

On the basis of Article 3, paragraph 1 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (*Official Gazette of BiH*, no. 25/04, 93/05, 48/07, 15/08, 63/23, 9/24 & 50/24), Article 9, paragraph 3 of the Book of Rules on Internal Court Operations of the Federation of Bosnia and Herzegovina and the Brcko District of BiH (*Official Gazette of Bosnia and Herzegovina* no. 66/12, 54/17, 60/17, 30/18 & 83/22), Article 9, paragraph 3 of the Book of Rules on Internal Court Operations of Republika Srpska (*Official Gazette of RS*, no. 9/14, 39/16, 71/17, 67/18 & 6/19), the Protocol on the joint realisation of activities on improving the process for the harmonisation of case law and the transparency of operations of the highest judicial institutions in Bosnia and Herzegovina no. 07-13-3-3222-4/2023 dated 12/12/2023, European Union recommendations for Bosnia and Herzegovina from the *Bosnia and Herzegovina 2024 Report* dated 8/11/2024 no. SWD(2024) 691 and the Venice Commission *Opinion on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina* no. 648/2011 dated 18/6/2012, the Court of Bosnia and Herzegovina, the Supreme Court of Republika Srpska, the Supreme Court of the Federation of Bosnia and Herzegovina and the Appellate Court of the Brcko District of Bosnia and Herzegovina in coordination with the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, on 15/7/2025, rendered the following

**RULES  
of the Case Law Harmonisation Panel**

**I GENERAL PROVISIONS**

**Article 1  
(Objectives of the Panel)**

The Case Law Harmonisation Panel (hereinafter: the Panel) has the aim of maintaining continuous dialogue between the highest instance courts in Bosnia and Herzegovina and serves as a platform for the harmonisation of case law, as well as for discussion on other common issues they face.

**Article 2  
(Scope of the Panel Rules)**

The Panel Rules (hereinafter: the Rules) shall regulate the role, composition, method of operation, and other matters relevant for the achievement of the objectives of the Panel.

**Article 3  
(Role of the Panel)**

- (1) When legal provisions are consistent but interpreted differently, the Panel shall harmonise the positions and provide legal opinions.
- (2) When legal solutions are not harmonised, and result in inequality of citizens before the law, the Panel shall initiate legislative amendments as necessary.
- (3) The Panel may serve to exchange experiences and opinions regarding the interpretation and application of laws and other matters, and may propose appropriate solutions to the competent institutions.

**Article 4**  
**(Panel Coordination)**

The Panel shall be coordinated by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter: HJPC BiH).

**II COMPOSITION OF THE PANEL**

**Article 5**  
**(Composition of the Panel)**

- (1) Members of the Panel shall include: the Court of Bosnia and Herzegovina – Appellate Division, the Supreme Court of Republika Srpska, the Supreme Court of the Federation of Bosnia and Herzegovina, and the Appellate Court of the Brcko District of Bosnia and Herzegovina (hereinafter: the Courts).
- (2) Panels shall be formed for the fields of criminal, civil, and administrative law.

**Article 6**  
**(Participants in Panel Sessions)**

- (1) The head of the court department, in consultation with the president of the court, shall determine the participants for each Panel session.
- (2) Each court shall designate at least one and at most three participants for a Panel session.
- (3) To ensure continuity and quality of discussions, the Courts shall strive to ensure that the same Panel participants always attend sessions on the same topic.
- (4) The head of the court department shall submit the names of the participants for the Panel sessions to the HJPC BiH – Judicial Documentation and Training Department.

**III PANEL SESSIONS**

**Article 7**  
**(Holding Panel Sessions)**

- (1) Panel sessions are held at the seats of the Courts on a rotating basis, and each Court shall bear the necessary expenses for the participation of its representatives.
- (2) Exceptionally, Panel sessions may also be held outside the seats of the Courts, if there is mutual agreement.
- (3) Sessions are held four times a year according to the Calendar of the Panel sessions (hereinafter: the Panel Calendar), with at least one meeting per legal field, and more frequently if necessary.

