do so by the applicable laws of Bosnia and Herzegovina and issues other acts which he is authorised to issue, undertakes other measures within the jurisdiction of the Agency which are necessary for the fulfilment of the Agency's mandate.
3. All appointments and dismissals in the Agency (including the Director, Deputy Director and Head of the Branch) are done in accordance with the provisions of the Law on Civil Service in the Institutions of Bosnia and Herzegovina ("Official Gazette" of Bosnia and Herzegovina No. 12/02).
4. The Director has a Deputy Director who replaces him when the Director is not able to carry out his or her duties.
5. The Head of the Brcko Branch shall be responsible for the work of the Branch and shall report to the Director.
6. The term of office of the Director, his Deputy and Head of the Branch shall be four years, to extent that this is not inconsistent with the Law on Civil Service of Institutions of Bosnia and Herzegovina.

Article 10

1. The Director of the Agency, in consultations with his Deputy, shall within 60 days of being appointed, issue Regulations on the internal organisation of the Agency and shall submit them to the Council of Ministers for its approval.

V STATISTICAL PROGRAMME OF BOSNIA AND HERZEGOVINA

Article 11

1. The Programme shall be in accordance with international and European standards. It shall include the statistical collections of government organisations and bodies relevant to the Programme.

Article 12

1. For each planned statistical activity, the Programme shall include (i) the objectives, (ii) Statistical Units to be covered; (iii) the organizations conducting the collection of the data; (iv) data to be collected; (v) summary of methodology to be used; (vi) frequency of the collection; (vii) burden on Statistical Units; (viii) timing of dissemination of the results; and (ix) the staff and other costs indicating to what extent the activities can be financed from existing resources including donor funds.

2. The Programme providing the details specified in the preceding paragraph shall be for four yearly rolling periods with the relevant details broken down on a yearly basis.

Article 13

1. A draft of the Programme will be prepared by the Agency after consultations with the Entity Institutes.

2. The draft Programme prepared pursuant to the preceding paragraph shall be submitted to the Statistical Council of the Agency in accordance with the provisions of Chapter VI of this Law.

3. After consideration by the Statistical Council of the draft Programme, the Agency shall submit to the Council of Ministers the draft Programme along with any opinion or commentary of the Statistical Council for adoption as it sees fit.

4. The draft Programme adopted by the Council of Ministers shall be considered the Programme. Notwithstanding the foregoing, the draft Programme shall be deemed to be the Programme after three (3) months of its proper presentation to the Council of Ministers, subject to any further changes by the Council of Ministers.

5. The Programme shall be published in the Official Gazettes of Bosnia and Herzegovina, the Entities and the Brcko District of Bosnia and Herzegovina.

6. Material changes to the Programme (with the exception of that part dealing with the work plan) shall be made after consultations with the Entity Institutes and in accordance with the provisions of this Article including publication in the aforementioned Official Gazettes.

Article 14

1. A Work Plan shall be the plan which details the proposed statistical activities in any budget year along with their projected costs and expenditures (including the operating costs of the Council),

sources of financing (if any) and revenues and which shall be approved by the state authorities for budgetary purposes.

2. In each year the Agency shall prepare in consultations with the Entity Institutes its draft Work Plan of the Programme for the budget year.

3. The draft Work Plan prepared pursuant to the preceding paragraphs shall be submitted to the Statistical Council by the Agency in accordance with the provisions of Chapter VI of this Law.

4. After consideration by the Statistical Council of the draft Work Plan, the Agency shall submit the draft Work Plan along with any comments or opinions of the Statistical Council to the Ministry of Treasury of the State Institutions for further budgetary procedures in accordance with the applicable laws. Notwithstanding the foregoing, the Agency shall be entitled to present the Work Plan to the relevant state authorities after 15 days of presenting the draft to the Statistical Council.

5. The draft Work Plan shall be considered the Work Plan of the Agency once approved by the relevant state authorities.

VI STATISTICAL COUNCIL OF BOSNIA AND HERZEGOVINA

Article 15

1. The Statistical Council of Bosnia and Herzegovina (hereinafter referred to as the "Council") is hereby established.

2. The Council shall meet at least bi-annually. It shall give advice on the preparation and implementation of the Programme and on the functioning and further development of Statistics of Bosnia and Herzegovina and, in particular, shall perform the following functions:

(a) make recommendations to the Agency on the drafts of the Programme and Work Plan and give opinions on them (including costs) to be submitted to the relevant state authorities by the Agency as provided for in this Law.

