COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

TC-CP(2026)02REV

01/10/2026

Council of Europe Convention on Access to Official Documents (CETS No.205)

Consultation of the Parties

Conclusions on the implementation of recommendations of the Consultation of Parties by Bosnia and Herzegovina

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as "the Convention"), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention;

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having regard to the baseline evaluation report concerning the implementation of the Convention by Bosnia and Herzegovina adopted by the AIG at its 6th meeting (29-31 May 2024) which focuses on the Law on Freedom of Access to Information at the level of institutions of Bosnia and Herzegovina (hereinafter "the LFAI of Bosnia and Herzegovina"), the Law on Freedom of Access to Information of the Federation of Bosnia and Herzegovina (hereinafter "the LFAI of the Federation") and the Law on Freedom of Access to Information of the Republika Srpska (hereinafter "the LFAI of Republika Srpska");

Having regard to the comments of the Government of Bosnia and Herzegovina on the baseline evaluation report received on 18 July 2024;

Recalling the Consultation of the Parties' conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Bosnia and Herzegovina (TC-CP(2024)01) which were published on 3 October 2024, hereinafter referred to as "the 2024 recommendations";

Having examined the information provided by the Government of Bosnia and Herzegovina on the implementation of the 2024 recommendations (TC-CP(2025)10) and the subsequent AIG's comments on that information (AIG(2026)04REV2), makes the following conclusions on the implementation of the 2024 recommendations:

1. In respect of recommendation 2.1, which requested that the Party provide information to the AIG on the application of the LFAI of Bosnia and Herzegovina to the administration at the local level and to other entities carrying out administrative and other law-based procedures, as well as to judicial authorities in so far as they perform administrative functions, welcomes the additional information provided by the Party and considers the LFAI of Bosnia and Herzegovina to be in compliance with Article 1, paragraph 2, sub-paragraph a, i, 2 of the Convention.

2. In respect of recommendation 2.4, which requested that the Party provides information on the fees for access to official documents, welcomes the additional information provided by the Party and considers that it has implemented the requirements and principles of Article 7 of the Convention concerning charges for access to official documents.

3. In respect of recommendation 2.2 which requested the Party to provide further information on the application of the LFAI of the Federation and the LFAI of Republika Srpska to legal persons who exercise administrative authority, takes note of the information provided by the government of Bosnia and Herzegovina before 6th meeting of the Consultation of the Parties (1 October 2026, TC-CP(2026)17) and invites the Party to clarity without delay to

the AIG whether the exercise of public authority under the relevant legislation has the same meaning as exercise of administrative authority.

4. In respect of recommendation 2.3 which requested the Party to provide further information on which information is excluded from the scope of application of the LFAI under Article 2(2) and which information is subject to limitations under Article 19 sub-paragraphs (4)a and b and sub-paragraph 7(a), takes note of the information provided by the government of Bosnia and Herzegovina before 6th meeting of the Consultation of the Parties (1 October 2026, TC-CP(2026)17) and invites the Party to provide without delay to the AIG specific information on which information is excluded from the scope of application of the LFAI under Article 2(2).

5. In respect of recommendation 2.5 which requested the Party to provide further information on the measures taken at State and Entities' level to implement Article 10 of the Convention, and in respect of point 3 of the recommendations, which requested the Party to take certain measures to bring the LFAI of Bosnia and Herzegovina into compliance with Articles 5 and 6 of the Convention takes note of the information provided by the government of Bosnia and Herzegovina before 6th meeting of the Consultation of the Parties (1 October 2026, TC-CP(2026)17) and decides to transmit it to the AIG for its consideration.