- (4) The Court hosting the session (Host Court) shall be responsible for securing the necessary technical conditions for the session, including audio recording, as well as qualified support responsible for preparing minutes of the session.

### **Article 8 (Preparatory Meeting)**

- (1) A preparatory meeting shall be organised at the seat of the HJPC BiH at the beginning of the year to adopt the Panel Calendar and determine the venues, as well as to specify the discussion topics and the schedule for their consideration at the meetings.
- (2) The preparatory meeting is chaired by the President of the HJPC BiH or a member of the HJPC BiH authorised by the President.
- (3) To ensure timely consideration of all proposed topics, the Courts shall submit to the HJPC BiH – the Judicial Documentation and Training Department elaborated topic proposals for Panel discussions at least ten (10) days prior to the preparatory meeting.
- (4) When identifying topics for discussion at the Panel, the Courts shall utilise various sources of information, including seminars and professional gatherings, the Case Law Portal, reports on entered case law summaries, and information provided by the HJPC BiH.

### **Article 9 (Panel Topics)**

- (1) The primary focus of Panel sessions is the discussion of topics defined at the preparatory meeting.
- (2) Exceptionally, if topics requiring urgent attention arise between the meetings planned in the Panel Calendar, the HJPC BiH and the Courts may propose them as additional topics for the next scheduled session or initiate an extraordinary Panel session.
- (3) When preparing the list of discussion topics for each meeting, a maximum of four topics shall be considered at a single session in order to facilitate higher quality discussion and better implementation of the adopted conclusions.

### **Article 10 (Cooperation in Organising Panel Sessions)**

- (1) The HJPC BiH shall prepare a proposal agenda for the Panel session, which includes the topics defined at the preparatory meeting, and submit it to the Host Court for potential amendments, which shall be made within five (5) days.
- (2) The HJPC BiH and the Host Court shall conduct additional consultations regarding the organisation of the session and other matters, in accordance with prescribed deadlines.

### **Article 11 (Agenda and Invitations)**

- (1) The proposal agenda, agreed upon by the HJPC BiH and the Host Court, shall be sent to the other Courts for approval, along with an invitation to each Court to submit the names

of its Panel participants and presenters of reports and co-reports to the HJPC BiH at least 30 days prior to the session.

- (2) If the Courts do not submit comments on the agenda within 5 days of receiving the proposal, the agenda shall be considered final.
- (3) The President of the HJPC BiH shall send an official invitation to the Panel participants along with the agenda at least 25 days before the session.
- (4) Additional consultations on the agenda and other matters shall be conducted electronically.

#### **Article 12 (Preparation and Submission of Topic Reports)**

- (1) The head of the department of the Court whose proposed topic was adopted for discussion shall submit the report prepared by the presenting judge to the HJPC BiH – Judicial Documentation and Training Department at least 20 days prior to the Panel session.
- (2) The report shall contain an analysis and elaboration of the disputed issue, along with examples of case law and a proposed conclusion.
- (3) Upon receiving a report, the HJPC BiH shall distribute it electronically to all participants of the Panel session in order to prepare for discussions.
- (4) Other Panel participants may express their views on the topic in the form of a written opinion (co-report) within 10 days of receiving the report.
- (5) Co-reports shall be immediately forwarded to all Panel participants upon receipt.
- (6) If a report is not submitted within the prescribed deadline, the Panel participants will decide at the session whether the issue will still be considered or postponed.

### **IV MODE OF OPERATION OF THE PANEL**

#### **Article 13 (Chairing the Panel)**

A Panel session shall be chaired by a participant from the Host Court, generally a judge who is not presenting a report or co-report during the session.