(b) monitor the functioning of the Agency and make recommendations to the Council of Ministers on the resources needed by the Agency to meet its tasks under the Work Plan and the Programme.

(c) facilitate co-operation between the Competent Authorities with a view to achieving the best possible quality statistics to satisfy the needs of users at all levels;

(d) advise on the compliance by Competent Authorities and the State bodies with the standards issued by the Agency. These standards shall be in accordance with international standards including measures determined necessary to ensure the protection of statistical units as provided for in this Law.

Article 16

1. The Council shall be composed of the following persons in ex officio capacity: (i) Director of the Agency and (ii) his Deputy, directors of the Entity Institutes; and (iii) Head of the Brcko Branch and any other head of branches which the Agency may establish under this Law (iv) the Governor of the Central Bank of Bosnia and Herzegovina (or his representative); and (v) the Minister of Treasury of Common Institutions (or his representative) . It shall also be composed of three members from the data providers and Users who are operating in the fields of statistics, economics

or business, respectively, and recognised as such. These three members shall be appointed for a period not exceeding four years by the Council of Ministers on the proposal of the Minister of Civil Affairs and Communications. The Minister of the Treasury of Common Institutions shall, on a proposal of the Agency, convene the first meeting of Council.

2. A chairperson shall be elected at the first meeting convened to chair and call the meetings of the Council.

Article 17

1. The Council shall lay down its own Book of Rules and Regulations.

VII RELATIONSHIP BETWEEN ENTITY INSTITUTES AND THE AGENCY

Article 18

1. The Entities shall also ensure that its relevant bodies make available to the Agency (as the latter may deem necessary) such statistical data which are necessary for Bosnia and Herzegovina to carry out its responsibilities provided for in the Constitution of Bosnia and Herzegovina including those in Article III.I and Article III.5 (a) of the Constitution of Bosnia and Herzegovina in accordance with the Programme.

2. The Agency shall be obliged to treat data transmitted under this provision as Confidential Data within the meaning of this Law. Each Entity Institute shall collect and/or process and transmit to the Agency within the time specified, without conditions (including those concerning payment and fees), statistical data which the Agency determines necessary for Statistics of Bosnia and Herzegovina within the meaning of this Law. The time specified must be reasonable and negotiated with the providers to meet the requirements of the Programme. The Agency, where it determines necessary for Statistics of Bosnia and Herzegovina within the meaning of this Law, may require the Entity Institutes to transmit data that in the Entities may be classified by its laws and other regulations as confidential data.

3. The Entity Institutes shall in collecting and processing Statistics of Bosnia and Herzegovina apply the standards and practice issued by the Agency and transmit the data in accordance with the Agency's requirements. These shall be in accordance with international practice and standards and shall ensure the constitutional freedoms provided for in the Constitution of Bosnia and Herzegovina. Notwithstanding the foregoing, all statistics collected and/or processed in the territory of Bosnia and Herzegovina shall be conducted in such manner as to secure and safeguard the constitutional freedoms of all individuals and any other rights provided by the laws of Bosnia and Herzegovina.

4. Each Entity shall use its best endeavours to ensure that Entity Statistics, whether or not forming part of Statistics of Bosnia and Herzegovina, are collected, processed and compiled by Entity Institutes using standards, methodologies and practice and guidelines issued by the Agency.

5. The Entities shall be entitled to participate in arrangements for the distribution of donations in accordance with Article 8 (2)(b) of this Law.

