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### **The appointments of the acting managers undermine the functioning of BiH institutions**

*Procedures of appointing acting managers and their deputies in BiH institutions are non-transparent and unregulated creating thus a legal gap or space for the abuses and open political appointments*

**Banja Luka, 13th May 2017** - Transparency International in BiH (TI BiH) has been following the functioning of BiH institutions and found out a very dangerous practice of non-transparent appointments of acting managers of institutions.

The basic problem is the fact that the Council of Ministers, in the decisions brought in regard to the appointment of the acting managers, refers only to the Law on the Council of Ministers which does not, even nearly, regulate the appointing procedure. There was an opportunity to resolve this issue in November last year, when the Council of Ministers submitted to the Parliamentary Assembly of BiH a Draft Law on Amendments to the Law on Administration which presented an attempt to solve this question, but, unfortunately, it was refused.

A last few appointments, including the appointments of the Acting Director of the Public Procurement Agency and the Acting Director of the Agency for Identification Documents, Registers and Data Exchange (IDDEEA), have been conducted without prior inspection of the conditions prescribed by the Law on Civil Service in BiH institutions or other special regulations. Specifically, in the case of appointing the Acting Director of IDDEEA, TI BiH requested from the Ministry of Civil Affairs to submit the evidence on fulfillment of specific condition that was related to the existence of obligatory two years of work experience in the managerial positions in the field of information technologies, and they replied that the appointment was temporary until the competition procedure is completed, and added that in such case the elected person does not necessarily need to meet all conditions required for a specific position. At the same time, the Law on IDDEEA prescribes that in case Director is not able to fulfill the duties and responsibilities assigned to this position, the Acting Director can take over the position until the new Director is appointed, which only confirms the fact that the appointment of the Acting Director was not necessary.

TI BiH warns that very often the acting managers are extended their term of office several times in a row which raises the question of the character of the so-called temporary appointments. Procedures of appointing acting managers and their deputies in BiH institutions are non-transparent and unregulated creating thus a legal gap or space for the abuses and open political appointments, and it is therefore necessary to regulate this procedure urgently by strictly prescribing the conditions and ways in which it can be conducted. Such practice has multiple adverse effects on the functioning of institutions compromising the legality of their work, independence and total capacity of institutions. TI BiH will, therefore, in the future period initiate the activities in cooperation with the institutions of BiH, to clearly prescribe the procedures, which would eliminate the identified problems.

**Udruženje za borbu protiv korupcije Transparency International u BiH**  
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