#### **Article 14 (Opening a Session and Preconditions for the Work of the Panel)**

- (1) The Chairperson shall open the session and verify the presence of the participants invited, and if each Court is represented by at least one representative, the Chairperson shall confirm that the conditions for holding the Panel session have been met.
- (2) The Chairperson shall present the agenda and may, if necessary, amend it on the proposal and with the consent of the Panel participants.

**Article 15  
(Meeting Procedure)**

- (1) The presentation of topic reports, co-reports, discussions, and the adoption of conclusions shall follow the adopted agenda.
- (2) After the presentation of the report for each item on the agenda, the Chairperson shall open discussions, giving the floor to participants in the order in which they called.
- (3) The Chairperson shall ensure that the representatives of all Courts participate in the discussion and ensure that, primarily, the positions of the Panel Courts as previously established at their department meetings are presented.
- (4) In managing the session and moderating discussions, the Chairperson shall promote the harmonisation of positions and the adoption of harmonised conclusions.
- (5) After the discussion on each agenda item concludes, the Chairperson shall formally close the discussion and clearly formulate the conclusions for the minutes.

**Article 16  
(Decision Making)**

- (1) Panel session participants shall vote on conclusions based on the principle of one court, one vote.
- (2) Conclusions shall be adopted by consensus of all Courts.
- (3) If consensus on a specific issue cannot be reached, the Court with either a minority opinion or with no opinion on the issue shall carry out further consultations at a meeting of the department within 15 days from the date of receiving the final version of the minutes and shall inform the HJPC BiH and other Panel participants of the department's decision.
- (4) The information referred to in the previous paragraph shall form an integral part of the final minutes from the session.
- (5) If voting results in an equal number of votes for and against the proposed conclusion, the topic may be proposed for discussion at the next Panel session.

**Article 17  
(Conclusions and Verification)**

- (1) The Panel shall adopts conclusions in the form of a harmonised legal opinion, an initiative to the competent authorities for the adoption or amendment of laws and other regulations, or in the form of an opinion on other legal issues.
- (2) Conclusions are verified during the verification of the final version of the minutes from the Panel session in accordance with Article 24 of the Rules.

**Article 18  
(Legal Nature of a Harmonised Legal Opinion)**

A harmonised legal opinion of the Panel, once verified by the departments, shall become a legal opinion of the Courts and serve as guidance for the lower-instance courts.

**Article 19**  
**(Drafting and Verification of Explanations)**

- (1) The explanation of the conclusions, along with the reasons for their adoption, is typically prepared by the person presenting the topic report.
- (2) The deadline for drafting the explanation is thirty (30) days from the day of verification of the conclusion.
- (3) The explanation shall be submitted to the Courts, which shall verify it within 15 days of receiving it, and no later than by the next scheduled Panel session.

**Article 20**  
**(Delivery and Publication of Conclusions)**

- (1) The Courts shall distribute legal opinions of the Panel with explanations to the lower-instance courts within their jurisdiction.
- (2) The HJPC BiH shall publish the conclusions and explanations for the general public and promote them on the website: <https://csd.pravosudje.ba/vstvfo/B/142>, as well as in other appropriate ways.
- (3) The HJPC BiH shall submit initiatives for the adoption or amendment of laws and other regulations to the competent authorities within 7 days of the verification of the explanation of the initiative, as well as monitor their implementation and inform the Courts accordingly.

**Article 21**  
**(Amendment of a Panel Legal Opinion)**

- (1) If, due to a change in circumstances, the Court department determines the need to amend a Panel legal opinion, it shall initiate the convening of a Panel session.
- (2) If the Panel fails to reach an agreement on amending a legal opinion, it shall conclude that there is no harmonised legal opinion of the Courts on the issue, and take further action in accordance with the provisions of Article 20, paragraphs 1 and 2 of the Rules.

**V      AUDIO RECORDINGS AND MINUTES**

**Article 22**  
**(Audio Recording)**

The preparatory meeting and Panel sessions shall be recorded using an audio recording device, and the audio recording shall be delivered to the HJPC BiH along with the first version of the minutes.