VIII PRINCIPLES AND TECHNICAL AUTONOMY

Article 19

1. In order to ensure the quality of Statistics of Bosnia and Herzegovina and retain the trust of the public therein, the organisation and implementation of the Programme or any other statistical activities to which this Law applies, shall be governed by the principles of reliability, objectivity, relevance, importance, statistical confidentiality and transparency.
2. The Statistics of Bosnia and Herzegovina shall aim to mirror as faithfully as possible the real situations, disseminate the results to the users in a neutral and impartial way, focus on the phenomena which are essential for decision makers and honour the citizens' right to public information while taking into a consideration the relation between the costs and burdens on one hand and the benefits on the other hand.
3. Confidential Data collected for statistical purposes must not be used for other purposes unless otherwise provided in this Law.
4. Information necessary to evaluate the quality of Statistics of Bosnia and Herzegovina, notably the methods used for the production, and how the principles are compiled with, shall be publicly accessible.
5. In the collection of statistical data from Statistical Units, the standards issued by the Agency must set out (i) the details to be provided to the Statistical Units at the time the collection is to be done; (ii) whether it is obligatory that Statistical Units provide the information; and (iii) penalties (if any) that apply to the failure to provide the information.
6. The Competent Authorities shall inform all Statistical Units that the information collected will (unless provided otherwise by the applicable laws) only be used for statistical purposes and data which amounts to Confidential Data within the meaning of this Law shall remain confidential.

Article 20

1. When implementing the Programme, the staff of the Agency and Entity Institutes, shall not seek or take instructions from Governments, other State's authorities, political parties or any other interest groups notably in the selection of data sources, statistical methods and procedures, in the contents, form and time of dissemination, and in the application of statistical confidentiality.
2. The authorities and other groups mentioned in paragraph 1 hereof undertake to respect the principle therein set out and not to seek to influence the staff of the statistical authorities in the performance of their tasks.

IX FUNDS FOR THE FINANCING OF THE AGENCY

Article 21

1. Funds for the financing of the operation of the Agency and the Council for Statistics of Bosnia and Herzegovina are procured from the budget of the BiH Institutions.
2. The Agency may charge users for any of its services and, to the extent permitted by the applicable laws (including the Law on Treasury of the BiH institutions (Official Gazette of Bosnia and Herzegovina, No. 27/00)) may retain all or part of these revenues for financing of its activities approved in the budget.

X ANNUAL REPORT

Article 22

1. Within three months of the end of each calendar year, the Director of the Agency shall provide an Annual Report to the Council of Ministers. Amongst other matters, the Annual Report shall include details concerning (i) the extent to which the Programme and Work Plan have been implemented; (ii) the statistical results achieved; (iii) any constraints that have hindered achievement of the Programme and Work Plan; and (iv) the extent to which there has been compliance with the standards and methodology issued by the Agency. After consideration by the BiH Council of Ministers and in any case within six months of the end of the year, the Agency shall publish the report.

XI STATISTICAL CONFIDENTIALITY AND LAW ON PROTECTION OF PERSONAL DATA

Article 23

1. Data collected, processed and stored for the production of Statistics of Bosnia and Herzegovina shall be confidential when they allow Statistical Units to be identified, either directly or indirectly, thereby disclosing individual information.

2. A Statistical Unit is directly identified from its name and address or from an officially allocated and commonly known identification number.

3. Indirect identification is the possibility of deducing the identity of a statistical unit other than from the information mentioned in paragraph 2 hereof. To determine whether a Statistical Unit is indirectly identifiable, all means shall be taken into account that might reasonably be used to identify the said statistical unit.

Article 24

1. Except as is provided in paragraph 2 of Article 6, Confidential Data shall be used exclusively for the production of statistics in accordance with the provisions of this law, unless the respondents have unambiguously given their consent to the use for any other needs and purposes.

Article 25

1. The Agency shall be obliged to treat data transmitted under this provision as Confidential Data within the meaning of this Law. Transmission of data between each of the Entity Institute on the one hand and the Agency on the other is not subject to confidentiality restrictions to the extent that such transmission is necessary for the Production of Statistics of Bosnia and Herzegovina. Nothing in this provision is intended to deal with or regulate transmission of data between Entities.

2. Entity Institutes are obliged to transmit to the Agency all data deemed by the Agency as needed for Production of Statistics of Bosnia and Herzegovina within the meaning of this Law. Entity Institutes are obliged to provide Confidential Data to the Agency when this is deemed by the

Agency to be appropriate to promote the information and the quality to be provided by the Statistics of Bosnia and Herzegovina.