**Article 23**  
**(Preparation of Minutes from the Preparatory Meeting of the Panel)**

- (1) Minutes of the preparatory meetings are taken by an employee of the HJPC BiH, and shall include the Panel Calendar for the current year, with information on meeting chairpersons and the topics to be discussed.
- (2) The HJPC BiH shall send a draft of the minutes pursuant to paragraph 1 of this Article to the Courts for comments within 10 days of the day of the preparatory meeting.
- (3) If the Courts do not submit any proposals for amendments to the minutes within 5 days of receiving the draft, the minutes shall be considered final.
- (4) The final version of the minutes shall be sent electronically by the HJPC BiH to all meeting participants, department heads, and Panel Court Presidents.

**Article 24**  
**(Preparation of Minutes from Panel Meetings)**

- (1) The minutes from the Panel session shall be prepared by the Host Court within 30 days of the session and sent to the HJPC BiH – Judicial Documentation and Training Department for distribution to the Panel session participants for comments.
- (2) The minutes shall include the date and location of the meeting, the legal field and the title of the topic discussed, the names of session participants, the agenda, a summary of discussions, voting results, and the conclusions adopted by the Panel.
- (3) If the Panel session participants do not submit any comments on the draft minutes within 5 days of receiving them, the minutes shall be considered final.
- (4) After any potential corrections to the minutes are made by the Host Court, the final version of the minutes shall be sent electronically by the HJPC BiH – Judicial Documentation and Training Department to all Panel session participants, department heads, and Panel Court Presidents.
- (5) The original final version of the minutes shall be formally adopted and signed at the next Panel session for the same legal field. If the Chairperson of the previous meeting is not present at the next session, the minutes may be sent to be signed by mail or by other suitable method.
- (6) Exceptionally, the final version of the minutes shall be signed earlier if required for the implementation of legislative initiatives or other conclusions of an urgent character.

**Article 25**  
**(Support for the Process of Harmonising Case Law)**

The resources of the Courts and the HJPC BiH shall be used for the preparation of reports and co-reports, legal research and the research of relevant case law, as well as for the drafting of minutes from Panel sessions.

**Article 26**  
**(Panel Archives)**

- (1) Audio recordings and signed minutes, together with materials that were considered at preparatory meetings and Panel sessions, shall be permanently stored at the HJPC BiH – Judicial Documentation and Training Department.
- (2) The HJPC BiH – Judicial Documentation and Training Department shall regularly update a table with an overview of the work of the Panel by legal field, including information on the agenda, participants, topics discussed, conclusions adopted, harmonised legal opinions, and explanations.
- (3) Documents and materials pursuant to paragraphs 1 and 2 of this Article shall be available to all Panel members upon request.
- (4) The Courts shall submit to the HJPC BiH – Judicial Documentation and Training Department court decisions supporting a Panel's legal opinion, for publication in the central Court Decision Database of Bosnia and Herzegovina.

**VI CLOSING PROVISIONS**

**Article 27**  
**(Entry into Force)**

- (1) These Rules shall enter into force the day after the day they were signed by the Presidents of all Panel Courts and the President of the HJPC BiH.
- (2) Upon the entry into force of these Rules, the Rules of the Case Law Harmonisation Panels No. 07-50-314-4/2014 dated 10 April 2014 shall cease to be valid.

**Article 28**  
**(Publication of the Rules)**

The Rules shall be published on the official website of the HJPC BiH.



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Damjan Kaurinović,  
President of the Appellate Court of the Brcko District of Bosnia and Herzegovina

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Minka Kreho,  
Acting President of the Court of Bosnia and Herzegovina

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Vesna Ćosović Stanković,  
President of the Supreme Court of the Federation of Bosnia and Herzegovina

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Daniela Milovanović,  
President of the Supreme Court of Republika Srpska

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Sanin Bogunić,  
President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

No. 07-13-3-2073-2/2025  
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