Article 26

1. Statistics of Bosnia and Herzegovina must not be disseminated to users, if they contain or reveal Confidential Data. Aggregates shall comprise at least three units and the share of one unit in an aggregate must not exceed 85% of the total.
2. Derogation from paragraph (1) refers to information about the economic situation collected from enterprises and other economic agents, and about the environmental situation. Such information may be disseminated even if the results do not meet the aggregate requirements set out in paragraph (1) hereof, in cases where this is determined necessary by the Agency for ensuring significant basic information and provided that the Statistical Programme foresees the dissemination of such information.

Article 27

1. All measures of organisational, regulatory, administrative and technical nature necessary to protect Confidential Data against unauthorised access, disclosure and use, shall be taken by the Competent Authorities in collecting, processing, transmitting and dissemination of Statistics of Bosnia and Herzegovina including at the Entity level.

Article 28

1. Persons having access to Confidential Data in the performance of their tasks shall be subject to compliance with the provisions of this law, even after the cessation of their functions.

Article 29

1. In exercising its responsibilities as set forth in this Law, the Agency for Statistics of Bosnia and Herzegovina shall act in accordance with the Law on Protection of Personal Data of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 32/01).
2. Notwithstanding paragraph 1 of this Article, the Agency shall not be required to inform the Data Protection Commission prior to the commencement of data processing operations in accordance with Article 28 of the Law on Protection of Personal Data. However, the Agency shall provide semi-annual reports on its activities to the said Commission.
3. The Agency may process special categories of data as defined in the Law on Protection of Personal Data, when necessary for the performance of its responsibilities under this Law.

XII OFFENCES AND PENALTIES

Article 30

1. Any person having access to Confidential Data in the performance of their tasks who unlawfully and knowingly divulges any Confidential Data is guilty of an offence punishable on conviction by a fine not exceeding 5000 Convertible Marks or imprisonment not exceeding 2 years or both .

2. The Court of Bosnia and Herzegovina shall be competent for the offences mentioned in the paragraph 1 hereof.

Article 31

1. A Statistical Unit (other than the Entity Institutes) that knowingly provides false or misleading information in response to written requests by the Agency to meet the needs of the Programme shall be guilty of an offence punishable on conviction by a fine not exceeding 5000 Convertible Marks or imprisonment not exceeding 2 years or both.

2. The Court of Bosnia and Herzegovina shall be competent for these offences.

Article 32

1. A Statistical Unit (other than the Entity institutes) that, without reasonable excuse, refuses or fails to answer questions or written requests by the Agency to meet the needs of the Programme, shall be guilty of an offence punishable by a fine not exceeding 1000 Convertible Marks. Nothing in this provision shall derogate from the Constitutional freedoms provided for in the Constitution of Bosnia and Herzegovina.

XIII TRANSITIONAL AND FINAL PROVISIONS

Article 33

1. In accordance with the provisions of Article 5 of this Law, the Bureau of Statistics of Brcko District shall legally re-constitute itself within one year of this Law coming into full force and effect (Transitional Period). Notwithstanding the foregoing, the Bureau of Statistics of Brcko District shall be deemed to be re-constituted within the meaning of this Law no later than 1 January 2004.

2. No later than two months after this Law coming into full force and effect, the Brcko District and the Agency shall commence formal negotiations on all matters related to the integration of the Bureau into the Agency including the issuance of statistical numbers, the collection of data which are not required by the Statistical Programme of BiH but are of importance to the Brcko District Government and the working conditions of the existing employees of the Bureau.

3. During the Transitional Period, the Bureau shall carry on all existing functions as provided in the Laws of the Brcko District and the Brcko District Government shall continue to be responsible for all costs of the Bureau. Upon integration into the Agency, the State of Bosnia and Herzegovina shall be responsible for the financing of the Brcko Branch.

Article 34

1. With respect to the reconstituted body provided for under Article 5 (2) hereof, the Agency shall assume the activities, equipment, financial funds and staff to the extent that such takeover is consistent with the provisions of this Law

Article 35

1. This Law shall enter into force on the eighth day following the date of its publication in the “Official Gazette of Bosnia and Herzegovina”. It shall likewise be published in the Entity and Brcko District of Bosnia and Herzegovina Official Gazettes.

PA BiH ref: 37/04

26 April 2004

Sarajevo

Chairman
of the House of Representatives
of the Parliamentary Assembly of BiH
Martin Raguž, personally signed

Chairman
of the House of Peoples
of the Parliamentary Assembly of BiH
Mustafa Pamuk, personally signed